

# Bulletin & Legislative Update

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## At Session Midpoint, Groundwater, Climate, Forest Bills On Track

Several forward-looking initiatives currently under consideration in the Statehouse will safeguard and strengthen the land, water, forests and communities that define Vermont. The reasons for taking action have been eloquently articulated by Vermonters and legislation is gaining traction.

Legislators heard an impassioned plea to protect the state's groundwater from a Danby mother who had trouble filling bathtubs for her kids because local aquifers had been over-tapped by a large commercial water withdrawal. They heard from landowners who think important ecological areas in forests, like vernal pools and wetlands, should be better protected. And they heard from intrepid Vermonters who braved a February snowstorm to ask the state to combat the

threat of climate change by investing in renewables and efficiency and building a vibrant 21st century economy.

Every day, the importance of acting on VNRC's priorities becomes more abundantly clear, underpinned by the growing public understanding that environmental protection is key to long-lasting economic prosperity. Clean, ample water supplies. Productive, healthy, and wild forests. Walkable, vibrant compact communities. Green, efficient, renewable energy supplies.

Read all about VNRC's 2008 legislative priorities inside. Also, please don't hesitate to connect with VNRC's expert staff of policy experts on any of these issues. Find out how to reach us and much more about our programs any time by calling 802-223-2328 or visiting [www.vnrc.org](http://www.vnrc.org).



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The Vermont Natural Resources Council, Inc., is a nonprofit environmental organization founded in 1963 to protect and restore Vermont's natural resources and environment through research, education, collaboration, and advocacy.

VNRC is the Vermont affiliate of the National Wildlife Federation.

VNRC membership includes a subscription to the *Bulletin* and the *Vermont Environmental Report* (both published bi-annually). For an individual membership, send \$35.00 to VNRC.

The *Bulletin* is printed on recycled paper with soy-based ink. However, please recycle this issue by sharing it with your family and friends!

## Groundwater Protection

Most Vermonters don't think much about the water that flows from our taps — groundwater, primarily — until there's a problem. Like polluted water. Or no water. The idea that the free flow of this seemingly inexhaustible resource might be a problem in Vermont — that Vermonters' wells might run dry — has not been on many people's minds. Until recently that is when VNRC discovered a big gap in the state's water laws, and began raising concerns. Meanwhile, in recent years, communities across the state have begun to see serious water shortages of various types.

What VNRC has found should be troubling to all Vermonters. While the state does a decent job protecting water *quality*, Vermont does far too little to safeguard water *quantity*.

It's an understatement to say that what flows into our sinks, bathtubs and showers is a precious resource. Indeed, it is a vital, life sustaining resource. The problem is, Vermont's groundwater is not adequately protected and is in danger of being depleted over

time, putting private wells, agriculture, and other water users at risk.

For several years, VNRC has advocated for the state to enact a comprehensive groundwater protection bill that 1) provides long-term funding for mapping the groundwater, 2) requires reporting on all large withdrawals, 3) declares the resource held in the "public trust" and 4) creates a program that allows diverse use of the resource but helps safeguard against over consumption and depletion.

Two thirds of Vermonters get their drinking water from groundwater. Establishing a program which safeguards the state's fresh water is a practical, essential step Vermont needs to take, before it's too late. A comprehensive bill currently under consideration in the Legislature, S.304, would help Vermont secure the state's water supplies today and for future generations. It would also help guard against water shortages by accommodating diverse uses. These proactive measures would, in an increasingly water-scarce world, help avoid the contentious scenarios which

played out powerfully last year in the Southeast and Southwest when there was too little water to go around.

How can the water shortages in arid, southern states be comparable to Vermont? Is there really a problem? Based on emerging cases in towns across Vermont, the answer is an unqualified "yes." There have been problems. And such scenarios are likely to get worse, if the state fails to act now.

In Williston, new housing developments drew so much water from an aquifer that wells went dry. In Randolph, a water bottling operation sucked so much water out of a nearby aquifer that neighbors' wells dried up and a nearby trout stream was degraded.

The measures that VNRC is urging lawmakers to support are practical, practiced approaches that most other states have already taken. Embracing these measures in Vermont would go far to move the state down a path to safeguarding the state's fresh water supplies for important public purposes like drinking and farming. In an era of increasing global water scarcity, the time for the state to effectively resolve this issue is now.

