

Bulletin & Legislative Update

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Photo courtesy of VPIRG/Roger Crowley

Yankee Takes Spotlight at State House

Forests, Rivers, Renewables and Smart Growth Also in Play

As the 2010 legislative session heads into the homestretch, what is the big story for the environmental community so far? Vermont Yankee, hands down.

Just before town meeting, Vermont Senators, in a bipartisan, 26-4 vote, made it clear what they thought about VY: The nuclear plant is too old to keep running safely and the plant's owners, Entergy Louisiana, simply can't be trusted.

In order to get a license to operate from Vermont regulators, Vermont Yankee needs a green light from the full Legislature before the current license expires in 2012. These days, that's looking doubtful, and for good reason.

The vote came on the heels of revelations that VY officials misled state regulators about the existence of underground pipes, pipes that subsequently began leaking radioactive tritium into the groundwater and, likely, the Connecticut River.

Inside:
See more updates on VNRC's legislative work

VNRC's interest and expertise in groundwater – designated a public trust resource by the Legislature in 2008 – prompted us to intervene in the legal debate over relicensing. In February VNRC filed a petition to be heard at the Public Service Board on the Vermont Yankee

groundwater issue.

With the fate of Vermont's ailing nuclear power plant hanging in the balance, Vermont stands at an energy crossroads. Will Vermonters remain tethered to a debilitated, dangerous nuclear plant to power our future? Or will we move on to serious energy efficiency and conservation efforts, and cleaner, safer options for power generation? VNRC is pushing hard from the grassroots to the Legislature for solutions that move Vermont away from our dependence on Vermont Yankee's dirty, dangerous power. Please stay tuned and in touch with VNRC on this important issue.



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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 Supports House Energy Bill

Because VNRC believes Vermont should move toward more renewable energy development, we have been supporting a renewable energy bill (H.781) that recently passed out of the House Natural Resources and Energy Committee.

Our support, however, comes with an important caveat. Until there is more analysis on the costs and benefits, we strongly oppose one section of the legislation that would declare energy coming from very large hydroelectric facilities like Hydro-Quebec to be "renewable." Vermont's policy has been that large hydro should not be classified as renewable because of the extensive environmental and social impacts associated with such development. Until we more clearly understand the impacts, both pro and con, of such a shift, VNRC will oppose this provision.

Other, positive, provisions in the bill aim to remove certain barriers to renewable energy development, like easing interconnections for renewable projects, extending a business solar tax credit and consolidating appeals of renewable projects.

VNRC testified on the bill, supporting most of it, but opposing the large hydro provision. We also flagged two other provisions in the bill that could have undermined water quality, natural resources, and public process. To their credit, the committee either dropped or changed those provisions before passing the bill, improving the legislation.

Also during our testimony on H.781, VNRC reminded the lawmakers that we are advocating for the passage

of other pending legislation, (H.546) that would consolidate permitting and appeals broadly, and not just for renewable energy projects. (See related permit restructuring update in this issue.)

As always, VNRC continues to advocate for policies that support moving good renewable energy projects forward swiftly and with certainty — but not at the expense of our natural resources.

Keeping "Current Use" on Solid Ground

Current Use, otherwise known as Use Value Appraisal, is under budget scrutiny this year. VNRC is working to persuade lawmakers that if they are going to change Current Use — a law that helps make owning farm and forestland financially viable by taxing land based on its productivity, not its higher development value — that they do so in a way that does not undermine the goals of the program, and places it on more solid footing for the future.

Last year, days before the Legislature was to adjourn,

VNRC and other groups, with the support of key lawmakers, successfully fought back a last minute proposal to cap Current Use appraisals for landowners in the program. The Legislature replaced the cap with a mandate to find \$1.6 million in savings from Current Use, with the expectation that organizations supporting the law would come back with viable proposals for savings this year.

VNRC took this mandate seriously and met with a coalition of groups over the summer that included the Vermont Land Trust, Rural Vermont, the Vermont Farm Bureau, Audubon Vermont and the Nature Conservancy, to analyze options for finding savings from Current Use. The coalition prepared several reports and testified on several options for finding savings while protecting the economic viability of Vermont's working landscape. Options included raising the penalty for withdrawing land from the program, factoring in an "amenity value" for land around a dwelling, and increasing the property transfer tax for land enrolled in the program. The coalition also highlighted some issues



Jake Brown

that need attention, such as discrepancies in the appraised value of lands enrolled in current use across the state, which impacts the state's reimbursement to municipalities.

Early in the session, the House passed a Current Use bill (H.485) that incorporated some of the coalition's recommendations. However, to find additional money, the House instituted a moratorium on new enrollments for 2010. The Senate has now taken up the legislation and based on testimony it's heard, will likely remove the moratorium, institute a modest assessment on landowners enrolled in the program, and adjust, in some way, the House-passed changes to the withdrawal penalty. The Senate will likely act on the bill soon.

Smart Growth Bill in Play

VNRC is urging lawmakers to pass an initiative to improve the state's program that helps steer development into planned centers that reinforce our downtowns and villages.

The bill, S.64, recently passed the Senate. It would improve the landmark Growth Centers program, enacted with VNRC support in 2006, by improving the designation process and clarifying several program requirements.

