

Bulletin & Legislative Update



While Legislative Results Were Mixed, VNRC is Celebrating Wins

The second biennium of Vermont's 2007-2008 legislative session came to an early close May 2 and on the environmental and conservation front, the news is mixed. While VNRC chalked up some significant wins on priority issues that will improve the future of drinking water, forests, farms, and clean energy in Vermont, there were also negatives, including one big opportunity lost — in the housing bill — to more vigorously safeguard the environment that drives the Vermont economy.

In particular, VNRC wants to thank Reps. David Deen and Alison Clarkson and Sen. Diane Snelling for chairing key study panels that laid the groundwork for VNRC's wins.

Among the exciting victories is a bill that will help protect Vermont's groundwater — the source of drinking water for two-thirds of Vermonters. In an effort to safeguard the water flowing beneath our feet, the Legislature decisively approved the regulation of large-scale withdrawals of groundwater and declared groundwater to be a public trust resource.

Another victory for the environment, advanced by VNRC, key lawmakers and many other stakeholders, is a bill making targeted changes to the current use or "use value appraisal" program. Among those changes: more flexibility to enroll ecologically sensitive areas in this successful, 30-year-old property tax-equity program that has helped keep Vermont farms and forestland viable.



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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.

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On the energy front, VNRC supported two successful energy bills that will help Vermonters cut fossil fuel use, encourage renewable energy, and tackle the massive challenge of climate change.

Other wins for the environment and conservation this year included a forest viability measure that, in part, requires a study of the feasibility of certifying state-owned lands as sustainably managed, as well as another bill that beefs up the enforcement of Vermont's

environmental laws.

On the downside, a housing bill that passed the House in good shape, took a wrong turn in the Senate, and — under pressure from the administration and others — ultimately failed to include adequate natural resource protections for Vermont's countryside. VNRC believes this was a missed opportunity to strengthen protections for Vermont's farm and forestland.

"This year there were big wins for natural resources,"

said Elizabeth Courtney, VNRC's executive director. "Thanks to committed lawmakers who are taking the long view, and to Vermonters who made themselves heard loud and clear through letters, calls, and testimony at the Statehouse, overall, Vermont's environment and communities are better protected than they were just months ago."

Below is more detail on the bills that VNRC successfully championed this session.

Groundwater (S.304)

This bill sets up a permitting program for large withdrawals, requiring commercial and industrial sources to get a permit to remove any more than 57,600 gallons per day. By comparison, the average household uses some 400 gallons per day, at maximum. Those seeking permits have

to show their withdrawal will not have an adverse effect on other, existing water supplies, significant wetlands or Vermont water quality standards.

Applicants must also estimate of how much water if any will not be returned to the watershed, and they must demonstrate they are taking a safe yield. They must show that it is consistent with state, regional and town plans and

meet state policy to manage groundwater as a shared resource for the benefit of all citizens of the state.

The bill also declares Vermont's groundwater to be a public trust resource. The law puts groundwater on a par with surface water, ie, lakes and ponds, that already is a public trust resource. The designation will require the state to manage groundwater in the best interest of all



Vermonters. It allows citizens, if they can show they have a “particularized interest,” to bring a legal action charging that a withdrawal is violating the public trust.

The bill has a key planning component that encourages local communities to plan for their future development with an eye toward their groundwater use. The bill passed overwhelmingly in both the Senate and House and did not go to a conference committee. The Governor is expected to sign the bill.

“Lawmakers plugged a gaping hole in Vermont’s water protection laws with this bill, and future generations of Vermonters will be glad they did,” said Jon Groveman, VNRC’s water program director.

Current Use (S.311)

This bill streamlines the current use program in a variety of ways, and in a gain for conservation, it increases flexibility to enroll sensitive ecological areas, like wetlands, rare natural communities, and potentially additional areas such as critical wildlife habitat, vernal pools and riparian buffers. The Commissioner of Forest, Parks and Recreation, in partnership with the Nongame and Natural Heritage Program will determine which of these types of additional areas can be enrolled in the program after collecting public input.

The bill also requires state agencies to develop a plan to move ahead with comprehensive electronic coordination of the program. The state Department of Information and Innovation is required to submit a report to the legislature by January

15, 2009. The report will outline what additional funds are needed to accomplish the coordination by July 1, 2010.

The current use legislation springs from the work of an independent study and a summer study committee — the Use Value Appraisal Task Force — that found that while the original goals of the program did not need to be changed, there were targeted improvements necessary to update and streamline the program. The bill passed overwhelmingly in both the Senate and the House.

Climate Change/ Energy (S. 209 and S.350)

The Legislature tackled two energy and climate action bills this session. One — S.209 — makes solid advances on efficiency and renewable energy generation. The other bill, S.350, moves Vermont a small step forward. Together, these bills lay the foundation for renewable energy generation, efficiency opportunities and tackling the challenge of climate change with the fortitude required.

S.209:

- Helps jumpstart renewable energy development by encouraging in-state electric generation from wind, solar, biomass and hydropower.
- Expands investments in efficiency measures beyond electricity to include home heating fuels — a move that will help more Vermonters and Vermont businesses save money on increasingly expensive fuel oil.
- Builds on existing programs and infrastructure by expanding

weatherization services to low-income Vermonters.

- Gives Efficiency Vermont — the state’s electric efficiency utility — an opportunity to help businesses and homeowners save fossil fuels.
- Directs the Department of Public Service to create new business and home energy efficiency programs to support savings for Vermonters of all economic levels.
- Sets efficiency standards for commercial and residential buildings.
- Expands the capacity of net-metering in Vermont and creates new opportunities for group net-metering.
- Creates a more equitable and predictable tax rate for wind power.

S.350:

Requires certain government agencies, when they are developing administrative rules, to include a greenhouse gas impact statement. It also:

- Sets goals to expand Vermonters’ use of public transportation and increase the viability of biking

and walking. It also aims to integrate Vermont’s transportation network to help create seamless mobility options. (i.e. ride bike to bus stop, put bike on bus, get off bus, ride bike to destination.)

- Creates the Vermont Climate Change Oversight Committee, a nine-member, diverse ‘stakeholder’ body of experts charged with building off the recommendations put forward last year by the Commission on Climate Change and the Vermont Council on Rural Development. The CCOC is charged with reporting to the Legislature on potential barriers to implementation, funding sources and priority areas of climate change policy to advance first.
- Finally, the bill begins the creation of a greenhouse gas inventory by assembling existing data. (Originally, the bill called for a mandatory registry of the state’s greenhouse gas emissions, which would have helped capture a much more vivid picture of the state’s greenhouse gas emissions.)

These important victories wouldn’t have happened without concerned Vermonters helping turn them into reality. It was members like you and fellow concerned Vermonters who called your lawmakers, wrote letters to the editor, inspired your neighbors to act and testified before legislative committees who made these steps forward possible. *From all of us here at VNRC, thank you.*

We hope you celebrate this year’s victories. We also hope you’ll join us in looking toward next year and beyond to continue the essential work of protecting and enhancing Vermont’s natural resources and unparalleled communities.

Since this Bulletin offers only a snapshot of this year’s environmental legislation, please contact the expert staff of VNRC at any time for more information. Reach us at 802-223-2328 or visit www.vnrc.org.



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