## Energy and Climate Change

The long-term health of Vermont's waters, forests and communities — VNRC's priorities — relies greatly on the actions the state takes today to solve the challenge of climate change. The state must embrace measures that move Vermont down a path of efficiency, conservation and renewable energy generation. VNRC has long advocated for energy and climate action that



will save Vermonters money and create “green-collar” jobs in a renewable energy economy.

A warming world, rising fuel costs, and the impending reality of peak oil, among other things, have galvanized VNRC’s commitment to advance serious state-level action on the energy and climate change front. From her seat on Vermont’s six-member Climate Change Commission, VNRC’s Executive Director Elizabeth Courtney spent over a year working side-by-side with a diverse array of Vermonters to hammer out recommendations that will help the state reduce its carbon footprint and put the state on a path to a cleaner, greener, and more diverse energy future.

The low-hanging fruit? Efficiency. Investing more in programs that help homeowners and businesses use less heating oil and natural gas was at the top of the commission’s list. The commission also recommended that Vermont should vigorously encourage renewable power from sources like wind, solar, and hydro. A key energy bill expected to be enacted into law, S.209, would move Vermont in that direction.

Of the 38 recommendations the climate commission put forward, one stood out as having a big bang for the buck: slowing the rate at which Vermont cuts down forests for development.

Another bill currently under legislative consideration would advance the implementation of the Governor’s Commission on Climate Change recommendations. Among many other things, the bill, S.350, would seek to establish a multi-constituent

energy office to consider — and implement — essential recommendations for climate actions.

## Local Energy Committees Catching On in Towns Across Vermont

Interest in tackling the energy and climate change challenge is gaining ground in communities across Vermont. One of the most prominent examples? The surge in the number of local energy and climate action committees across the state. Two years ago, there were about a dozen of these committees. Today that number has ballooned to approximately three dozen.

Soaring heating bills, fresh interest in independent, renewable energy supplies, and a desire to combat climate change are galvanizing Vermonters. They are turning their time, sweat, and expertise into concrete action at the grassroots and beyond.

These local committees — from Bennington to Burlington and towns in between — are working on a wide array of strategies. Compact fluorescent campaigns. Town street-lighting initiatives. Weatherization workshops. Local energy fairs. Commuter challenges. The efforts are as diverse and creative as the Vermonters that are making them happen. And communities are seeing real results.

Thetford’s Energy Committee aims to cut the community’s greenhouse gas emissions, as well as control their rising electricity bills. The committee’s work resulted in the town removing a quarter of the town’s inefficient mercury

## Additional Conservation Legislation

Several bills are pending that are designed to boost the viability of the forestry industry and promote the conservation of forest land. In general, VNRC supports the aims of these bills. One of them, H.758, would require the state to start tracking the rate at which forestland is being sub-divided into small and smaller bits, or “parcelized.” Other bills that VNRC supports include S.300, a land use bill that aims to slow the “silent sprawl” that is quietly eroding large tracts of Vermont’s forestland and farmland, and H.586 which would improve the state’s enforcement environmental laws.

vapor streetlights, saving the town \$1,760 annually and conserving some 4,400 kilowatt hours per year. The committee is now investigating installing photo-cell timers on streetlights to minimize their usage in low traffic areas in off-peak hours as well as switching the remaining lights to more efficient metal halide.

The Marshfield Energy and Climate Change Committee, founded in 2007, is encouraging residents of Marshfield, and coordinating with residents of Cabot and Plainfield, to change incandescent light bulbs to the more efficient compact fluorescent bulbs. They have been working

with the highway foreman to look at running the town’s fleet on biodiesel. And, with the help of volunteers, the committee has begun to survey — house-by-house and building-by-building — all of Marshfield’s nearly 600 homes and businesses. The goal of the survey is to develop as best as possible, a comprehensive analysis of energy usage in the community, understand what residences and businesses are already doing in the energy efficiency arena, and hear from local residents their thoughts on the best way to move forward.

The eight-member (and growing) Dorset Energy Committee has also focused on many creative initiatives.



