

Bulletin & Legislative Update



Photo taken December 17, 2006, Calais, Vermont.

Jake Brown

Confronting Climate Change

Since 1963, VNRC has worked hard to conserve and enhance the natural resources of this rocky and wooded wedge of territory we call Vermont. Now, 45 years later, humankind and the environment that sustains it face an unprecedented challenge: climate change. As we wrestle with the effects of a warming world, which is virtually undisputed at this time to be human-caused, we at VNRC stand ready with all hands on deck to help solve this monumental challenge.

We are marrying our roots in conservation with new, locally-based and innovative solutions to tackle climate change. Conservation is at the very heart of the battle to combat global warming and ensure that Vermont's traditions like sugaring, skiing, sliding, and snowmobiling do not become extinct. As always, we will also

work alongside leaders this legislative session to help create and advance far-reaching policy changes that will help meet the needs that conservation alone cannot.

With climate change already outlined as high priority by leadership in the House and Senate, this legislative session offers tremendous opportunity to come together in partnership to chart a new course for Vermont. Lawmakers, everyday Vermonters, interest groups, and Governor Jim Douglas can and must take bold and concrete action.

In this issue of the *Bulletin & Legislative Update* we outline our legislative strategy to meet, head on, this threat to our planet and to Vermont. To see VNRC's plan, turn to the section inside titled "VNRC's Climate Change Initiatives" on page 4.



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The Vermont Natural Resources Council, Inc., is a nonprofit environmental organization founded in 1963 to protect 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

Drinking water is, of course, vital to life. And until recently it has been taken for granted that Vermont has enough clean and pure drinking water. But it's becoming clear that our groundwater could be imperiled by increasing withdrawals. VNRC will push during this legislative session to get the state to map groundwater and require reporting of existing groundwater withdrawals. Currently, the state doesn't require reporting of large

withdrawals of groundwater and has not mapped its groundwater resources as all other New England states have done.

Last session, at the urging of VNRC, the Legislature created a committee to study the groundwater issue. The committee appears to be close to agreeing that Vermont needs to map its groundwater resources as soon as possible and take other steps to learn more about this valuable resource. As this session kicks into gear, VNRC will be lobbying lawmakers to require the state to take

the next necessary steps: to set a schedule and provide funding for mapping and require reporting of existing groundwater withdrawals.

The groundwater committee is required to issue a final report with recommendations on creating a comprehensive groundwater protection program in Vermont, and suggesting whether or not the state should declare groundwater to be a public resource held in the public trust. A preliminary report of the Committee's work can be found on VNRC's website www.vnrc.org.



A. Blake Gardner

More Stormwater

This year, VNRC is also going to fight to close a worrisome loophole in an important stormwater law.

In May 2005, the Agency of Natural Resources issued a stormwater permit for what would be the largest Wal-Mart store in Vermont. The permit for the store, proposed for St. Albans Town, authorizes the paving of more than 40 acres of an existing cornfield to create hundreds of parking spaces. The stormwater runoff from the paved area would discharge sediment and nutrients into the nearby Stevens Brook, which does not meet minimum state water quality standards and is thus considered "impaired."

Amazingly, ANR has decided not to apply the standards for stormwater discharges into already polluted waters outlined in Act 140, the state's main stormwater statute. Under ANR's flawed reasoning, runoff from paved areas doesn't need the same level of review as runoff from farms. This would allow Wal-Mart to create new massive paved areas that increase these pollutants in the brook without having to meet more stringent Act 140 stormwater control standards.

ANR's position simply does not make sense. In VNRC's view, it doesn't matter how the pollutants are being conveyed to already polluted waters. What matters is the clear language of Act 140, which states that there cannot be an increase of pollutants to these waters until a science-based clean up plan for the water is in place. Carrying ANR's position to its logical conclusion, the state would have to wait until all the farm fields became parking lots

before we clamp down on discharges to polluted waters from paved farm fields.

Perhaps even more disturbing is the fact that Wal-Mart is arguing that paving a cornfield will actually *improve* the water quality in Stevens Brook. If Wal-Mart's position were to be adopted as state policy, Vermont's new motto

could be "Pave the Farm to Clean Up the Water." This does not bode well for the future of farms or water quality in Vermont.

VNRC will urge the Legislature to clarify that any discharge of sediment and nutrients to waters that are polluted by sediment and nutrients must comply

with Act 140, whether the existing pollution is urban *or* agricultural runoff.

