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While VNRC has just reached an agreement with Stratton developers on bear habitat protection, an ongoing battle with Killington continues. What’s the difference? By Rob Woolington.

Who Cares About Bears?
Vermonters have spoken out for the bears— and our public servants are listening. By Susan Clark.

Breaking New Ground
The Community Supported Agriculture concept offers a locally based, organic alternative to the supermarket. By Vicky Palmer.

Global Warming and the Greenhouse Effect

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VNRC News and Notes

The Inside Word
Acting Director Ned Farquhar reflects on this year’s legislative session.

Bulletin Board
Upcoming events and notices

Letters

Published by the Vermont Natural Resources Council
Spring/Summer 1990

Credits: Masthead design and graphic consulting by The Laughing Bear Associates. Cover illustration from a photo by Lynn Rogers. Vermont map on back cover by Ed Epstein.

Printed on 50% recycled paper.
IF VERMONTERS LEAD... Vermont’s Leaders Will Have To Follow

Ned Farquhar, Acting Director

V

NRC is strong and healthy. We have just finished our 25th anniversary celebration and can look forward to the next quarter-century with optimism: our membership is growing and our accomplishments are many. The public’s blossoming awareness of environmental problems — and the urge to “get involved” — may signal a waking world-wide consciousness.

In January we believed that the Vermont Legislature would help carry out a new environmental agenda. But in true Yankee style, it bucked the global trend. While virtually everyone else on earth moved toward environmental protection, our Legislature weakened or stopped many important environmental bills (see VNRC’s 1990 legislative report).

What explains the apparent divergence of public will and legislative response? Some observers blame Vermont’s difficult development permitting system, in which a plethora of local, state, and federal permits presents seemingly insurmountable obstacles for small Vermont businesses. Some say that the Legislature had done so much for the environment over the past five years that it was time to turn attention to the brittle economy. Some point out that key environmental leaders left the Legislature in 1988.

Whatever the explanation, it’s an excuse. Vermont has mounting environmental problems, including contaminated groundwater and deteriorating surface water, subdivision of open space, increasingly toxic and voluminous solid waste, and air pollution violations unprecedented in our history. These problems deserve attention, yet many Vermont officials — legislators and local leaders alike — are not even convinced that the problems exist.

To prevent a similar occurrence in 1991, VNRC and Vermont conservationists need to work with local officials and legislators to explain and protect our existing laws and focus them on constructive environmental changes. These might include: improving the local and state permitting processes without reducing environmental protection; supporting local planning and state agency compliance with Act 200; encouraging appropriate small business development in our towns and villages; and strengthening laws protecting air, water, and wildlife.

Today, every Vermonter has a role to play in environmental protection. The Legislature and the town select board won’t act unless individuals make it clear that we want them to. And the disappointing 1990 legislative session won’t be repeated if we as Vermonter speak our minds about environmental needs.

Governor Madeleine Kunin announced this spring that she will not seek a fourth term as Vermont’s chief executive. Her announcement was a disappointment for many conservationists in Vermont. The achievements of the last five years — Act 200, groundwater and wetlands protection, the Housing and Conservation Trust, a new environmental enforcement law, and the solid waste and water quality bills — were gained with Governor Kunin’s initiative and support.

The “Kunin years” will be remembered glowingly by Vermont conservationists. We must thank her for her years of dedication and commitment, and her vision, expressed at our Conservation Celebration last year, of a sustainable economy and environment for Vermont’s future.

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THE INSIDE WORD

The Vermont Legislature weakened or stopped many important environmental bills this year. What explains the apparent divergence of public will and legislative response?

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The Vermont Natural Resources Council is a non-profit environmental organization founded in 1963 to promote the wise use of Vermont’s natural resources. VNRC does research, legislative lobbying, advocacy and educational work on issues including forestry, agriculture, water, energy, wastes, and growth management. VNRC is the Vermont affiliate of the National Wildlife Federation.

The Vermont Environmental Report is published quarterly by the Vermont Natural Resources Council, Main Office: 9 Bailey Avenue, Montpelier, Vermont 05602, tel. (802) 223-3326. Southern Vermont Office: Box 1820, Bonnet Street, Manchester Center, Vermont 05255, tel. (802) 362-3113.

The opinions expressed in the Vermont Environmental Report are not necessarily those of VNRC. VNRC reserves the right to refuse advertising that is not in keeping with the objectives of the organization.
HIGH PRAISE

I have just finished reading the 25th Anniversary issue of the Vermont Environmental Report. It is great: the design, the format, the writing and most of all the real substance of the matter included.

Much has been written in the past 25 years about the course of environmentalism in Vermont but this is the first and best long-term perspective I have yet seen of the origin and growth of the story. And the end of a quarter century of experience is an excellent choice in time upon which to base the perspective. VNRC can be rightfully proud of its leading part in the events which brought this part of the history into being.

My first thought was to try to pick out the things with which I was most impressed but quickly gave that up when it became clear that every bit of it is excellent. It is a tough act to follow.

If it is not asking too much I would like six more copies. Several displaced suntanners here in the cove are competing for my issue and I don’t want to give it up even as a loan. And I have several grandchildren who are hungry for everything I can tell them about the environmental movement in Vermont.

Again, hearty congratulations,

—Deane C. Davis
Montpelier, Vermont
and Sarasota, Florida

We thank Vermont’s former governor Davis for his kind words. And while we’re at it, we thank him for his strong statement this spring in support for planning through Act 200 (see Vermont Perspectives, this issue) Davis, 89, is best known for his work as governor in shepherding Act 250 through the legislature. There are few whose insight we value as much. SC

GOOD NATURE

The 25th Anniversary Vermont Environmental Report certainly is attractive and filled with information. You should be very pleased. I’m very glad you remembered [VNRC co-founder] Dick Brett. I knew him well and helped him in his woodlot in Barnard at times.

I don’t believe they come much better than Arthur Gibb. We all respected his word so when I was in the legislature.

Please send me extra copies to place somewhere they might do some good.

—Will Curtis
Hartland

You know, the more passive we the people become, the worse it is all going to be.... What’s needed is in each case, each article, for it to end with a series of positive suggestions....

—Dutton and Kay Smith
Middlebury

A “What You Can Do” section is a great idea; this type of listing appears periodically in the V.E.R., and we hope that the “Dozen Simple Things You Can Do” article in this issue strikes you as a good model.

Besides our advocacy work, educating — and activating — our members is the whole ball game for us. VNRC’s Citizen Involvement Kit, designed to help citizens take action on environmental issues at the local level, has been distributed far and wide. And, as you’ll read on the new “Citizen Action” page in this issue, the VNRC Action Center’s work organizing grassroots conservation efforts have been more successful than we’d dared hope. The Citizen Action page will be appearing in future issues with tips from citizen activists.

—SC

CALL FOR ACTION

May I write a few words of feedback about your double Fall 1989 issue? Here is how the magazine came across:

Overall, lots of detailed data about problems and plans, reports, such as the one the Governor hopes to fund this year, and so on. Throughout the issue I looked in vain, however, for concrete suggestions for me and my wife to do. Noel Perrin came the closest, but after debating the paper bag vs. plastic bag, he gave it all up and opted for no store bag at all.

Thus, the general thrust of the issue, to me was: Here are the problems, but there was nothing in particular for me to do. Sit tight. Laws are being worked on. This is the decade when something will happen. Just (my conclusion) send us money.

SMALLER, OLDER

AND WISER

Please send us one copy of your Citizen Involvement Kit. We realize that some sections of the booklet only apply to Vermont, but we feel it is worthwhile to spend the money to obtain the other valuable advice it contains.

Our county is in the throes of massive suburbanization. We are seeking all the advice we can find to give our local environmental group to try to slow the pace of development brought on by continued flight from Chicago in combination with local greed and speculation.

It is heartening to see what appears to be a smaller, older, wiser state of the union which is attempting to control its growth and preserve its natural beauty for the future. Thanks.

—John F. Hill
Woodstock, Illinois
DOES GROWTH PAY?
New Study of Vermont Towns Has Startling Results

Do second homes lower property taxes and enhance the tax base? Does commercial or industrial development add more to the tax base than it costs in additional services?

The Vermont League of Cities and Towns (VCLT) and VNRC joined together to study these related questions, and develop a workbook for local officials and interested citizens. "The Tax Base and the Tax Bill" workbook is designed to take the guesswork out of the property tax cost-benefit issue. With funding from the Windham Foundation, VNRC and VLCT contracted with Ad Hoc Associates in Sallsbury, Vermont, to develop the workbook.

"The workbook allows anyone to calculate the costs or benefits of a specific development in the town in which they live," explains Deb Brighton of Ad Hoc Associates, "and the workbook lays general rules of thumb based on aggregated data from across Vermont. This data is a powerful new tool for citizens interested in the future of their community," says Brighton.

The conclusions drawn from the data gathered by Ad Hoc Associates are startling. The data demonstrates conclusively that development almost always costs more in additional services than it generates in new property taxes.