Members of the Thetford Energy Committee sell CFLs at Thetford town meeting. At right, Fran Barbydt from the Vermont Energy Education Project helps a young rider learn about the efficiencies of CFLs using their energy generator bike.

Bob Walker



Since their inception last year, the DEC's primary focus has been on moving the municipality towards efficiency and low-carbon fuels. Compact fluorescent and street lighting campaigns, along with a nascent effort to move away from plastic bags, are also projects of the DEC.

The chair of the committee, Jim Hand, has been working tirelessly over the past couple of years in Dorset and Manchester on efficiency and renewable energy efforts.

Hand credits his son Thomas with igniting his interest in energy and climate change issues. In 2005, the Hands joined a diverse group of Manchester community members in an effort that successfully swapped out over 42,000 energy efficient incandescent light bulbs for compact fluorescent bulbs. It's estimated this Efficiency Vermont-supported initiative helped save about \$280,000 a year in electricity costs. In his own home, Hand changed about 50 bulbs. "In the first year, I saved over \$400 on my electric bill," he noted.

Hand, who is co-owner of Hand Motors, a Chevrolet dealership in Manchester, credits these first efforts with far more than savings. "It brought mind-set changes for me. I wanted to know what more I could do," he said.

Like many energy committee members across Vermont, Hand is very interested in the debates over energy and climate change taking place under the Golden Dome. "The Legislature's ability to help break down the barriers to more efficiency measures and the development of renewable energy projects in Vermont communities is really important," noted Hand.



"This country has too-long been dependent on artificially inexpensive fossil fuels and considers price to be the only issue. As long as we continue to think only about the price

tag and put no value on all of the costs, it will be very hard to develop renewable energy projects and advance efficiency measures," Hand said. "We must be willing to

pay a little more. And we are. Each month, Vermonters pay three percent more on our electricity bills to fund the work of Efficiency Vermont. I've been able to recoup that cost – and far more – by taking advantage of their services. Others certainly can too. These kinds of upfront investments could save Vermonters significantly."

### **VNRC Urges Lawmakers to Steer Needed Housing Toward Town Centers**

Affordable housing is a critical issue facing Vermont and VNRC favors expanded opportunities for affordable housing in the state. As policy makers consider how to facilitate the construction of new affordable housing, they should not lose sight of the bigger picture, namely the crucial importance of steering growth into the right places.

During the past few years, VNRC has supported over a dozen affordable housing projects through the Smart Growth Collaborative's Housing Endorsement program, and VNRC has only once opposed a housing proposal: a plan for luxury condos in black bear habitat in a pristine watershed.

As lawmakers look to make it easier for more Vermonters to find affordable housing, they ought to keep in mind that housing should be encouraged near downtowns and village centers and not scattered haphazardly across the countryside. Doing so keeps housing close to stores and peoples' workplaces. That minimizes driving and the innumerable out-of-pocket costs (public funding of infrastructure and gasoline to fuel cars, are just two

### **VNRC Statement on Proposed Cut to VHCB Funding**

**T**he Vermont Natural Resources Council opposes the Governor's proposal to cut funding to the Vermont Housing and Conservation Board.

By recommending this cut, the Governor is moving away from a key policy his own climate change commission has recommended: slowing the conversion of forestland to development.

Slowing the development of forests was the only recommendation of the climate change commission's 38 suggestions that the group ranked as having "very high" greenhouse gas reduction benefits.

The governor has been emphatic that he supports conservation of Vermont's valuable "Green Bank" as a way to combat climate change, but cutting funding to this successful program would seriously weaken Vermont's ability to continue to conserve working farms and forests. This idea is bad for Vermont and its future.

examples) as well as the big environmental costs that come with sprawl development.

VNRC does not support the Douglas administration's so-called "New Neighborhoods" proposal because it would undermine the growth centers law, promote sprawl, gut environmental protections and chew up prime agricultural land. In addition, the New Neighborhoods proposal is not an affordable housing proposal because it does not preserve affordability over time.

New housing should work in concert with, and not against, the growth centers law lawmakers passed with broad, bipartisan support, in 2006. And any new law should respect, and not undermine, Act 250 — Vermont's proven, landmark development control law.