VNRC will also urge the Legislature to amend Act 140 to preclude an applicant from attempting to offset existing discharges of sediment and nutrients by paving over farms that are experiencing water quality problems.

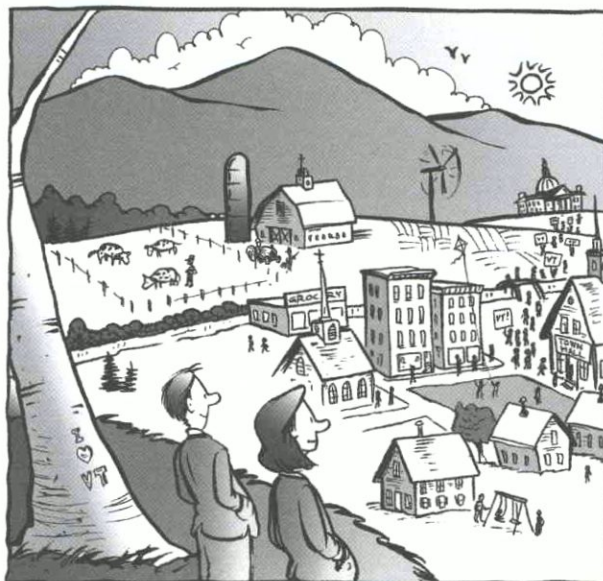
Don't Miss Citizen Action Day

February 15, 2007

Please join VNRC and other concerned Vermonters for the annual environmental lobby day at the State House in Montpelier.

Starting at 9 a.m. in room 10, join your neighbors to call upon legislators to enact laws that will ensure that Vermont remains a healthy, prosperous and beautiful place!

For exact details of the day, and to register, go to www.vtactionday.org or contact Johanna Miller at 802/223-2328.



• Obtain lobby training around the issues •

• Meet your representatives •

Have fun •

• Support a pro-environment agenda •

VNRC's Climate Change Initiatives

This session, climate change is dominating the environmental agenda in Montpelier. Emissions of carbon dioxide, which are created when carbon-based fuels like gasoline and heating oil are burned, are the main culprit in climate change and are warming up our world. In Vermont, we can do a lot to cut down our emissions of this greenhouse gas.

To help address global warming, VNRC hopes lawmakers will:

- **Expand conservation and efficiency.** The state's energy efficiency utility, Efficiency Vermont, has done an excellent job helping Vermonters cut their electricity use. But Vermont can and must do much better at conserving energy. VNRC supports expanding Efficiency Vermont's mandate to provide conservation and money-saving assistance for all energy sources, including home heating and transportation.
- **Continue land use and smart growth efforts.** VNRC has long championed land use policies that direct development toward town centers and keep Vermont's farmlands, fields, and forests wild or working landscapes. This type of compact development is an essential piece of any effort to combat climate change. Vermont can cut down on the largest contributor to our greenhouse gas emissions, cars and trucks, by creating communities where Vermonters can live, work, and play, thus reducing driving. Large tracts of farmland and forests also serve as important carbon "sinks" to absorb greenhouse gases. VNRC will push for expansion of the Growth Centers legislation passed in 2006 to help preserve rural resource lands. (Read more about our land use efforts in our "Stopping Silent Sprawl" campaign on page 5.)
- **Encourage renewable power.** Although Vermont's utilities buy power that emits relatively low amounts of greenhouse gasses, Vermont must be even more aggressive in requiring utilities to buy power from renewable sources, like wind or hydro. As such, VNRC supports



strengthening Vermont's Renewable Energy Standard as well as an increased use of community-based and low-impact renewables.

- **Study a global warming surcharge.** At least nine European countries, among them Denmark, Finland, and the United Kingdom, have enacted policies which discourage the pollution that causes global warming. In Finland, which has the highest carbon charge in Europe, carbon dioxide emissions fell by seven percent between 1990 and 1998. Vermont could be the first state in the nation to adopt this successful European strategy to combat global warming. With the added revenue from a pollution surcharge, lawmakers could cut Vermonters' payroll or income taxes. VNRC would support a tax only if it was not regressive, meaning that it would offer some type of break for low-income populations.
- **Increase incentives for fuel-efficient cars.** Lawmakers should pass a "feebate" system to encourage people to buy more fuel-efficient cars. A feebate works like this: the state would assess a higher registration fee on gas-guzzlers and a lower fee on gas-sippers. The Legislature should also create financial incentives for buying and using hybrid, electric, and alternative fuel vehicles as well as offer tax credits and exemptions for production and use of bio-fuels.