"Interestingly, the towns that lose the most are those on the State Aid to Education formula," notes VNRC Associate Director Seth Bongartz. "For these towns, any new money generated by additional tax base is offset by a decrease in state aid to education of approximately the same amount. This, coupled with the fact that increased housing units or commercial/industrial development almost always call for increased municipal services, makes it clear that development can be a real loser for a town," says Bongartz.

For those towns that do not receive state aid for education the cost-benefit analysis produces more varied results, but there are some common threads. These towns probably will be in a position to lower their school tax rates through the addition of second homes; however, development almost always results in increased taxes on the municipal side in order to keep up with the increased need for services.

Development almost always costs more in additional services than it generates in new property taxes.

"We hope that this new tool will help local officials and interested townspeople make choices about the future based on considerations of good jobs for the community, and what is good for the community as a whole — rather than having those decisions made for the mystical purpose of increasing the tax base," says Bongartz.

"The Tax Base and the Tax Bill" is available from VNRC at a cost of $5.00 for members and $10.00 for non-members, plus $1.00 per book for postage.
IN THE PUBLIC TRUST
Waterfront Cases Reveal Strength of Ancient Legal Doctrine

"The public trust doctrine, as interpreted by the Vermont Supreme Court, could be the most important environmental decision in this state in this century," states Lewis Milford, Vermont attorney for the Conservation Law Foundation.

The "public trust doctrine" has its roots in the English and Roman common law under which the flowing waters, the seas, and the air were considered common to all. In a case brought by the City of Burlington and the State of Vermont against Central Vermont Railway, Inc., the court used the doctrine to rule last December that the railroad could not sell or lease 32 acres of waterfront land to a developer.

The land was originally filled — 162 years ago — under the Vermont Legislature's condition that the land be used specifically for railroad purposes. The court based its decision on the premise that the area is considered "submerged land" since it originally was under the waters of Lake Champlain and therefore is "public trust" acreage. The court found that the railroad's ownership of the land is subject to the condition that the land be used only for a "public purpose." Only the Legislature can approve any significant change to the land and must decide what constitutes a "public purpose," the ruling said. The rights revert to the public when the land is no longer used specifically for railroad purposes.

In a separate public trust on Lake Champlain, a coalition of environmental groups including VNRC argued that the proposed Williams Point Yacht Club would restrict public use of the lake. In April the Chittenden Superior Court revoked the marina's permit, in a decision that requires state agencies "to find affirmatively that [a] proposed encroachment serves a public purpose before granting [a] permit...."

"In other states, protection of the 'public trust' in shared natural resources has required important habitat considerations in the use of filled lands and in water withdrawal from lakes and streams," says Ned Farquhar, VNRC Acting Director. "Vermont's Supreme Court is recognizing that the public, and our fish and wildlife, have rights that our laws don't yet consider."

The District 2 Environmental Commission recently rejected Okemo Mountain's application for a snowmaking water withdrawal, partly on the basis of the public trust doctrine. And at least eight appeals from lakes and ponds encroachment permits await action by the Water Resources Board which may also be subject to the doctrine. The Vermont Legislature is expected to establish a summer study committee on the public trust issue.
other interested citizens who support local planning.

Although the group received support from Vermonters all across the state, "we just couldn't match the well-funded misinformation campaign that Citizens for Property Rights [CPR, the opposition group] launched," says VNRC Action Center Assistant Jim Shallow.

"Our volunteers going door-to-door were astounded by people's misperceptions about Act 200. We had one woman tell us she was all for local planning, but that she couldn't support Act 200 because it said you couldn't own firearms! Another man told us Act 200 said he couldn't put up a clothesline in his yard. And CPR's own literature stated, 'If you want to cut two acres of your farmland so your son or daughter can build a house on it—forget it. Act 200 plans don't like that idea.' It's unbelievable the baloney these folks put out."

At the height of the debate this spring, former Governor Deane Davis made a rare public statement supporting the law. Davis, a Republican who is best known for winning passage of Act 250, criticized Act 200 opponents for using scare tactics, and noted, "I think people are getting scared of a shadow."

"Nearly 20 years of watching Act 250 has strengthened my belief in the need for long range land use planning in Vermont," Davis said. "I do not believe it trespasses unreasonably on the rights of local towns, the owners of land, or the rights of local citizens," he said.

There is a bright side to the controversy, says VNRC's Elmer. "Ironically, thanks to all of this publicity, local planning is getting better participation than I've seen in my twelve years of planning," she notes.

"A lot more people are beginning to take a look at their town's future, and engage in thoughtful, constructive discussion on how to shape it," says Elmer. "The message we're hearing is that people do want to protect their towns' resources through planning."

"With the anti-Act 200 sentiment this year, we've had a tough time convincing legislators that Vermonters are still pro-environment," notes VNRC Acting Director Ned Farquhar. "The anti-Montpelier sentiment is extremely unfortunate, because we know that Vermonters do place natural resource protection high on their list of priorities. Now more than ever, it is critical that we get that message to our leaders loud and clear." SC

MAKE IT "CLASS A"

Citizen Groups Work for Rivers Protection

Two laws, both of which received strong VNRC support during their writing, are the trigger of a great deal of recent citizen action toward protecting Vermont's highest quality rivers.

The 1986 pristine waters law made it possible to upgrade streams from Class B to Class A (the highest Vermont water quality designation) if they have "significant ecological value." The 1987 rivers law created the opportunity to designate waterways as Outstanding Resource Waters (ORWs), protecting their exceptional natural, cultural, scenic or recreational attributes.

Now awaiting the Water Resources Board's consideration are citizen groups' petitions proposing ORW status for the Battenkill, Poulney River, and Pike's Falls, with a petition for the Green River planned for the summer. In addition, citizens groups are proposing Class A reclassification for the upper Winnahill River and Cobb Brook, all in southern Vermont.

According to Southern Vermont Research Coordinator Marcy Mahr, many rivers protection issues are as yet unresolved. "For instance, we do not yet know how the Water Resources Board is going to consider ORW and Class A petitions. And how will the Agency of Natural Resources manage these waters?" asks Mahr.

VNRC has been working actively with many citizens groups to help prepare petitions and to pursue clarification of the state policy.

Citizen activism has forced resolution of some issues. For example, although the Cobb Brook watershed includes agricultural land, through regular testing of the brook's cool, pristine waters the Friends of Cobb Brook received confirmation from the Agency of Natural Resources that Class A watersheds do not preclude farming activities. An Agency letter confirmed, "reclassification to Class A should not be thought of as a method to 'lock up' the land from any kind of use... the State's interest is not whether the land is used for farming, logging or development but rather the influence of land use on high quality waters."

"VNRC is working actively with local groups and the state to clarify the protection afforded by Class A and ORW designation," says Mahr. "At some point the State's Comprehensive Rivers Planning Program will benefit from the clarification." SC/MM

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WETLANDS: THE RULES ARE IN
Good News And Bad News

Three and a half years after the Legislature passed Vermont's wetlands law, the Water Resources Board adopted rules this winter for the state's new wetlands protection program.

The new rules designate wetlands on federal resource maps as Class II "significant" wetlands deserving protection from development. About 4% of Vermont's land area falls in the category of "significant wetland."

"This is an important step for Vermont conservationists," said VNRC Water Associate Steve Crowley. "We expect the rules to provide important protection lacking from the federal wetlands program."

Conservationists were disappointed that the final rules contained a provision allowing "compensatory mitigation." This allows developers to construct in wetlands if they can re-create the wetland's functions elsewhere.

"It isn't possible for a developer, however wealthy, to re-create the complex hydrologic, geologic, and biologic functions of a wetland," says Crowley. "Fortunately the new rules require high standards of proof for compensatory mitigation. Still, reviewing the big development proposals will unquestionably take up a great deal of state time and money."

VNRC staff worked very actively on the draft wetland rules for about a year and a half. When the Water Resources Board first opened the compensatory mitigation discussion last winter, VNRC asked an eminent wetland scientist, Dr. Joseph Larson of the University of Massachusetts, to visit Vermont and address the mitigation issue.

Thanks to Larson's testimony, the Board immediately began to restrict the compensation mechanism from earlier proposals. Board Chair David Wilson noted, "The most significant breakthrough that we had in the compensation discussion was the result of a witness brought in by the VNRC. If the Board reached an epiphany on that issue, it was in that witness."

The wetlands rules, accompanied by recent adoption of indirect discharge rules implementing the 1986 water quality law, represent giant steps in VNRC's implementation monitoring project. "Our Action Center staff have made it possible for us to ride hard on the rule-making process for these important laws," said VNRC Acting Director Ned Farquhar.

RUTLAND MALL
HEARINGS BEGIN
Wetland Termed "Valuable"

Act 250 hearings on the proposed Rutland Regional Mall are set to begin before the Vermont Environmental Board in May. VNRC and Citizens for Responsible Growth-Rutland (CRG-Rutland) are appealing the mall's land use permit, granted last fall, on the issues of air pollution, the financial impact on downtown Rutland, and, most importantly for VNRC, the eight acres of on-site wetlands slated for destruction by the mall's proponents.

