

Bulletin & Legislative Update



Gretchen Knues/VPIRG

Environmental and energy activists take notes during the 2009 Citizen Lobby Day training session at the State House.

At Statehouse This Year, VNRC Plays Offense as Well as Defense

When lawmakers stepped into the State House in January, they found themselves swept up in a storm of uncertainty. There were private sector layoffs, a massive and growing state budget gap and a federal economic stimulus package that, while welcome, brought its own set of questions. Exactly how much money would Vermont get? Where will we invest it? Who will decide?

During these tenuous times, VNRC has been working to protect Vermont's time-tested environmental programs and also to advance proactive energy and land use legislation that will help Vermont's environment and economy over the long haul.

The weak economy, along with worries that Vermont might not be able to spend the stimulus money without making changes to existing law, has spurred

talk of significant rollbacks of Vermont's environmental protections. VNRC is advocating against these shortsighted ideas because they are unnecessary and, worse, damaging to our environment and economy.

Simultaneously, VNRC supports legislation to move Vermont toward a cleaner, more renewable and energy-efficient future. VNRC is advocating that the Legislature not authorize the renewal of the operating license of the state's decrepit nuclear power plant, Vermont Yankee, in 2012 and not leave Vermonters on the hook to pay for decommissioning the plant. Instead, VNRC is urging the legislature to pass laws that will move the state further and faster down a smart, modern and sustainable energy path.

This *Legislative Bulletin* offers a snapshot of the issues we are tracking beneath the Golden Dome. See updates on our work inside.



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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*. For an individual membership, send \$35.00 to VNRC.

VNRC Advocates: Close Vermont Yankee

In one of the most heated debates in the State House in years, lawmakers are considering whether to allow for a 20-year extension of the operating license for Vermont's sole nuclear power plant — Vermont Yankee — beyond its expiration in 2012. The extension effectively must be approved by both the Legislature and the Nuclear Regulatory Commission. The primary issues in play include the future purchase price of Vermont Yankee's power, what will be done with the nuclear waste and whether Entergy will fully fund the plant's decommissioning.

While it is unlikely lawmakers will vote on this issue until next year, VNRC is urging lawmakers to deny Vermont Yankee's request to continue to operate its aging and often-faltering nuclear power plant in Vernon. VNRC and other VY opponents assert that the drawbacks of the ongoing operation of the plant now far outweigh the benefits of keeping it running.

Some argue that we must relicense Vermont Yankee because we don't have replacement power. But as we move toward an energy future based more on conservation and renewables, Vermont can temporarily tap into energy supplies that already exist in the region. Recently, Vermont's utilities received proposals from a variety of power sellers, representing more than 1,000 megawatts of power — roughly Vermont's entire average load. Clearly, there is power to purchase out there.

So far, Vermont Yankee's

operation has enabled Vermont to avoid tough decisions. But now, the plant's time has come. To continue operation will serve only to delay a move toward a smarter, safer, sustainable, 21st century energy system in Vermont.

VNRC Urges Preservation of VHCB Funding

Gov. Douglas has again proposed cutting funding for the Vermont Housing and Conservation Board (VHCB). VNRC sees this funding as critical to the long-term viability of Vermont's communities and working landscape, including farms and forests.

Farms are critical to Vermont's rural character, our economy and to our food base. Forests provide jobs in rural regions, fuel for our homes and businesses, and habitat for Vermont's wildlife. Forests also protect water quality and suck up carbon, helping Vermont reduce our contribution to climate change.

VNRC is working with partners to stop this ill-considered cut to investments in our future, and we applaud the recent strong statements of support for VHCB from leaders in the Senate and House.

Renewable Energy Bills Moving

The lawmakers are considering legislation to expand Vermont's ability to bring renewable energy online, as well as provide greater opportunity for Vermonters to save energy — and money — through better heating efficiency. Simultaneously,

the federal stimulus package is a powerful complement to these initiatives, pumping money into Vermont for efficiency, clean energy, green jobs and public transportation programs.

Particularly promising energy legislation, H.161/S.54, would help property owners pay for energy efficiency and renewable energy projects for their homes by tapping into their town's bonding authority.

For example, under the measure, a property owner in a participating community could get financial support from their municipality, through a 'special assessment' on their property, to purchase solar panels, install a small wind turbine or make energy efficiency upgrades to their home.

Through the energy savings, the property owner would then pay back that 'special assessment' — similar to a loan — over the course of 20 years through a surcharge on their property taxes. Only those people who took advantage of the program would be responsible for repaying the bond and if a homeowner sold their property, the new owner would take on the repayment — as well as the benefits — of the investment.

This bill is modeled after Berkeley, California's nationally recognized 'Berkeley FIRST' program. The Vermont legislation would be broader, and would allow investments in a variety of pre-approved renewable and efficiency strategies.

VNRC also supports legislation to promote the efficient and sustainable use of wood-based biomass for energy production. A House bill, H.152, moves in that direction by setting up a



working group to analyze ways to encourage efficient biomass energy development while maintaining forest health.

Efficiency is key. Biomass systems that produce both electricity and heat energy for keeping buildings warm or running machinery capture about 70 percent of the BTU potential of the fuel. Conversely, biomass facilities that produce only electricity

capture about 27 percent of the BTU potential of the fuel. Because of this disparity in efficiency, strong incentives are needed to promote projects that take advantage of combined power and heat.

Sustainability is critical. In the coming years, there will be increasing demand for wood-based biomass — a renewable and local fuel source in Vermont.