VNRC's 2006 ANNUAL REPORT

Fiscal Year 2006 — Gifts Received July 1, 2005 – June 30, 2006

Financials

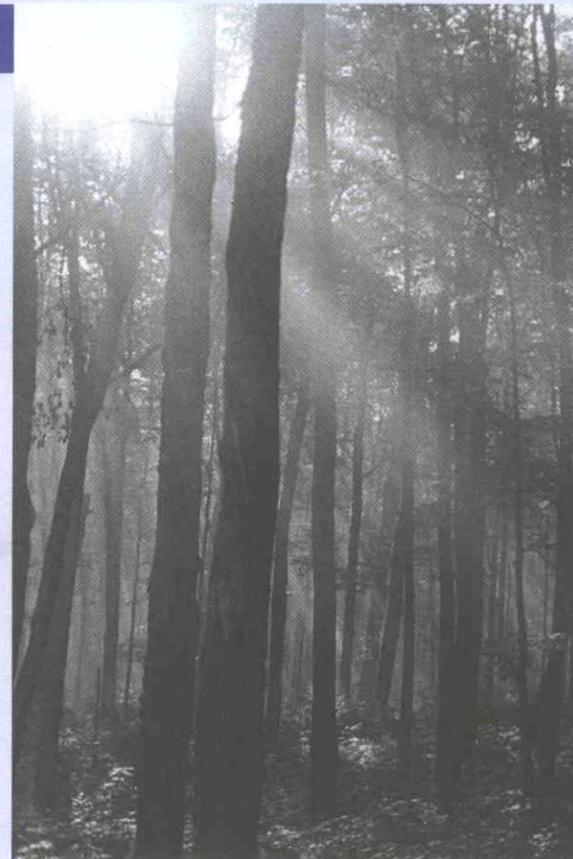
FY '06

Assets

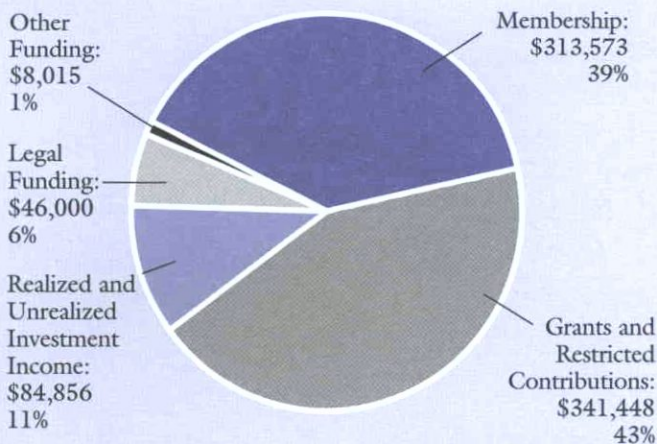
Current Assets	
Cash	\$157,721
Investments	\$1,605,182
Other	\$3,332
Total Current Assets	\$1,766,235
Total Non-Current Assets	\$330,076
TOTAL ASSETS	\$2,096,311

Liabilities and Net Assets

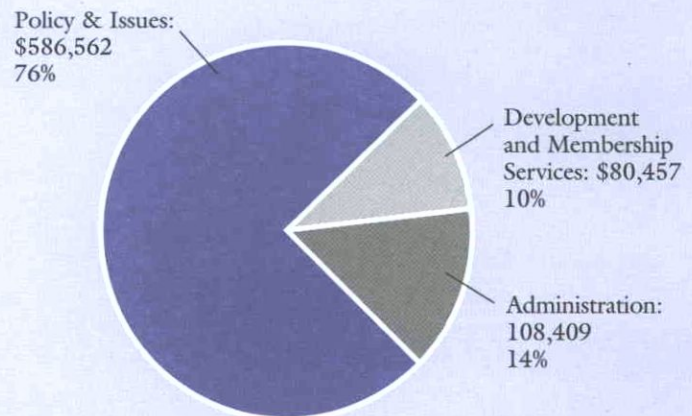
Current Liabilities	\$38,767
Non-Current Liabilities	\$0
Total Liabilities	\$38,767
Net Assets, Unrestricted	\$1,935,086
Net Assets, Temporarily Restricted	\$122,458
Total Net Assets	\$2,057,544
TOTAL LIABILITIES AND NET ASSETS	\$2,096,311



VNRC '06 Revenue — \$792,892



'06 Expenses — \$775,428



*Excerpted from the audited financial report for the period ending June 30, 2006.
The full audited financial report for the Vermont Natural Resources Council is available upon request.*

THANK YOU!