Last fall the mall developers, Fincardi-Zarnias Associates, refused VNRC field biologists access to the proposed mall site. This winter, however, the Board ruled in VNRC's favor; the developers are now required to allow our experts on the site.

In a second, precedent-setting decision, the Board ruled that anyone with "party status" in the initial Act 250 proceedings before the district commission would no longer be required to re-establish that status to the Environmental Board: from now on, such status will be automatic. Relief from this time-consuming and frequently expensive exercise is a welcome step toward greater citizen access to the process.

Meanwhile, the U.S. Army Corps of Engineers, charged under the Clean Water Act with the protection of the nation's wetlands, has recommended that the developers be subjected to the most rigorous level of Corps review.

Citing the field analysis of the U.S. Fish and Wildlife Service, the U.S. Environmental Protection, and VNRC, Corps officials characterized the wetlands in question as a "large and valuable wetland resource." According to the Corps, "this wetland complex has a role for breeding, migration, and wintering by some water dependent birds other than waterfowl. Substantial adverse modification to this function will result from resource contamination, intrusion, resource competition and hydrologic changes." The hearings are expected to be completed by July. SB
QUALITY OF LIFE
Coalition
Environment and Social
Services, Unite!

"Unity" was the word seen on yellow lapel buttons in the Montpelier State House this spring, signifying the commitment of several key groups to work together. Human service, environmental, and education groups joined forces throughout this legislative session to protect programs in the face of state revenue shortfalls.

Working actively in the "Quality of Life Coalition" through the fall and winter, VNRC met with Governor Kunin and other state officials half a dozen times to discuss the fiscal year 1991 budget proposal. In March, the coalition rallied hundreds of supporters on the State House lawn to call for budgetary support of the programs. The coalition has been credited with helping protect important programs in the human services and environmental agencies.

The coalition follows on precedent from the Housing and Conservation Coalition; VNRC was also active in this coalition which in 1987 helped create the now successful Vermont Housing and Conservation Trust Fund.

According to Cheryl Rivers, who heads the Vermont Low Income Advocacy Council, "Poorly planned growth can create dead-end jobs that don't pay a living wage and drive up rents and housing prices. Environmentalists and human service advocates can cooperate in assuring opportunity and environmental protection."

The coalition suggested a set of fees and taxes that can fund Vermont's environmental and human service programs — without hurting the average Vermonter. Suggestions include supporting the Third Century Trust proposed by Governor Kunin at VNRC's Conservation Celebration last fall.

Regardless of the legislative treatment of the coalition's proposals, VNRC expects to continue working with coalition participants. NF

WASTE CHALLENGES
Act 250 Hangs Tough

The Vermont Environmental Board faced a major challenge from the City of Burlington in December when Burlington proceeded to construct a landfill liner in a Colchester dump without Act 250 approval.

VNRC Acting Director Ned Farquhar appeared before the Board and urged enforcement of Act 250. Ultimately, the Chittenden Superior Court recognized Act 250 jurisdiction; the court stayed enforcement until July 1, 1990, to allow Burlington to apply for a permit.

Under Act 78, Vermont's 1987 solid waste law, all Vermont dumps must be closed or lined by July 1, 1992. More than sixty landfills are affected by the requirement. "The construction of lined landfills, usually by 'horizontal expansion' of existing facilities, will generally require Act 250 approval," says Farquhar. "We need to be sure that Burlington doesn't create a precedent that would encourage Vermonter to close their eyes to the 1992 closure/liner deadline or to Act 250's environmental requirement."

VNRC has joined the Burlington landfill Act 250 process as a technical party in support of the application. "We disliked Burlington's route into Act 250, but the fact is, we want their proposal to succeed," says Farquhar. "It looks like an environmentally acceptable two-year solution for the Chittenden area, as long as Burlington continues strong efforts toward recycling, reduction, leachate treatment, and hazardous waste removal." SC/NF

CHEM-MILK
BST Hormone Could Make Buyers Shy

Will New Englanders want milk from cows treated with a synthetic hormone? Can Vermont farmers afford to find out? VNRC is concerned that the answer to both questions may be "no."

VNRC began opposing federal licensing of the new bovine growth hormone bovine somatotropin (BST) last summer. The Council is concerned that the use of BST nationwide will increase milk supplies and shake consumer confidence in dairy products, increasing the growing pressure on Vermont dairy farmers.

"Milk prices have risen recently, but most projections look for steep declines in the next few years," notes VNRC Board member Mark Schroeder. "We need to find ways of increasing net farm income for Vermont's farmers without flooding the milk markets."

Vermont Rep. Peter Smith has proposed a three-year federal moratorium on BST licensing. Governor Kunin has proposed a one-year moratorium on the sale and use of BST in Vermont.

At a recent legislative hearing on Kunin's proposal, Newport dairy farmer Yves Brasseur said, "Why would farmers inject more chemicals into cows' milk and cause a questionable milk surplus that will make consumers shay away from buying dairy products, producing a chain reaction of more surpluses so that milk prices will then be lower than cost of production?"

VNRC has been working to create rural economic policy proposals that would assist the agricultural industry without driving more farmers out of business. "A healthy rural economy is the first defense against land speculation and overdevelopment," said Ned Farquhar, VNRC Acting Director.

"Federal approval of BST generally won't help small farmers. When will the federal government begin to assist in rural development instead of breaking it apart?" SC/NF

VERMONT ENVIRONMENTAL REPORT - SPRING 1990 - 9
Hikers And Skiers And Bears — Oh, My!
Appalachian Trail Review Begins

Can hikers, skiers and bears co-exist on and around the Appalachian and Long Trails in southern Vermont? Killington and Pico ski areas seem to think so; their expansion proposals include ski lifts and trails crossing the AT/LT, as well as ski facilities, a snowmaking pond and logging operations.

But many hiking and conservation groups aren’t so sure. And thanks to a special amendment written by Vermont Senator Patrick Leahy, that question will be investigated — through an Environmental Impact Statement. (See Vermont Perspective, V.E.R. Fall, 1989.)

“We’re anticipating the the EIS hearings will be scheduled very soon. VNRC will be involved, and we’re urging all interested citizens to participate,” says VNRC Southern Vermont Associate Director Seth Bongartz.

VNRC is active in a coalition of conservation groups, spearheaded by the Appalachian Trail Conference, that is working to ensure that all natural resource issues along the Coolidge Range are addressed.

In the meantime, Vermont Senator James Jeffords has been meeting with ski area, state and conservation group representatives to formulate a compromise solution to the myriad development issues. In a letter to Jeffords in February, the coalition of conservation groups outlined its positions on issues such as AT/LT protection, ski development, bear habitat, water quality and the Park Service EIS. The coalition suggested a formal mediation process which would be tied to the EIS.

“We appreciate Senator Jeffords’ efforts to date,” says Bongartz. “We are emphasizing that we seek a mediation process and the EIS. We are committed to having the cumulative effects addressed and ensuring an open public process.” SC/MM

Pipeline On Hold
Vermont Takes Jurisdiction

Vermont’s Public Service Board (PSB) has issued an order setting out schedules for developers of the proposed Champlain gas pipeline to propose licensing and review under state jurisdiction.

The pipeline, if built, would run the length of Vermont to deliver natural gas from Canada to Boston; little of the gas would be distributed in Vermont. The project is presently on hold, however, due to the collapse of the network of potential buyers and sellers of gas and to the acquisition of the project by Detroit-based ANR Pipeline Co. (See “Gas Pipeline Stalls,” V.E.R. Fall 1989.)

The developers are expected to challenge Vermont’s jurisdiction over the project. The company’s application to the Federal Energy Regulatory Commission — like the Vermont approval — is inactive. Public review and comment on the draft Environmental Impact Statement issued last fall is expected to continue when the project has buyers and sellers.

VNRC’s Board of Directors adopted a position statement in March 1989 recognizing the potential benefits of clean energy from natural gas, but emphasizing the need for replacement of “dirty” energy sources, and town planning and environmental review.

VNRC has been deeply involved in the state’s review of the project. “The PSB’s orders and decisions appear to meet our concerns regarding timing of the state’s review, and we agree with the PSB’s assertion of jurisdiction over the project,” said Ned Farquhar, VNRC Acting Director. “Now we will be interested in the substance of the project: whether it offers Vermont appropriate benefits and can help wean us from less desirable energy sources.”

Farquhar expects the project to stay on the shelf for six to twelve months before Vermonters see it again. SC/NF

Salmon Hole/Tamarack Resort
The Continuing Saga

More than a year after the backers of the Salmon Hole development asked for a recess from the original Act 250 proceedings for the 1,492-acre development, new hearings on a scaled-down version began in late January.