## Current Use Improvements Moving

A bill to make targeted improvements to the current use program is moving through the legislative process, and VNRC is working hard to make sure the bill, S.311, gets to the Governor's desk for signature.



Current use is a widely utilized tax equity program that helps keep farm and forestland undeveloped by taxing it at its value for agriculture and forestry rather than its full market value for development. The bill would strengthen the program by improving the administration of the program and by allowing landowners to enroll productive farm and forest land along with important ecological areas — like certain types of wetlands, vernal pools, riparian buffers, and rare and significant natural communities.

There is widespread support for S.311 as it reflects the work of a diverse

task force that developed the legislation after taking testimony and reviewing an independent study of the current use program. VNRC participated on the task force and has been working hard to support the bill in coordination with consulting foresters, woodland owners associations, farming interests, the forest products industry, conservation interests, and the Agency of Natural Resources.

Vermont's forests are key to our future. They provide jobs, fuel, a stunning background to much of Vermont's landscape, clean drinking water, wildlife habitat, recreational opportunities, and more. Increasingly, Vermont's forests are also being recognized as key to reducing the state's contribution to climate change, serving as 'sinks' to absorb the main global warming gas — carbon dioxide. In fact, keeping forests undeveloped is one of the highest priorities of the Governor's Climate Change Commission.

S.311 is an important bill to help keep farms and forestland viable by conserving Vermont's working and natural landscape. VNRC urges the passage of S.311 this year.

## Waterfront Buffer Bill Advances

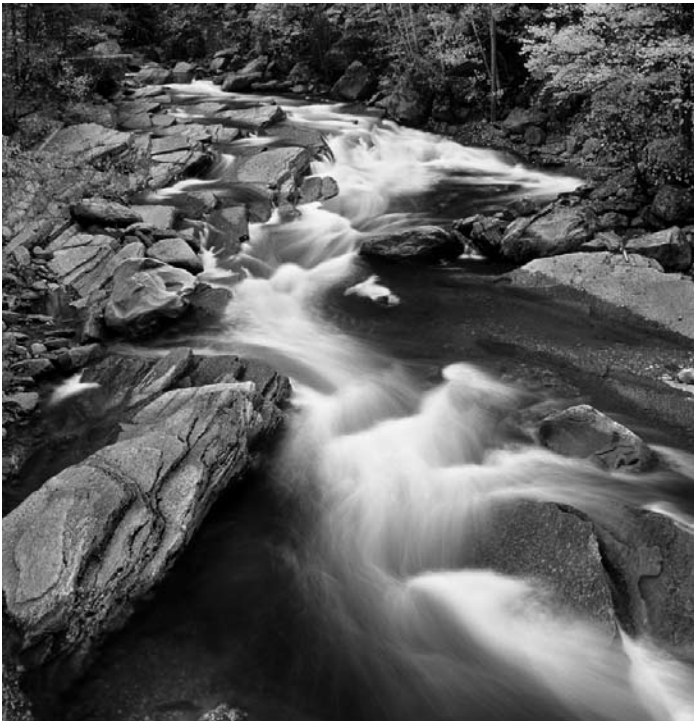
The House is considering an important waterfront buffer bill that is designed to protect and enhance water quality in Vermont's streams and lakes.

The bill, H.549, sets up a framework requiring a 50-foot vegetated buffer — a strip of land that has trees, shrubs or grasses and is allowed to grow wild — along lakes and rivers. In the bill there are several activities that are not governed by the requirement, including farming, forestry, existing houses or lawns, and paths or stairways leading to lakes or streams. The bill assumes that riparian buffers are adequately regulated under existing programs or allows these uses outright. The bill sets a very good foundation for better protection of Vermont's waterways into the future.

Vermont is behind other states in the region in requiring buffer strips along waterways, despite the fact that leaving vegetated buffer zones along streams and lakes has been proven to be highly beneficial to water quality.

Undisturbed waterfront buffers block and absorb runoff from fertilizers,





Wayne Fawbush

sediment, and even residual oil and gas that can run off nearby parking lots and roads, keeping that harmful pollution from running into streams. Buffer strips also provide habitat for wildlife and shade for fish, like Vermont's hallmark brook trout.