*As this list reflects only a fraction of our members and supporters,
VNRC would like to take this opportunity to thank everyone who has helped make our work possible.*

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Ethan Allen Homestead
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Green Mountain Electromagnetics
Green Mountain United Way
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* Includes Matching Gift

Stopping Silent Sprawl

Rural sprawl – the quiet carving up of Vermont's forests, farms, and rolling hillsides – is an issue that strikes at the core of Vermont's identity. Vermont's rural landscape is under pressure from development and the phenomenon of "parcelization" – the division of land into smaller and smaller pieces. The development of these parcels threatens wildlife, working forests and farms, and the quality of our water.

In 2006, the Legislature passed comprehensive legislation to help steer development into downtowns and growth centers. This was a positive step. However, an important part of the equation, namely planning for development and conservation in rural lands, has been left

off the table. To address this, lawmakers should:

1) Study Methods to Strengthen Vermont's Current Use Program

Vermont's Current Use Program (also called Use Value Appraisal Program or UVA) is one of Vermont's most important programs for keeping rural land intact. Landowners who enroll in the program enter into an agreement with the state to prohibit development on their property as long as the land is enrolled in the program. In return, landowners pay their property taxes based upon a "use value," which is lower than fair market value. This helps landowners manage their property for agricultural and forestry purposes. The state fully reimburses towns for lost tax revenue.

Some 50 percent of Vermont's agricultural land and 33 percent of its forestland is enrolled in the program. This is a huge accomplishment, yet more land can and should be enrolled. For example, about two-thirds of available forestland is not enrolled in the program. VNRC believes there is an opportunity to increase the participation of landowners who own large tracts of forest.

VNRC is urging the Legislature to commission a technical study that evaluates the success of the program and offers methods for strengthening the administration and capacity of UVA to keep rural land intact. The study should also evaluate the effectiveness of the withdrawal penalty since a record level of properties were pulled out of the program last year.

2) Fully Fund Vermont's Housing and Conservation Board

Another important program for keeping rural land intact is Vermont's Housing and Conservation Board (VHCB). Funding helps protect forest and farm land as well as create affordable housing. In recent years, the Legislature has diverted the flow of money dedicated to the Housing and Conservation Trust Fund to the General Fund, weakening support for affordable housing and land conservation efforts. In order to fulfill the legislative intent, the funding to this program must be restored to the levels mandated by the formula in current law.

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A Deep Thanks to Senator Jim Jeffords

The Vermont Natural Resources Council wants to thank Jim Jeffords for his strong and consistent support of the environment, both in Vermont and nationally.

Jeffords is retiring after a long and distinguished career in public service.

"Jim Jeffords has been a tireless advocate for a Vermont brand of environmentalism that protects the air, water and other natural resources as well as our communities," said Elizabeth Courtney, executive director of VNRC.

This summer, Jeffords was a co-sponsor of the Global Warming Pollution Reduction Act of 2006, which sets targets and timetables for greenhouse gas reductions and requires that the United States get 20 percent of its energy from renewable sources by 2020. Senator Bernie Sanders recently reintroduced the legislation.

Jeffords began his career as a moderate Republican but in 2001 became an independent because he

believed the Republican Party had strayed too far to the right. The effect was to tip the balance of power in the Senate to Democrats. In much of Vermont, "Thanks Jim" bumper stickers followed.



Jeffords was born in Rutland in 1934. He received an undergraduate degree from Yale University in 1956 and a law degree from Harvard Law School in 1962. He served active duty with the U.S. Navy from 1956 to 1959, and retired from the U.S. Naval Reserve as a Captain in 1990.

Jeffords was first elected to the U.S. House of Representatives in 1974 and to the U.S. Senate in 1988. Before arriving in Washington, he served as a Vermont State Senator from Rutland in 1967 and 1968 and held his first statewide office as Vermont Attorney General from 1969 to 1973.

From VNRC, we extend our deepest thanks to Sen. Jeffords. We are grateful for all that he has done.

3) Follow the Recommendations of the Forest Roundtable

VNRC has been hosting a roundtable discussion with more than 100 invited participants to address forest fragmentation and parcelization and create solutions for landowners, municipalities, and state government to promote forestland conservation. The Roundtable has enjoyed the participation of consulting foresters, professional planners, government officials, landowners, and representatives from the forest products industry, conservation groups, biomass energy and other important interests.