The original Salmon Hole luxury development proposal included a golf course and 481 condominiums. The scaled-down proposal, dubbed Tamarack Golf and Country Club, now calls for 180 units on the border of the towns of Stratton and Jamaica, with the possibility of a golf course being added sometime in the future. (See Vermont Perspective, V.E.R. Spring 1987.)

Because the project is situated outside of the existing growth/resort area — Stratton Mountain — the Windham County Regional Commission is concerned that the Tamarack proposal constitutes the kind of leapfrog development they have sought to avoid with their regional plan. Both VNRC and the Comission are concerned about the attendant sprawl, traffic and infrastructure demands that will accompany a new growth area.

A second issue of compelling proportions for VNRC is the fact that construction of the project requires the elimination of a high quality bear corridor and the disturbance of critical bear habitat. “The Tamarack principals have offered to help preserve a second corridor — one that is already largely protected by virtue of an agreement between Stratton Mountain, the Vermont Department of Fish and Wildlife and VNRC,” says VNRC Southern Vermont Associate Director Seth Bongartz. “Unfortunately, though, this just isn’t good enough. We should not be sacrificing any bear corridors, especially for second homes,” argues Bongartz.

The hearings are expected to run until June or July with a decision soon thereafter. SC/SB
ENHANCING OUR NATURAL WEALTH
Economic Commission Recommends Rural Support

There are two Vermons: one “affluent and healthy, with access to good education, decent housing, and the high satisfaction of living in a natural environment that is the envy of most Americans. The other Vermont is peopled by those who have missed the prosperity train; their economic circumstances are stagnant, their prospects are narrow...”

These are the findings of the Governor’s Commission on Vermont’s Economic Future, reported this winter after more than a year of study.

According to the report, entitled Pathways to Prosperity, the Commission seeks an economic strategy that will protect “a future landscape that today’s Vermonsters would recognize, and a standard of living that all of tomorrow’s Vermonsters will cherish.”

The report recommends protecting Act 250 as an integral part of the state’s economic strategy, as well as the implementation of Act 200, Vermont’s 1988 planning law. In response to recommendations by the Environmental Focus Group, chaired by VNRC Acting Director and Economic Commission member Ned Farquhar, the Commission recommends protecting natural resources and initiating new measures for agriculture and forestry.

The report also endorses rural economic planning, stating “The intention of this plan is to use the land and natural resources only at a rate that can be sustained and to create wealth through processes that preserve clean air, clean water, and bountiful wildlife.”

“The economic plan is a good first step,” Farquhar said, “toward stronger resource-based economic activity in Vermont.” SC/NF

BUY IT, PROTECT IT
Conservation Groups Call for Forest Acquisition, Greenlining

How do you protect 26 million acres of undeveloped forest land? The Northern Forest Lands Study released last fall has some ideas. But several conservation groups including VNRC want more action.

The year-long, congressionally funded study details land ownership and use changes which threaten northern forest areas of Vermont, New Hampshire, Maine and New York. (See Vermont Perspectives, V.E.R. Fall 1989.) The study also outlines conservation strategies.

Presenting testimony to the study group this winter, however, VNRC voiced concern that the study fails to recommend or even present a plan of action for applying the strategies.

In March, VNRC joined seven other environmental groups including the Adirondack Council, New Hampshire and Maine Audubon, Wilderness Society and Sierra Club, in calling for action on forest protection.

In a letter to the study committee, the groups called for a region-wide planning approach or “greenline” strategy to be incorporated into the report. The groups also called for the creation of a forest reserve in the area, with three specific recommendations: First, to establish a federal fund and a process for emergency land acquisition in the study area; second, to extend the study for one year to map critical areas, assess the area’s health and potential impact of forest management, and to create a strategy to preserve native biological diversity on a regional scale. And perhaps most importantly, Congress and the states should begin work immediately to put permanent land protection mechanisms into place such as reserves and conservation units.

“Greenlining and land acquisition are key protection strategies,” notes VNRC Acting Director Ned Farquhar. “But it is clear from our meetings with the New England congressional delegation that, even with their support, funding will be an uphill battle.” SC
A critical balance is struck between a bear’s miraculous physiology and its remote, sensitive habitat. And herein lies the rub.

VERMONT’S ELUSIVE BEARS

Nancy Bell

H oohoo - hoo hoo, hoo hoo - hoo haaww... At dawn, a barred owl is joined by peepers’ shrill calls, supernatural sounds proclaiming springtime in Vermont and greeting the black bear aroused from its den by lengthening days.

The black bear emerges, blinking, from the snug hollow under a blown-down spruce. She clears her nostrils to draw a breath that will communicate the state of the world... water near, poplar buds’ perfume, old skunk still lingering — safe.

She turns to go back in the den just as two cubs clamber out. Half running and falling down, one has the other’s ear firmly in its mouth and a front paw over the other’s shoulder, while the assailed is squealing and trying to pull away. The two complete the comedy act by barreling into the mother’s legs. She acknowledges them with grunts and nudges with her nose.

A remarkable transformation has begun today as this female black bear comes out of hibernation. Her body begins the change from not eating, drinking, urinating and defecating for five to six months,
to returning to full function. The bear will stay near the den and will eat very little for about two weeks, drinking occasionally and nursing the cubs.

The female turns again from the den and ambles into the woods. Shuffling dry leaves, she alternately noses the ground and sniffs the air. The inquisitive cubs follow, stopping, starting, bumping into one another. This first foray ends at the base of a large pine tree about a hundred yards from the den.

A mother bear will instinctively choose a large softwood tree, pine, spruce or hemlock, for a "day bed" tree. This easily climbed tree will afford protection for the cubs and provide the female with day care. She will send the cubs up the tree if she needs to leave, and will curl up at its base to sleep.

Cubs' climbing mechanisms are built in at birth. Their paws and claws are noticeably large for their size. Once out of the den, vulnerable to the forces of the world, their only defense is to go up a tree as fast as possible. This is an immediate response to a mother's warning woofs — two, in succession. The cubs will not come down unless vocally summoned, even if it means hours aloft.

These first few weeks, the female bear eats small amounts of roughage, hemlock needles, beechnuts and old grass, and drinks regularly from puddles and freshets nearby. The cubs take up their days courting, eating, sleeping and climbing.

Periodically the mother will sit back on her haunches to let the cubs nurse. The young ones voice their pleasure with an "ehn, ehn, ehn" sound which rises and falls in continuous rhythm with the rapidity of a woodpecker after grubs in a dead elm.

Female black bears nurture their cubs well and defend them vigorously. The cubs learn by example to forage for foods in the different seasons, to swim, and to escape to cover. Enemies are few for the bears; humans, their machines, dogs, and other bears pose the greatest threats.

Black bears are solitary animals that establish individual home ranges. A male's home territory may include 50-100 square miles and the female's 10-50 square miles. Bears are usually intolerant of each other. They do not overlap home ranges except when the males travel during breeding season or if there is a particularly important food source that can sustain a number of bears. The size of the home range is intimately dependent on remoteness, adequate cover and the seasonal availability of food.

In their natural, wild setting bears are extremely wary animals. They prefer seclusion, shun human presence and will avoid human intrusion such as development and roads. From impenetrable spruce-fir growth on mountain ridges to the heavy vegetation along streams and wetlands and thick undergrowth in timbered woods, cover provides bears with critical privacy and protection. In areas with good cover, a bear's need for remoteness is reduced, but where cover is not optimal, a greater degree of remoteness if required.

Seasonal food is the most important factor to the bear's reproductive success and survival rate. The routes that bears travel throughout the year — "bear corridors" — are the critical link to food sources, and are also key during breeding season and when young bears disperse to find their own home ranges. Bears' food and travel needs are best understood by looking at the bear through the seasons.

About two weeks after leaving the den, the female's biological processes have returned to normal. Although she is still living off her fat stores and will continue to do so into June, she will begin eating now as well.

At this time she and the cubs will travel to lower ground to seek out a wetland. Here, groundwater and a sunny location have encouraged early thawing and a fringe of green shoots emerges at its edges.

Wetlands provide some of the earliest spring food when little else of nutritional value is available. Roots, tender shoots of grasses and sedges, bulbs of various herbs and tree buds provide a diverse and abundant diet. Bears, though classified carnivores, are true omnivores and will supplement this diet with leftover nuts, evergreen needles and carrion.

A mother with cubs may have to travel long distances if spring food is scarce within her home range. This depletes her fat stores and may stress her body so much that she can no longer nurse; in turn, this can lead to the demise of the cubs. This is also true for sub-adult bears. The first year or two away from the mother are difficult and extensive food searches increase the likelihood of mortality.

This critical time extends to mid-July when many plants and "soft mast" — fruits and berries — become abundant. Shadberries, strawberries, raspberries, blueberries, blackberries, as well as various colonial insects, will be staples of a bear's diet throughout the summer.

June through July is breeding season. If they are of sufficient size and health, bears of both sexes mature at three to five years old in Vermont. Optimally, females breed every two years (that is, a female with first-year cubs will not breed, waiting until the next year when her cubs have left her). Males will travel out of their usual home ranges and may breed with more than one female.