"VNRC has been critical of the way in which Growth Centers have been implemented," noted Brian Shupe, VNRC's sustainable communities program director.

"Fortunately, the Douglas administration recognized the need for improvement, and the Agency of Commerce and Community Development staff sat down

with VNRC, Preservation Trust of Vermont, and Smart Growth Vermont to reach consensus on a set of technical corrections that became S.64," Shupe said. "These legislative changes will provide more certainty for communities looking for Growth Center designation, and avoid some of the problems that have caused controversy in the past."

The bill is pending in the House.

Better Environmental Permitting

VNRC is urging lawmakers to pass legislation that restructures the environmental permitting process to consolidate functions, create consistency, foster efficiency, increase citizen participation, remove bias, and raise environmental standards to promote smarter, more conservation-oriented land use and development.

Vermont's environmental permitting system, which was "reformed" in 2004, no longer works well for anyone. Chief among VNRC's concerns is the fact that, increasingly, citizens are being shut out of the environmental permitting process.

Specifically, VNRC is pushing to expand citizen participation in environmental permitting processes, strengthen Act 250 standards, and consolidate the permitting functions of three existing state entities — the Vermont Environmental Court, the Vermont Natural Resources Board, and the environmental permitting functions of the Department of Environmental Conservation — into a new office governed by a professional board.



Wayne Fawbush

VNRC Urging River Corridor Protection

VNRC has been advocating for legislation that would encourage cities and towns to implement riparian buffer zones in local zoning bylaws. The bill, H.763, has passed the House and is now in the Senate.

The bill is aimed at preventing, up front, the increasingly expensive, often taxpayer funded, after-the-fact cleanup of Vermont's waterways, as well as the effects of property damage due to flooding.

Leaving vegetated areas (like shrubs, grasses, and trees) next to rivers, lakes and ponds, is an effective, scientifically proven and inexpensive way to block nonpoint source pollution from entering waterways. River corridor protection zones not only protect water resources, but also provide bank stabilization, and help create habitat for wildlife — including fish — among a whole host of other benefits.

"This bill encourages Vermont's towns to enact their own river protection laws that work for them, and their specific situations," says Kim Greenwood, VNRC's water program co-director and staff scientist. "This legislation is the result of compromise, but it will move Vermont in the right direction."

"This effort is designed to make permitting cheaper, faster, better for Vermonters and better for the environment," says Brian Shupe, VNRC's sustainable communities program director. "We are urging the creation of one, good, system to replace the fragmented

processes that presently exist." Specific legislation — including H.546 and S.214 — would implement this restructuring. VNRC expects there to be hearings on this proposal this year, although the initiative will likely carry over into the next biennium.

Bill Would Roll Back Planning

The House Committee on Government Operations is considering H.760 that would eliminate several dozen boards and commissions established for various purposes over the years. Included in the list of boards to eliminate are the Council of Regional Commissions and the Development Cabinet.

The Council of Regional Commissions was created with the enactment of Act 200 in 1988 and charged with reviewing state agency plans for conformance with the state's planning and development goals, and resolving municipal and regional plan conflicts.

The Development Cabinet, comprised of several Agency Secretaries, was formed in 1999 to better coordinate state agency planning and development programs.

State agency planning and coordination is sorely lacking in Vermont. VNRC urged the committee not to eliminate the limited state agency planning framework that exists in statute simply because the current administration has chosen to ignore it.



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VNRC Supports No-Idling Bill

In late January the House Natural Resources and Energy Committee unanimously approved a bill that removes Vermont from the embarrassing position of being the only state in New England without comprehensive curbs on vehicle idling. The bill, H.97, is aimed at reducing unnecessary vehicle idling, which wastes energy and threatens people's health.

VNRC urged legislators to make the bill as strong as possible. In testimony, VNRC pointed to more ambitious efforts underway in many Vermont communities that have passed resolutions and ordinances aimed at curbing wasteful and polluting automobile idling. Unfortunately, community resolutions have limited "teeth" so their ability to truly curb greenhouse gas emissions is minimal.

VNRC worked with

other proponents of the bill, including the American Lung Association and Idle Free Vermont, to help move the modest bill forward. Unfortunately, however, the bill withered on the vine in the House Transportation Committee.

VNRC remains committed to seeing a state-level idle-reduction policy. Stay tuned to VNRC's web site for more information or to get involved in moving this initiative in the future.

Nina Otter Joins VNRC as Legislative Intern

If you're around the State House, by now you've probably met VNRC's legislative intern Nina Otter. Nina is a recent graduate of Warren Wilson College in Asheville, North Carolina. She studied environmental science and Latin American studies, which allowed her international experience at an environmental technical school in Germany as well as following the root-causes for migration in Guatemala and Mexico. She has worked on several energy-related campaigns that range from advocating the shut-down of a coal-fired power plant to developing and running a volunteer weatherization program that serves low-income

homes in western North Carolina.

Nina, who lives within walking distance of the State House, hopes to live in Vermont long-term. This helps drive her interest to ensure the state's unique character into the future.

"It's exciting being in the thick of things under the Golden Dome and helping VNRC to advance good environmental legislation in a tough economic climate," she said. "It forces creative solutions."

Nina spends winter weekends Nordic and alpine skiing and mountain bikes throughout the summer.



Jake Brown