The Roundtable is currently drafting a set of recommended legislative actions to curtail the rate at which Vermont's forestland is being developed and fragmented. The Roundtable's final recommendations will tackle issues related to forestland valuation, property tax policy, land use and conservation planning, landowner incentive programs such as the Current-Use Program, and the sustain-



ability of the forest products industry. VNRC and representatives from the Roundtable plan to brief legislators on the final recommendations in early 2007.

4) Close Act 250 Loopholes

Vermont's development review law, Act 250, is widely seen as a land use success

story. But there are gaps in the law, too. Approximately 60 percent of development in the state is not subject to Act 250. This means the majority of development in Vermont does not go through state environmental review for impacts to wildlife habitat, important agricultural lands, water and other natural resources. In addition, the

Legislature in recent years has created loopholes to limit Act 250 review for activities that can severely harm environmental resources.

Two loopholes are especially threatening to natural resources: one is an exemption from Act 250 review of secondary impacts of development served by utility lines. The other is an exemption from review of certain road construction. The state should close these loopholes because they lead to rural sprawl.

A 2004 law that eased review of secondary impacts of utility lines also created a so-called "working group" to study the effects of the exemption. In a report issued this year, the group found that since the law went into effect, the Department of Fish and Wildlife has identified several power line projects where further development along the line would impact necessary deer and bear habitat. The report notes that in at least one of those cases, subsequent residential development did occur, jeopardizing deer wintering habitat. VNRC participated

Jake Brown Takes Communication, Legislative Reins

The Vermont Natural Resources Council is pleased to announce the hiring of Jake Brown as Communications Director/Legislative Liaison.

Jake will manage various aspects of VNRC's communications and will be VNRC's main presence at the State House this session.

Over the last roughly 15 years, Jake has developed contacts in the Legislature as well as state agencies as a reporter for various news outlets, including the *Vermont Environmental Monitor* and BNA's *Daily Environment Report*.

Jake replaces Patrick Berry who recently took a job with Middlebury College.

"Pat's left big shoes to fill, but with my background in Montpelier, I am looking forward to hitting the ground



Jake Brown

running," Jake said. "I'm eager to reach out to Vermonters of all political orientations, in all corners of the state, to help VNRC achieve its mission and find common sense solutions to the challenges facing a rapidly-changing Vermont."

Jake is a 1987 graduate of Middlebury College and in 1991 earned a Masters of Environmental Law and Policy from Vermont Law School in South Royalton. He lives in Montpelier with his wife Milly Archer and son Nelson.

In his spare time, Jake competes in triathlons, cuts firewood on his current-use-enrolled woodland property, and fly fishes for trout in Vermont's beautiful streams.

in another case where critical bear habitat was seriously threatened by a utility line project.

The report found that extending utility lines into relatively remote areas can spur rural sprawl and habitat fragmentation. (The group has suggested that the Agency of Natural Resources could review proposals for single-family homes in wildlife corridors or other undeveloped or natural areas. This has merit, but VNRC believes it would be much easier to simply do away with the utility line exemption so impacts are reviewed under Act 250.)

The Legislature should also eliminate the roads and driveways loophole. Historically, proposed roads over 800 feet long triggered Act 250. The "road rule" was scrapped in a compromise to accommodate greater review of development in towns

that do not have zoning regulations. The wisdom of this policy decision is now being questioned because long roads can have a significant impact on wildlife, and contribute to sprawl in important resource lands.

There is a sense in many Vermont towns that developers are using loopholes and purposefully staying below the threshold for Act 250 review. In fact, it is estimated that 60% of development does not receive environmental review by the state. These growth patterns are creating rural sprawl, which is chipping away at wildlife habitat and other resources. The Legislature should close the existing loopholes in Act 250 or develop other mechanisms to allow for appropriate environmental review of potentially harmful projects in important resource lands.

Big Retail Coming? Get the Facts on the Table

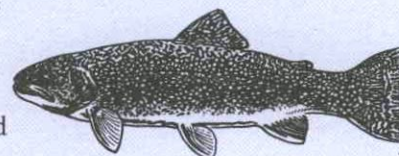
When large-scale retail stores come to town they can drive out local businesses, spur sprawl, and drive up taxes. Taxpayers often bear the burden of increased costs for police, fire and emergency services, roads, water, and other infrastructure needs. Communities can avoid paying these high costs by adequately preparing for large-scale retail development. They can prepare if they know the impacts. An independent impact study can help.