In August, a female bear that has cubs will stop nursing, but continue to forage with them, introducing them to new food sources as the year progresses. As fall approaches, chokecherries and apples become available, but the bears will need to locate a concentrated food source prior to denning.

In southern New England this fall food is generally "hard mast" — nuts, such as acorns, hazelnuts
and — key in Vermont — beechnuts. It is before nuts ripen and fall off the trees that a hungry bear might create the classic “bear nests” — having climbed a nut-bearing tree, a bear will gather the top branches toward itself and strip them, leaving behind the broken tangle and claw marks that shows us that a bear has been through.

From August until November denning time, bears will consume massive amounts of hard mast to build up their fat reserves for hibernation. Just prior to denning the bears will go into what is termed a “feeding frenzy” and eat round the clock for several days.

A look at bears’ system of reproduction reveals their remarkable biological efficiency but extreme food-dependency. Once the female is bred, the fertilized eggs will divide a few times then suspend development. The embryonic “blastocysts” remain suspended from June or July until the animal is ready to den in November. If the female has gained enough weight during the fall feeding period, the blastocysts will implant in the uterus and gestation will begin.

If her fat stores are not great enough to support her and cubs, there will be no implantation or, if it has occurred, her body will absorb the fetuses. This enhances her chances of survival — but significantly reduces reproduction rates.

If fall food is scarce, bears den early to conserve energy. If abundant, they may be found feeding into December. The den chosen may be a protected hollow under a fallen log or in a hollow tree, an excavated cave or pile of brush. Any of these will be lined with leaves, bark or litter as insulation.

Normally bears will enter their dens after a week or two of inactivity. As they curl up and begin their sleep, their respiration slows, the heart rate drops to half of its 60-90 beats per minute and their oxygen consumption is reduced. Unlike some hibernators, however, the bear’s body temperature remains close to its normal of 99° - 100°, they maintain full mental function and move quickly into action if provoked.

For the next 5-6 months they live solely off their fat. The pregnant females which have begun gestation will give birth to 2-4 cubs in mid-January to early February and nurse them with intensely nutritious milk. Although scientists cannot explain it, hibernating bears’ muscles do not atrophy and their bones remain intact and healthy, unlike humans and other mammals whose muscles and skeletal structure would deteriorate under similar conditions.

A critical balance is struck between this bruin of miraculous physiology and its remote, sensitive habitat. And herein lies the rub.

The bear is at the top of the food chain and hierarchy of habitat requirements in the Northeast. Bears need the largest parcels of land, with the most diversified components. Meanwhile, myriad mammals, birds, reptiles and amphibians co-exist compatibly within this same habitat.

The dependency of a bear’s reproduction and survival rate on its habitat makes it very sensitive to changes in that habitat. This is the premise that spawned the term “indicator species” among biologists — an animal that is so sensitive to an environmental parameter that an alteration to that parameter causes biological or behavioral changes. Bear is an indicator species for Vermont wildlife habitat.

Settlement patterns, development infrastructure and agriculture place bears’ home range into the higher elevations of the Green Mountain spine and the expansive wild lands of the Northeast Kingdom. These wild areas are, however, being reduced by development. It is harshly evident that the loss of one significant component of habitat could dramatically decrease the population of an entire area.

The study of Vermont’s elusive black bear remains an inexact science, and measurement is difficult. It is clear, however, that Vermont’s critical bear habitat is increasingly threatened. Bears are a part of our heritage. They could quickly become a memory.

Hepaticas still carpet the forest floor high on this mountain. The small cub, chased by her brother in a moment of serendipity, impulsively grabs a mouthful of flowers. Not caring for them she shakes her head and spews pink and white blossoms. Real life teddies, an apparition in the wild.

The mother bear is in fine fettle and is heading over the ridge to a sure meal of shadapples at an ancient grown-over farm. The familiar abundance tickles her instincts.

As she crests the hill, she stops and snorts. The familiar sweet smell is carried on the breeze along with the grinding, grating sound of a bulldozer blade in the earth.

Nancy Bell, an environmental educator, is the Executive Director of the Shrewsbury Land Trust and Director of Friends of Parker’s Gore; she is active in the fight to protect bear habitat in Vermont.
# HOUSE OF REPRESENTATIVES

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<th>BENNINGTON</th>
<th>CALEDONIA/ ESSEX</th>
<th>CHITTENDEN</th>
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<th>LAMOILLE</th>
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<td>Julia; Gail; Bel; Bel</td>
<td>1st People; Bel; Bel</td>
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*Did not vote on S.336.*
*Did not vote on H.896.*
*Did not vote on H.648.*
*Did not vote on S.378.*
*Did not vote on H.778.*
DIFFERENT TRACKS: Two Stories of Bears and Development

Rob Woolmington

In Vermont, many issues of environmental and land use law are first tested near ski resorts. Driven by a tax code that smiles on real-estate investment, developers have sited condominium clusters by the score in some of Vermont's most fragile natural environments.

Once-forested basins now are bathed in sprayed effluent; mountain hollows that once saw humans only during hunting season now host visitors from afar every weekend; once wild brooks trickle dry while their flow is pumped through snow "guns" so the ski runs will be groomed to granular perfection.

Litigation brought by conservation groups and others has challenged those development plans that imperil natural systems in "ski country." Vermont's water law, in particular, has changed in the past five years as a result of cases focused on ski-area development.

During this same period there has been intense conflict over the destruction of wildlife habitat near ski areas. Residential units in a hollow here, on a ridge there, have gradually fragmented the woodland habitat near the major ski mountains. The deer and the bear have been evicted to make way for the condominium dwellers and ski visitors.

Vermont's land use and development law, Act 250, protects necessary wildlife habitat under three circumstances. A project that would destroy necessary habitat cannot be constructed if an alternative site is available, or if all feasible and reasonable mitigation has not been applied, or if the public costs of the project outweigh the public benefits. (10 V.S.A. Sec. 6086(a) (8) (A).)

Act 250 has been law for twenty years, and its provisions for protection of wildlife habitat are among the strongest anywhere. Yet only in the past five years have these protections been thoroughly tested. Why?

Habitat destruction tends to be cumulative. A development might only affect eight acres of spruce-fir cover in a 250-acre wintering "yard" for deer. It is hard for district environmental commissions to say "no" when only three percent of a resource is affected. Field evidence that documents how a particular population of wildlife relies on its habitat is all too often scanty and inconclusive. Having limited resources, state biologists have tended to negotiate generic mitigation plans rather than to study a proposed development site intensively.

But the law languishes no longer. In December 1989, the Vermont Supreme Court affirmed with verve the decision of Vermont's Environmental Board to deny a permit for a condominium project that would have destroyed a portion of a deer habitat. (See "A Victory for Deer, A Challenge for Planning," V.E.R. Summer 1987.)

Now two separate cases involving necessary bear habitat — both of which VNRC has played an active role in — are approaching resolution. The two could not have followed more different paths.

In 1986, the Killington ski area applied for a land use permit to construct a snowmaking pond in a remote section of Mendon known as Parker's Gore East. The state's wildlife field staff notified Killington...
ton that there were no significant wildlife issues, and Killington negotiated a routine agreement relating to fishing access for the public. A second permit application was also filed to log Killington’s land in Parker’s Gore East.

As the Act 250 hearings progressed, evidence gradually showed that the state’s initial review was widely in error. The frequency of bear-scared beech in Parker’s Gore East was remarkable, and other circumstantial evidence suggested that the area was a critical source of food for bears.

Killington denied that there was any significant field evidence of bear use in the area and argued that any evidence that did turn up was old. Then, it argued that even any current bear use was occasional, and that the habitat was better elsewhere. Killington hired its own expert who initially concluded that one bear might enter the area every four years.

Meanwhile other experts, hired by the state and by opponents including VNRC, testified that the area was one of the most productive bear habitats in the state, and that its preservation was critical to the survival of bears in the vicinity. A casual listener at the hearings might have concluded that the two sets of experts had visited completely different areas.

The Environmental Board finally was able to choose between the two sets of experts after an impromptu site visit. The Board simply scratched the day’s hearing schedule, gathered members’ boots from their cars and headed into the woods. The inspection showed incontrovertible evidence of intensive, current bear use. The hearings, in their fourth year, are now focused on the question of whether alternative sites can be developed for the snowmaking pond, and whether mitigation plans can adequately prevent the destruction.

Because Killington consistently has denied that the area is important for bears, there has been little chance of negotiating any sort of agreement to protect the bears. And when critical fall food is at issue, there may simply be no middle ground that opponents and the developer can comfortably share. The bear habitat in Parker’s Gore East combines thick softwood cover, concentrated food sources and the quality of “remoteness”; it is superb and irreplaceable bear country.

The bears’ fate, finally, awaits the end of a legal war of attrition, fought by field biologists using circumstantial evidence. No one yet at a hearing has claimed to have seen a bear in Parker’s Gore East.