"This bill is a good start

toward protecting our rivers and streams and setting the stage for continued and improved protection of our prized waterways," said Kim Greenwood, VNRC's staff scientist. "We all want to do more to clean up Lake Champlain, and buffers along streams is one more way to make that cleanup happen."

## VNRC Sponsors Film Celebrating Local Democracy

VNRC is sponsoring the showing of a film, *Two Square Miles*, at this year's Green Mountain Film Festival at the City Hall Arts Center in Montpelier. The film will be shown Saturday, March 22 at 4:30 pm and Sunday, March 23 at 12:15 pm.

Sven Huseby and Barbara Ettinger's film tracks the conflicts that unfold as a proposed, multi-national coal-fired cement plant threatens the small community of Hudson, N.Y. on the banks of the Hudson River. Hudson's colorful and passionate citizens fight to save the town's unique character and its architectural heritage, breathing life into the exercise of local democracy. The film immerses the viewer in an extended observation of life in an American small city experiencing rapid transition. Huseby and Ettinger and Hudson community activist Sam Pratt will be present at both screenings. For more information, please call John Odum at VNRC, 223-2328, ext. 121.



## VNRC Hits 'You Tube'

VNRC has launched a new "v-log" — a roughly three-minute video clip, posted weekly at [www.vnrc.org](http://www.vnrc.org). VNRC's expert staff offer brief updates on Statehouse news, a preview of legislative activity for the week, and details of VNRC's advocacy under the Golden Dome.

"These 'You Tube' clips, which we call 'Dispatches from the Statehouse' are designed to do two things," said Jake Brown, VNRC's communications director and legislative liaison. "First and foremost, it's an efficient and fun way to update our members and the public, in a timely fashion, on Statehouse news. Second, because our staff members take turns doing the dispatch every week, it allows us to introduce our staff to the broader public."

Check it out!

## VNRC Program Directors

For more information about any of our legislative efforts, feel free to contact any of our program directors. They can be reached at 802-223-2328.

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### VNRC Beefs Up Staff with the Addition of Brian Shupe and the Promotion of Steve Holmes

The Vermont Natural Resources Council is making staff changes that will allow the organization to ratchet up our work to protect and enhance Vermont's natural resources and communities.

**Brian Shupe** will be joining the staff as Sustainable Communities Program Director and will co-direct VNRC's Energy Program with Johanna Miller. **Steve Holmes** will be ending his 15-year stint as VNRC's Sustainable Communities Director to become Deputy Director. He will focus on fundraising, documenting the 50-year history of VNRC, and pursuing special projects.

"Vermont is facing tremendous challenges to its natural resources base and energy issues loom big on the horizon," said Elizabeth Courtney, VNRC's executive director.

"With this new and enhanced staff structure, we will better be able to meet the challenges of a changing Vermont," she said.

Brian, who most recently served as the Director of Programs for Smart Growth Vermont (formerly the Vermont Forum on Sprawl), brings a wealth of land use planning experience to VNRC. He will work on VNRC's initiatives on land use, community planning, and energy.

Brian has been engaged in municipal planning, growth management, and community development since 1985. His professional focus is land planning, growth management, land use regulation and site development. His work at VNRC will draw on that background and will emphasize the crucial link between



*Brian Shupe*

good land use planning that will result in cutting our energy use, and greenhouse gas emissions. He is expected to start in early April.

Prior to joining Smart Growth Vermont, Brian and two partners operated a small consulting firm – Burnt Rock Inc., Associates in Community Planning where he provided planning and policy assistance to dozens of municipalities, regional planning commissions, non-governmental organizations and state agencies throughout northern New England.

Steve, who has been with VNRC since 1991, has served as deputy director for policy, director of VNRC's southern Vermont office and acting executive director. Before joining VNRC he was the commissioner of the Vermont Department of Housing and Community Affairs. He served as executive director of two Vermont regional planning commissions: the Windham Regional Commission in Brattleboro (1983-1987); and the Upper Valley-Lake Sunapee Council, a bi-state commission with communities in Vermont and New Hampshire (1987-1988).

From 1972-1983, he was with the Midstate (Ct.) Regional Planning Agency as Regional Planner and Assistant Director.