However, the degree to

which our forests can meet increased demand is not fully understood, and we need policies to safeguard soil productivity, wildlife habitat and other indicators of forest health. H.152 would foster a proactive approach for developing sustainable practices that address the ecological and economic productivity of our forests.

VNRC Pushes for Good Government

VNRC is supporting legislation that would make government more accountable in its land use planning, so that we don't lose our distinct downtowns and working landscapes.

Two bills, S.64 and S.65, would clarify how two relatively new land use programs — the Vermont Neighborhoods and Growth Center laws — should function. The Douglas administration has improperly implemented these laws, and the legislation would set the state on the right track.

S.65, which would amend the Vermont Neighborhoods

law, would more sharply define key terms in the law. S.64, would clarify terms and make changes to the Growth Centers law to enhance protection of undeveloped land located outside of designated growth centers.

Both bills would also create a needed appeals route from the decisions of a state board — known as the Expanded Downtown Board — that approves Growth Centers and Vermont Neighborhoods. According to VNRC Sustainable Communities Program Director Brian Shupe, “an avenue for appeals beyond the Expanded Downtown Board would hold state officials accountable to properly implement the laws.”

Legislators may also move the Growth Centers and Vermont Neighborhoods designations to the Vermont Housing and Conservation Board under a restructuring of state government being considered. Depending on the details of this possible change, legislators may be able to accomplish the same goals envisioned in S.64 and S.65 through this change.

Renewable Energy Projects That Respect Mountain, River Habitat Move Forward

As the challenges of dwindling, costly, carbon-based energy supplies and climate change continue to mount, renewable energy projects are slowly moving to fruition in Vermont. The momentum is promising — and much needed.

In February, the Vermont Supreme Court upheld the approval of a wind energy project in Sheffield. And at town meeting in March, Plainfield residents voted to borrow money to develop a small-scale hydro facility in the Winooski River as it flows through their village.

“The need for and interest in expanding conservation, efficiency and renewable energy opportunities in Vermont intensifies every day. That’s why the fact that these two projects are moving forward is so exciting,” said Johanna Miller, VNRC’s energy program co-director. “This demonstrates that well-planned renewable energy projects that minimize impacts on wildlife habitat and other important

conservation values are viable in Vermont.”

The developers of the wind project worked with the Agency of Natural Resources to address impacts to wetlands, bird and bat populations and bear habitat, conserving some 2,700 acres of forestland to compensate for bear habitat loss on the site. And the Plainfield hydro project, at an old, existing dam, would provide more than enough power to supply electricity to several of Plainfield’s municipal buildings as well as the streets lights for town, with the rest of the power being sent out on the grid. Based on ANR’s review thus far, it appears the project will have only minimal environmental impacts.

“Vermont must move forward, quickly, with more projects like these in order to assure a safe, clean, energy future without compromising our environment,” said Elizabeth Courtney, VNRC’s executive director. “VNRC will work hard to assure renewable energy is done in Vermont, and done right.”

Permit “Reform” Unnecessary



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VNRC is urging lawmakers to stop the Douglas administration's attempts to hobble the permitting system, an effort that could have the effect of rolling back environmental protections.

The governor has said that Vermont's environmental permitting process represents "a culture of no" when it comes to development. But the record suggests otherwise.

Under Act 250, for instance, permits are issued quickly and very few are appealed. For example in 2008 there were 439 permits sought, and just two were denied, or about a half-percent. That same year, about three percent of Act 250 cases were appealed to the Environmental Court. And it's important to remember that less than half of all development in Vermont is reviewed under Act 250 anyway.

A few years ago the Agency of Natural Resources — the other main government entity that issues environmental permits

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— surveyed hundreds of consultants and developers who had recently gone through the permitting process. The study found that 75 percent of respondents said the time it took to go through the process was not problematic. Seventy one percent felt that the regulations were reasonable.

The administration also claims that changing permitting requirements would help boost the economy. However, for decades, Vermont's economy has grown steadily and surely under the current permitting regime, with the state's

green ethic accounting for untold millions of dollars of marketing cache.

Job growth in Vermont, for instance, outpaced job growth in New England as a whole between 1980 and 2007, according to the U.S. Department of Commerce. During that period employment grew across in New England by 38 percent while in Vermont employment grew by 60 percent.

And relaxing environmental protections in order to spend the stimulus money is not necessary. There are more than enough already-permitted, "shovel

ready" projects in Vermont to spend stimulus dollars coming into the Green Mountain State.

"We are all painfully aware of what relaxing regulations meant to Wall Street, and by extension, Main Street and our own pocketbooks," said Jake Brown, VNRC's communications director and legislative liaison. "Vermont needs to maintain a commitment to our environmental protections that will continue to help insulate Vermont from the major economic turmoil that has pummeled other states," he said.

Stephanie Swartzendruber: Helping Strengthen VNRC's State House Presence

Legislators may have noticed a new VNRC face around the State House this year. Stephanie Swartzendruber, our legislative intern for the session, has been helping us stay abreast of what's happening under the Golden Dome.

Stephanie grew up in Michigan and has varied experience, including working at the Michigan Land Use Institute, as a dispatcher for a bush pilot operation in Alaska, and as an English instructor in Russia.

"I'm truly enjoying this great opportunity to



merge my interests in politics, conservation and renewable energy," she said.

"Stephanie is a quick study, committed to conservation, and we are grateful for her help," said Jake Brown, VNRC's communications director/legislative liaison. "Feel free to stop her in the halls or in committee rooms and say 'hi.'"

Stephanie is an outdoor enthusiast, and enjoys running marathons, skiing, canoeing, biking, backpacking and gardening. She is an avid reader and an aspiring guitarist. She speaks conversational Spanish and French.