If the Killington case has resembled a feudal campaign of arms on the continent, the bear case at Stratton Corporation has been conducted at diplomatic tables.

Stratton seeks to develop residential units in a new area it calls the “Sun Bowl,” north of Kidder Brook. The project as originally proposed appeared to threaten a “travel corridor” for bears — a remote, secure area where bears could move from the high ridges to feeding areas in the town of Jamaica.

As at Killington, the field evidence is circumstantial and scanty. A through scientific review could take years, and then major questions would almost certainly remain unanswered. A radio collar might tell a scientist where the bear is travelling, but it will not tell where the bear would have gone if development were one-quarter mile closer.

Stratton elected to meet regularly with VNRC and state biologists, to find a way to protect the travel corridor without scratching the entire development. After months of scientific research, legal review and negotiation, a memorandum of understanding was signed this March.

The memorandum protects the corridor on Stratton’s land, and Stratton has committed to acquiring the necessary property rights to extend protection of the corridor on either side of its holdings. Because of critical bear habitat issues identified by VNRC and the state, the development is now scaled back in a manner tailored to the needs of the bears. Additionally, Stratton will help fund a comprehensive study of the area’s bear population.

The project still must be approved under Act 250, and it may face problems there on other issues. But it is possible that Stratton’s project will be under construction before the Killington case has finished its almost-certain appeal to Vermont’s Supreme Court.

At Killington, the state proved it could say no; at Stratton, a major developer demonstrated how to say yes. The question of which course is appropriate in a given case will continue to be complicated by scientific uncertainties. But all parties will make those decisions with the knowledge that Act 250’s protections for wildlife habitat have teeth.

Rob Wootington, a Bennington lawyer, is counsel for VNRC and the Town of Shrewsbury in the Killington bear hearings.
WHO CARES ABOUT BEARS?
The Feds, the State... and the People

Susan Clark

"Vermont's bear population has certainly shown fluctuations over the last two decades. Our data tells us Vermont has a strong, reproductively viable population at the moment," says Charles Willey. "But given habitat issues — I'm concerned about the future."

Willey has the facts to back up his concern. The Black Bear Project Leader for the Vermont Department of Fish and Wildlife, Willey has been studying the state's bear population for 22 years.

"There are a lot more unknowns with bear than with, say, deer. It takes a much closer type of management," explains Willey. "If you make a mistake with deer, the population can recover; but with bears' low reproductive rate and population — it's a different story."

The state's study, based primarily on data gathered thanks to hunter cooperation, examines bear age and sex ratios, productivity, and bear range as it relates to geography and physiography. But it doesn't take a scientist to know that the wild lands that bears count on in Vermont are disappearing.

Last fall, in an effort to inform and involve the public in emerging bear management issues, Fish and Wildlife called for citizen input on their proposed 1990-1995 Black Bear Management Plan. Public forums involved hundreds of Vermonters, including sportspeople, loggers, conservationists and others. And the people spoke for the bears.

"By far the most frequent concerns were about habitat protection and acquisition," according the the Final Draft Plan. "People were concerned about not only saving and protecting critical wildlife habitat but in acquiring additional state lands to ensure some protection. They considered the bear ... a resource for all Vermonters and one that should be protected for present and future generations."

Incorporating public input, the Department made a series of recommendations in its Final Draft this spring. First on the list: "Increase Vermont's bear population to a level of at least 2500 animals and weigh impacts of growth to 2750 level." Although certain hunting issues are also addressed, Willey notes that "hunting is not the problem — we can control that. Habitat is the real concern." The report recommends implementing a habitat acquisition program for state lands, exploring legislation to regulate logging in Act 250-identified "necessary wildlife habitat," and encouraging bear habitat protection within the Act 200 planning process.

The state is not alone in bear protection work. The Green Mountain National Forest system (GMNF) encompasses some 334,000 acres, making it the largest single public land holder in Vermont. Although managed for many uses, 70-90% of the GMNF is considered suitable bear habitat.

"Our wildlife mission is to manage habitat," explains GMNF District Ranger Michael Schrotz. "With bear, this means we watch out for bear nests and bear-clawed beech trees; by managing for these and other food-bearing trees, we enhance bear habitat — and other wildlife benefits as a result."

GMNF and the Vermont Department of Fish and Wildlife are, along with VNRC, partners in the study agreement made with Stratton Corporation this March (see previous article). As public servants, they are clearly listening to the public's concerns.

"We've seen tremendous support for bears from Vermonters," says Willey. "Vermonters see bears as an important part of their culture, of wild areas — and of what Vermont really stands for."

After collecting a cub's vital statistics, a bear researcher sprays the cub with cedar oil to mask any human scent.
MISS Alice is 102 years old, and along with her daughter is a shareholder in a Community Supported Agricultural project in East Corinth. This spring they will start to receive fresh vegetables — a weekly share of the harvest from the neighboring farm managed by Mary Magan.

“We started at our house in East Corinth and went out from there, talking to our neighbors — that’s how Miss Alice heard about our farm,” explains Mary Magan. “People are very interested in organic produce, and in the fact that we’re saving this farm and putting it to good use.”

“It goes back to the idea of the traditional Vermont village where you went to the village blacksmith, barrelmaker, harnessmaker and storekeeper for your goods — and now you can go to the farmer to get your vegetables. Our tradition is so agricultural and this land is so fertile, community supported agriculture will be able to grow here,” says Magan.

Community Supported Agriculture is a simple approach to food production based on ecological principles. A person or “shareholder” buys shares of a farm’s production costs, and in return receives a share of the harvest each week.

Along with Magan, three other farming partnerships in Vermont are breaking new ground this spring to begin Community Supported Agriculture (CSA) projects on their farms. As Plainfield farmer Les Snow remarked, “The seed is planted — and we want to make it grow.”

CSA has been growing at a rapid rate since its introduction to the U.S. four years ago. CSA projects have existed in western Europe and Japan for more than 25 years, and the first CSA farm in the United States began in South Egremont, Massachusetts, based on a farmworker’s experience on a Swiss CSA farm. Members produced a video to help spread the concept across the country. There are now fifty or more CSA projects from California to Maine. In Vermont, farms are starting up CSA projects in urban Burlington and rural Cabot, Marshfield and East Corinth — and others are in the works.

No two CSA projects are alike. There are some strong unifying themes, however: CSA projects all share the common goal of providing a group of people with fresh, in-season, organic produce for as much of the year as possible, and providing the farmer a fair wage relative to the knowledge and responsibilities needed to manage a farm. Other important aspects of CSA projects are a strong commitment to sustainable agriculture, appreciation of seasonal changes on the farm, and the development of similar projects which help to create a regional food supply and a vital rural economy.
Expanding a CSA project to involve other farmers seems to be part of its natural evolution. A CSA project in the Temple-Wilton area of New Hampshire already involves three different vegetable growers. Mary Magan imagines small fruit growers, orchardists and meat and dairy farmers working together to supply the needs of a community. Paul Zabriske of Gardener’s Supply Company, a mail order company which is helping to launch a CSA project on a farm in Burlington’s intervale, envisions similar projects in the surrounding towns of Winookski, South Burlington and Colchester. “Right now our motivation is to put the farm back into the community and to have the community aware of the resource they have,” says Zabriske.

Other CSA farms such as Blue Flag Farm in Cabot and SnowBaker Farm in Marshfield would like to expand and diversify their own farms. Les Snow of SnowBaker Farm notes, “I’d like to see about 100 physically close households getting a majority of their food off this land. That would mean diversifying not only the variety of foods but also extending the season even more by naturally preserving and processing.” Says Snow, “I’d like to keep it direct and local, but also create a diversified farm with low input and little or no waste. CSA farms can reverse the trend toward more and more specialization.”

“We have a rather limited vegetable growing season here in Vermont, but we plan to make the most of it,” says Mary Ann Tormey of Blue Flag Farm. Tormey and her partners have many years of experience growing organic produce in Vermont’s fickle climate, usually for Boston and other New England markets. “We’ll make successive plantings of crops like lettuce and broccoli, and use the greenhouse and protective row covers to extend the season. We’ll also use root cellars for as many different vegetables as possible, to allow fall and winter consumption,” explains Tormey.

Although share sizes vary among CSAs, one share is usually enough food for two people or five to seven pounds of produce a week. The cost of a share is determined by dividing the budget costs by the number of shareholders.

According to Les Snow, a detailed price comparison with a local supermarket chain shows that his shareholders will pay considerably less than the current market prices for organic produce; in fact, his vegetables will be priced competitively with non-organic produce.

“Comparing the price of a non-organic supermarket tomato with the price of a tomato that is from a CSA farm is difficult,” Snow adds. “You still have to consider the indirect costs you are paying when you buy a supermarket tomato: the societal costs of transporting the tomato thousands of miles, cleaning up the hazardous waste created by the agricultural chemical companies, fighting erosion caused by chemical-based farming, and paying for lower health of the general public and farmworkers.” Notes Snow, “These costs are a huge unknown, but it is clear you are paying more than the sticker price when you get to the cash register.”