Steve is a graduate of the Harvard, John F. Kennedy School of Government, Program for Senior Executives in State and Local Government. He holds a Master of Regional Planning degree from the University of Massachusetts, and a Bachelor of Arts from Rutgers University.



*Steve Holmes*

### Karen Vogan Supports VNRC Priorities as Legislative Intern

Each year an intern who shares VNRC's commitment to vibrant communities and natural resource protection supports our work under the Golden Dome. This year, VNRC is lucky to have Karen Vogan of Montpelier join our team as our 2008 Legislative Intern.

A Vermont native, Karen grew up in Craftsbury in the heart of the Northeast Kingdom. Before joining VNRC, Karen spent several years managing and growing her family's business — the Pink Shutter flower shop in Montpelier. Karen brings her business savvy, customer service skills and passion for making the great state of Vermont even better to help VNRC advance legislative goals.

"Karen's sharp mind, ability to analyze the issues and easy way with people are a real asset to VNRC and the important issues Vermont is wrestling with this legislative session," said



*Karen Vogan*

Jake Brown, VNRC's legislative liaison and communications director. "Young Vermonters like Karen who understand the connection between environmental protection and economic vitality provide an important perspective for public policy making in Vermont. It's great to have her on board at VNRC and part of the debates underway in the Legislature."

Until recently, Karen served as the chair of the Montpelier Business Association where her interest in strong, local economies converged with her goal of sustaining and growing the vitality of Montpelier's downtown.

"I've come to really appreciate the lifestyle that Vermont offers, and I'm committed to enhancing it," Karen said. "It's really rewarding to be part of an organization that actively supports that goal."

Karen has a B.A. from Alfred University and enjoys cooking, traveling and snowshoeing.



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## The Case for Declaring Groundwater a Public Resource

Protecting the state's groundwater is one of VNRC's highest priorities. It should also be one of Vermont's, as well.

The fresh water flowing beneath our feet is integral to the economy, environment, and health of Vermont and its citizens. More than two-thirds of Vermonters rely on groundwater for drinking water. Farmers rely on groundwater for irrigation and for drinking water for farm animals. Businesses in Vermont rely on groundwater for their operations.

In order to assure that everyone has adequate supplies of water, it is important to declare groundwater a public trust resource.

Declaring groundwater held in the public trust — a protection which the state's surface waters already enjoy — will assure that the state has an affirmative obligation to manage water in the public interest. This protection is especially important considering that, currently, Vermont remains one of the last in the nation without adequate safeguards in place to protect groundwater from over-consumption and depletion.

Pressure on Vermont's groundwater — which gets slowly recharged by precipitation — is increasing. In some parts of the state, from Reading to Montgomery, demand has recently outstripped the rate of recharge as private wells and community aquifers across Vermont dried up from lack of ample rainfall. Recent new proposals to tap Vermont aquifers for water bottling operations have forced important community conversations about ownership of the resource. As Vermont grows, too, demand for groundwater will only continue to rise.

Water is fast becoming an increasingly precious resource beyond Vermont as well. Last summer, in fact, New Mexico's

governor suggested that Midwest states should ship Great Lakes water to the arid Southeast state. National, regional and global water shortages will place additional stress on water supplies as thirsty communities look beyond their borders to meet their water needs.

These issues combine to make a powerful and timely case for declaring Vermont's groundwater a public trust resource.

The concept of the public trust is nothing new. The ancient legal doctrine holds that government, on behalf of the citizens, has an obligation to manage certain resources for the public good.

It has long been established that Vermont's surface waters — the state's lakes, ponds and rivers — are a public trust resource. Despite the fact that groundwater and surface water are hydrologically connected, however, the public trust doctrine that applies to surface water does not apply to groundwater. The state should close this gap in Vermont's water laws and provide these interconnected resources the basic layer of protection the public trust offers.

Taking this step makes sense. Many other states, including neighboring New Hampshire, hold groundwater in the public trust. And in New Hampshire, which designated its groundwater a public trust resource in 1998, there have been no lawsuits over the public trust issue.

The question is not whether lawmakers should declare groundwater to be a public trust resource but rather, why they should not do so. Municipal drinking supplies. Agriculture. Industry. These are water uses that must be protected through the public trust designation. Doing so will help ensure the long-term viability and availability of this invaluable resource for generations to come.