Last year the Vermont Senate passed by a wide margin a bill calling for community impact studies for large-scale retail operations. However, time ran out on the session as the House Natural Resources and Energy Committee was reviewing the proposal. There was strong interest in this concept, and VNRC is urging the legislature to pass a bill in 2007.

A community impact study can help identify and quantify the impacts — economic, environmental, traffic, etc. — of large-scale retail stores to the local and regional economy. Such studies would help towns and Act 250's district environmental commissions get the information they need to make the most informed, unbiased decisions for how and where new development occurs.

Boosting Funding For Fish and Wildlife

VNRC, with others, is trying to help find a solution to serious funding challenges at the state Department of Fish and Wildlife. At the beginning of 2006, VNRC asked lawmakers to start a dialogue about a broad-based, sustainable long-term funding fix for the department. Rep. Steve Adams (R-Hartland), Chair of the Water Resources and Fish and Wildlife Committee, worked with VNRC and others to create the nine-member fish and wildlife task force, which is looking at this issue.



Hunting, fishing and other license fees collected by the department are in decline, but at the same time demands for services — from controlling bears in people's back yards, to picking up deer hit by cars, to weighing in with expert testimony on Act 250 cases involving wildlife habitat — are growing, and resources are stretched.

As such, the task force is expected to develop recommendations for the Legislature to effectively fund the department. VNRC encourages the Legislature to follow through with the task force recommendations in order to bring a long-term funding solution to the management of our fish and wildlife resources.

VNRC Welcomes Adrian Walther

VNRC is pleased to have Adrian Walther on board as our legislative intern this year.

Adrian, a native Vermonter and outdoor enthusiast, recently graduated from Colby College in Waterville, Maine, with a degree in English.

Adrian will help to advance VNRC's mission in Vermont. He will be helping us track legislation and will serve as valuable eyes and ears for VNRC at the State House.

"We are lucky to have Adrian with us this session. He brings a keen interest in environmental matters, strong writing skills and a can-do style to the job," said Jake



Brown, VNRC's Communications Director/Legislative Liaison.

Adrian has traveled widely as well, spending four months as a volunteer building houses in Costa Rica and has expressed excitement about the opportunity to work on environmental policy in his home state of Vermont.

Adrian Walther

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In Memory of Seward Weber — A Pledge to Keep up the Volume

by Elizabeth Courtney,
Executive Director, VNRC

Seward Weber came to Vermont in 1971 to serve as the Executive Director of the Vermont Natural Resources Council. Seward was VNRC's first Executive Director and was a pioneer in the early days of the conservation movement in Vermont.

During his 13 years at VNRC, Seward built the solid foundation the organization needed to be able to grow into the statewide environmental advocacy group that it has become today. VNRC owes a huge debt of gratitude to Seward for his dedication to a healthy Vermont environment and for his tenacity in working through the many obstacles to that elusive goal.

After Seward's retirement, he was actively involved in volunteer work including service to Audubon Vermont, the Vermont Land Trust and the Vermont Alliance of Conservation Voters. Seward was also a member of the VNRC board of directors for the past six years.

During those years, I grew to appreciate Seward's supportive and passionate coaching and his straightforward advice. And with just those qualities, he delivered his last lesson to me.

On December 21st, the longest night of the year, Susan and Seward had invited

me and some other friends to dinner in honor of Susan's birthday and the solstice.

After some lively conversation ranging from children's books to the environment, Seward excused himself from the table to retire to his bedroom to rest. We were right in the middle of a heated debate over global warming, an issue to which Seward had dedicated himself over the past couple years. I knew he didn't want to leave the conversation. I stood up to hug him goodnight. And as we embraced, he held me tight and whispered in my ear,



"Keep up the volume, I want to hear you all upstairs."

His last words keep coming back to me, as more than a passing personal request. I think of those words now more as an appeal to all of us at VNRC, the Land Trust, Audubon, the Alliance and the broader Vermont community. And so I say, Seward, I can assure you, we will keep up the volume. We are the beneficiaries of your good work. We have much to protect, and it will take a lot of hard work. Thank you, Seward Weber, for all your gifts.

VNRC will remember Seward by creating the **Seward Weber Legacy Circle** as a symbol of his lasting contributions to this organization. Look for details on our website, www.vnrc.org.