Many CSAs are organized as non-profit cooperatives, while others are loosely organized and run by a board or core group of interested individuals. Decisions are always made by consensus, and all shareholders are encouraged to attend meetings. Many CSAs have devised methods to lower the cost for low-income shareholders, and must have payment plans as long as production costs are covered when or before they occur.

“One group of farmers, consumers and interested community members has evolved, decisions can be made to promote the project, develop a budget and plan the growing season and delivery route,” explains Blue Flag Farm’s Tormey. “There is room for lots of involvement — from developing a newsletter or organizing a harvest festival to providing an extra pair of hands on harvest days.”

While all four Vermont CSA projects are still in their infancy, participation is growing as the word spreads of their existence. Active core groups are forming, and farmers report a high level of excitement among the participants.

“We hope that CSA farms will create a bond or link between people, so that these people will have a connection to each other and to the land,” say Magan. “We want to get people walking on the land again.”

“It’s personal enthusiasm that makes the difference at this point,” agrees Zabriske. “And it is exciting, because in Community Supported Agriculture, well, everybody is breaking new ground.”

**Vermont CSA farms include:**
- **Taplin Hill Farm** Wells and Kathy Smith and Mary Magan, PO Box 265, East Corinth, VT 05040, (802) 439-5308
- **Blue Flag Farm** RD 1 Box 1042, Marshfield, VT 05658, (802) 563-2374
- **Intervale Farm** c/o Gardener’s Supply, 128 Intervale Rd., Burlington, VT 05401 (802) 863-1700
- **SnowBaker Farm** RR 1 Box 880, Plainfield, VT 05667, (802) 426-3877

**Resources available:** The newly updated CSA Handbook with budgets, job descriptions, community outreach tactics, a directory, and more; $10.00; and: *It’s Not Just About Vegetables*, a video about the first CSA farm in the United States, with interviews and specifics on farm logistics; $30.00 ppd. Both available from: Robin Van En, Indian Line Farm, RR 3 Box 85, Great Barrington MA, 01230 (413) 528-4374.

Vicky Palmer is a farmer and partner in Blue Flag Farm, Cabot.

“Our tradition is so agricultural and this land is so fertile, community supported agriculture will be able to grow here.”

Mary Magan, Taplin Hill Farm
GLOBAL WARMING AND THE GREENHOUSE EFFECT

Vermonters Make A Difference

Jude Whalen

In the last century, the five warmest years occurred during the 1980s; in fact, 1987 and 1988 were the warmest on record. It appears, as James Hansen, Director of Goddard Institute for Space Studies, testified before the U.S. Senate, "Global warming has begun.

Although scientists are still arguing about the rate and extent of global warming damage, we're all familiar with the dire predictions of melting polar ice caps and changes in weather patterns. And Vermonters need look no farther than the nearest plot of forestland for the potential effects of global warming here. Vermont sugarmaker Dave Marvin notes that in recent years, Vermont has experienced a severe downturn in sugar production due to weather conditions. "If the climate changes radically, we can pick up and move out of the way. But maple trees take 100 years to adapt," says Marvin.

While global warming will clearly have an effect on Vermont, Vermonters can also have an effect on global warming. In fact, by setting a good example, we already have, according to Rafe Pomerance.

Pomerance, senior policy analyst with the World Resources Institute in Washington, D.C. and former President of Friends of the Earth, made this point addressing the VNRC/Vermont Law School conference on global warming this winter. Pomerance noted that at an international conference in Washington, Vermont was listed first in the world among areas that were taking action on global warming.

"The small government can lead the way," said Pomerance, noting that fellow conservationists were inspired by the Vermont law passed last year banning the use of ozone-depleting chemicals in auto air conditioners.

In contrast, VNRC Acting Director Ned Farquhar notes that "legislative action on Vermont's clean air bill this year (S. 336) was disappointing. Our leaders are not ready to take the air issue on now. So we each need to take personal action to ease global warming."

A quick look at the science of global warming shows where the "greenhouse effect" got its name. The translucent vaporuous blanket that surrounds the earth creates perfect conditions for sustaining life. Without this gaseous blanket, in fact, most of the planet would be frozen. Light from the sun passes through the blanket to the Earth's surface. When it is reflected upward, the gases and clouds trap heat, much like a greenhouse.

Problems arise, however, when fossil fuels — coal, oil and gas — are burned. They emit carbon dioxide, nitrous oxide and tropospheric ozone into the atmosphere, increasing the "blanket's" warming effect. Other "greenhouse gases" — methane (a by-product of decomposing organic material) and chlorofluorocarbons (CFCs, used as a cooling agent and in some aerosols) add to the problem. And due to deforestation and ocean pollution, the natural filters of carbon dioxide — trees and ocean plankton — can't meet the challenge.

According to the 1988 Blueprint for the Environment report published by a coalition of national conservation groups, "The National Academy of Sciences estimates the potential increase in global temperature over the next 50 to 100 years to be between 2.7 and 8.1 degrees Fahrenheit. At the low end of this range, the increase would bring global average temperatures to a level not known in 6,000 years. At the high end, we would have to adjust, in less than a century, to average temperatures not seen since the age of the dinosaurs."

Global warming is a global problem, and it is clear enough that many factors combine to create it. Clearer still, however, is that it will take a combination of many small efforts to solve it. Vermonters can lead the way.

Jude Whalen is an educator living in Montpelier.
A Dozen Simple Things Vermonters Can Do
We Can Stop Global Warming

The following suggestions are excerpted with permission from 50 Simple Things You Can Do To Save the Earth. See below for ordering information.

**Save Gas** Keep your car tuned up, don’t let your car idle unnecessarily, keep fuel filters clean, and don’t travel with unnecessary weight in your car. Autos and light trucks emit 20% of this country’s fossil fuel carbon dioxide.

**Tanks, But No Tanks** For every 10° you turn down your water heater, you save 6% of the energy used. Turn down your water heater to 130° — hot enough to kill bacteria and still save energy.

**Tune Up the Heat** Get a furnace tune-up. According to Worldwatch, home heating is responsible for spewing 350 million tons of carbon into the atmosphere every year — which means over a billion tons of the most prevalent greenhouse gas, CO₂.

**Light Right** Substituting a compact fluorescent light for a traditional bulb will keep a half-ton of CO₂ out of the atmosphere over the life of the bulb.

**Time to Re-Tire?** Maintain your car’s tires properly. Underinflation can waste up to 5% of a car’s fuel by increasing “rolling resistance.” How much gas could [the U.S.] save with this simple step? Up to 2 billion gallons a year.

**Reuse Old News** Making new paper from “old” paper uses 30% to 55% less energy than making paper from trees, and it reduces related air pollution by 95%.

**Recycle Glass** The energy saved from recycling one glass bottle will light a 100-watt bulb for four hours.

**Attention Shoppers!** Paper or plastic? Think twice before taking any bag if your purchase is small. Even better, bring a cloth bag when you shop.

**Plant A Tree** It’s estimated that each mature tree consumes, on average, about 13 lbs. of CO₂ per year.

“Precycling” is a wonderful term for something we can all practice: Reduce waste before you buy. If 10% of all Americans purchased products with less plastic packaging just 10% of the time, we could eliminate some 144 million pounds of plastic from our landfills, reduce industrial pollution, and send a message to manufacturers that we’re serious about alternatives.

**Carpool To Work** If each commuter car carried just one more person, we’d save 600,000 gallons of gasoline a day and would prevent 12 million pounds of carbon dioxide from polluting the atmosphere.

**Stop Junk Mail** If you saved up all the unwanted paper you’ll receive in the mail this year, you’d have the equivalent of 1-1/2 trees. Write to: Mail Preference Service, Direct Marketing Association, 11 West 42nd St., PO Box 3861, New York, NY 10163-3861. They’ll stop your name from being sold to most large mailing list companies.

50 Simple Things You Can Do To Save the Earth is available from your local bookstore or Earthworks Press, Box 25, 1400 Shattuck Avenue, Berkeley, CA 94709, (415) 841-5866. In addition to thirty-eight more things you can do, the book features plenty more information and suggestions. Co-author John Javna is a former Montpelier resident.

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SHARING THE SPIRIT
Local Support for Environmental Action

Sylvia Plumb

"The conference made you realize that you're not one of a few advocates in the state who care for responsible growth — in fact, you are a part of a shining majority," said June Rosenberg. A Montgomery Center resident and member of Trout River Citizens for Responsible Growth, Rosenberg attended "Citizen Involvement: Share the Spirit," a conference sponsored by VNRC this February.

This day-long conference was organized by VNRC's Action Center at the urging of members of local environmental groups around Vermont. The groups, many of which make "Citizens for Responsible Growth" (CRG) part of their name, wanted to meet with other local conservation organizations to share experiences and resources. "VNRC seemed like the appropriate group to put the conference together," notes VNRC's Peg Elmer, "because our Action Center helped many of the groups to form and continues to provide support and resources."

Workshop topics included Act 200 planning, the pros and cons of organizing formally as a citizen's group, creative development techniques, local and state regulatory review, and more. Several workshops covered new VNRC materials (described elsewhere in this issue) such as "The Tax Base and the Tax Bill" and "Citizens' Act 250 File."

For many participants, the highlight of the day was the presentation made by the Williston CRG, the first and original CRG in the state. The Williston group, which is fighting the massive Pyramid/Maple Tree Place mall proposal, combines their dedicated education and organizing work with a great deal of playfulness; the group presented its rock video Back to the Pyramids and showed their creative and successful advertisements.

"By hearing other's concerns I was able to see that developers use the same approach and language," says Rosenberg. "They throw in extras and perks, to try to keep you from realizing that they just want to build and sell a whole lot of houses. Listening to others helps clear the emotions away. You see it not as 'It impacts me and I don't like it' but as, 'It will impact my town's schools and other services.'"

Many participants voiced a strong interest in continuing networking workshops at both local and regional levels. "I think a lot of the time we end up being accused of protecting our own backyard," says Lisa Barrett of Huntington, who fought the Sher-Williston Citizens for Responsible Growth combines community organizing with fun at their town's Fourth of July parade.

man Hollow development. "One of the things the conference did was to enable us to see that it's really important for each group to protect the microcosm that they know best — because in the end, that is how the Earth will be protected."

VNRC's Elmer notes that in addition to growth management issues, VNRC is supporting citizen participation in rivers protection, transportation issues, and many other environmental areas. "We're really delighted to support citizens who take their local conservation issues to heart, and we'll certainly be continuing to offer our help to organizing groups," Elmer said.

"It was especially nice to see groups just beginning to organize," notes Marcy Harding of the Richmond CRG. "Hopefully they left knowing that by working together, they can make a difference. I would certainly like to see another conference — I'd like to see five times the number of people. I know that more people will benefit from it."

This new "Citizen Action" page is part of VNRC's ongoing effort to support grassroots conservation activities. Future issues will profile local conservation efforts, and offer tips for citizens working to protect their part of Vermont.

Sylvia Plumb is Information and Education Assistant at VNRC.
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VERMONT’S ENVIRONMENT LOSES A FRIEND
Joy Green Will Be Missed

Vermont’s environment lost a dedicated advocate and VNRC lost a long-time friend with the death of Joy Green. Joy died this March after a lengthy battle with cancer.

Joy served on VNRC’s Board of Directors since 1986. A long-time Dorset resident, Joy was the driving force behind the formation of VNRC’s Southern Vermont Office.

“Joy had watched too much development change her home town, and she really wanted to see a strong environmental presence in southern Vermont,” recalls former VNRC Executive Director R. Montgomery Fischer. “She just kept pushing our Board and staff to make the Southern Vermont Office a reality — she’s what made it come to life.

“Somehow Joy always managed to combine her staunch support for the environment with a loving, light touch. Her sense of caring came through in all of her work — and touched a lot of people,” Fischer says. “I know that her husband Bob and her family will continue the conservation efforts she dedicated so much of her energy to.”

A former preschool teacher, Joy brought her life-long interest in nature to her involvement with many Vermont environmental issues. In addition to her work with VNRC and her membership in several other organizations, she served on the Board of the Merck Forest Foundation for many years.

“Joy was dear friend and a steady, reliable advisor — she was there for us every time we needed her,” says VNRC Southern Vermont Associate Director Seth Bongartz. “Those qualities will be very, very difficult to replace.” SC

NEW... AND RENEWING!

VNRC’s membership grew 40% in 1989, thanks to a terrific renewal rate along with 850 new members who joined the ranks. Thank you!

This year, instead of a January renewal system, members will be asked to renew in either January, April or July, depending on which is closer to the time you joined. We hope we’re improving the system, and we welcome your feedback.

Our thanks to the many members who are answering our request for ten names of friends who might be interested in VNRC. We hope you are enjoying your VNRC mug, and we’ve already recruited dozens of new members. We also continue to trade names with selected environmental groups; please let us know if you do not want your name swapped. DC
VNRC MAKES ACT 250
A WHOLE LOT EASIER
And Shoreline Protection, Too

Nobody ever said that filing for party status and presenting evidence in Act 250 cases was going to be fun. But the citizen’s role in Vermont’s land use law is critical to its success — and VNRC wants to make sure that no one is scared away for want of information or experience.

VNRC’s new “Citizens’ Act 250 File” is a portable file box of information on how to be involved in the Act 250 process. Prepared through VNRC’s Manchester office by legal intern Betsy Buckley, file materials explain which projects need an Act 250 permit, how to gain party status, how to file a motion, and how to present evidence on each of Act 250’s ten criteria. And importantly, the files include actual sample submittals for the many types of documents Act 250 may demand.

The “Citizen’s Act 250 File” will be available for use in both VNRC’s Montpelier and Manchester offices.

Meanwhile, help in protecting your town’s rivers and riparian wetlands is now available. VNRC has developed “Model River Protection Regulations for Vermont Rivers and Streams,” to help maintain and enhance water quality by controlling land uses and environmental disturbances.

Written in consultation with Elizabeth Sahr and with advisement from the State Water Quality Division, the model shoreline ordinance includes language that can easily be modified to become part of any municipality’s zoning bylaw. According to VNRC Southern Vermont Research Coordinator Marcy Mahr, examples of where the model ordinance can be helpful include protecting natural vegetation in order to control overland run-off, and decreasing the amount of nutrients and pathogens that may migrate from septic system leach fields.

The model ordinance is available from VNRC at a cost of $2.50 (VNRC members) or $5.00 (non-members), plus $1.00 for postage. SC/MM

NWF PLANS
RESOURCE CENTER

A new environmental resource center for New England is on the drawing board, according to R. Montgomery Fischer. Fischer, former VNRC Executive Director, has taken on a new position as National Wildlife Federation New England Regional Executive. He notes that NWF currently runs seven similar centers around the country focusing on a variety of environmental issues. Fischer is currently working out of Montpelier but plans to set up the center elsewhere in Vermont or New England. In addition to the resource center, Fischer is assisting affiliates, and teaching NWF members lobbying techniques. VNRC is the Vermont affiliate of NWF. SC

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June 2
VNRCC joins the Vermont Audubon Council, Keewaydin Foundation and the Addison Regional Planning Commission in sponsoring Wetlands: Decision-Making at the Local Level. This one-day workshop at Keewaydin in Salisbury is designed for local officials and other concerned citizens, and will include background presentations on wetlands law and regulations, as well as field trips to demonstrate wetland functions. An optional dinner and evening field investigation will follow. For registration and fee information, contact Abbott Fenn, (802) 545-2538.

June 24-30
Sterling College in Craftsbury will offer the third annual Wildbranch Writing Workshop: classes, lectures, discussions and readings on outdoor writing. For professional and non-professional writers. Tuition and room/board, $700; enrollment deadline May 15. For more information contact David Brown, Sterling College, Craftsbury Common VT 05827, (802) 556-7711 or toll-free 800-648-3591.

June 30
Bluebirds Across Vermont, a project of the Vermont Audubon Council, will present an all-day Bluebird Festival at Norwich University in Northfield. The festival will feature workshops and demonstrations on bluebirds and other cavity nesters, even including bats. For registration fee and other information call (802) 496-3367.

August 4-10
The National Wildlife Federation's Green Mountain Summit will draw adults and families from across Vermont and the country to the University of Vermont, to explore Vermont's natural history through field trips and classes. Classes range from wildlife ecology and environmental issues to all-day nature hikes and outdoor photography. For rates and other information contact Steve Law, NWF, (703) 790-4368.

August 16-19
The Institute for Community Economics will present the Third National Community Land Trust Conference. This year, to highlight Vermont's key achievements in trust work, the conference will be held in Burlington. Focusing on affordable housing, workshops will be for experienced activists as well as training for start-up CLTs. For more information contact ICE, 151 Montague City Rd., Greenfield MA 01301, (413) 774-7956.

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Two cases involving the Lake Champlain Burlington waterfront are revealing the strength of the public trust doctrine. See page 6.

**Williston's Citizens for Responsible Growth** was just one of the many grassroots groups attending VNRC's Citizen Involvement forum. See page 23.

VNRC is assisting citizens' groups in targeting the Battenkill and several other southern Vermont rivers for upgrading and protection. See page 7.

Stratton ski area will protect critical bear habitat thanks to an agreement with VNRC and the State. See page 15.

The outcome of environmental bills considered this legislative session in Montpelier is outlined in this issue's special insert, the 1990 Legislative Report.

East Corinth is the home of one of the several Vermont farms that will supply shareholders with fresh organic produce through Community Supported Agriculture. See page 18.

Killington ski area's trail expansion plans are still the center of controversy for Appalachian Trail hikers. See page 10.

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**VERMONT Environmental Report**

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