

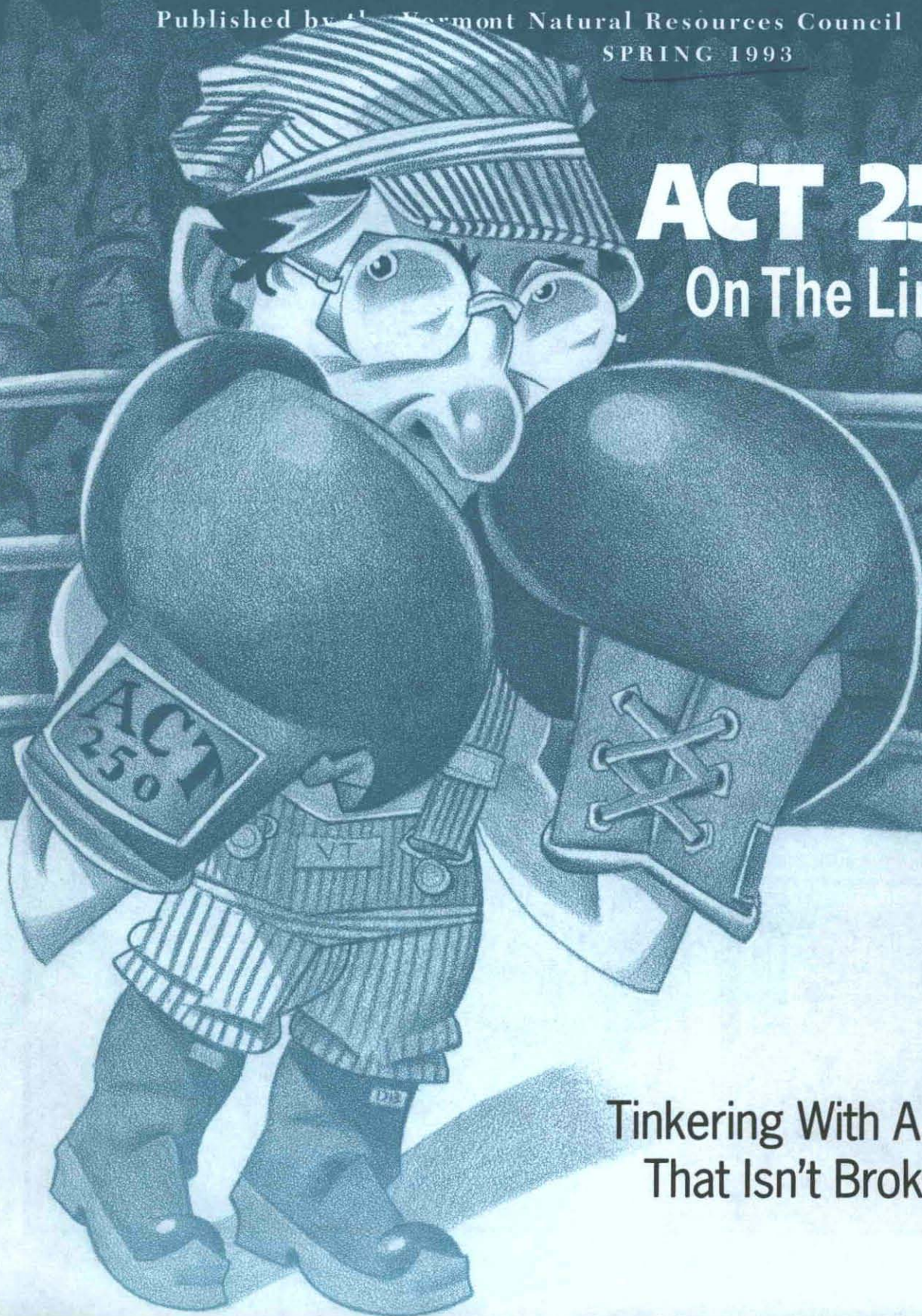
VERMONT

Environmental Report

Published by the Vermont Natural Resources Council
SPRING 1993

ACT 250 On The Line

Tinkering With A Law
That Isn't Broken



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VERMONT

Environmental Report



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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 land use, forestry, agriculture, water, energy, wastes, and growth management.

VNRC is the Vermont affiliate of the National Wildlife Federation.

Published by the Vermont Natural Resources Council
Spring 1993

ACT 250

Act 250 On The Line

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Tinkering With A Law That Isn't Broken

A coalition of business and landowner groups has mounted a major lobbying effort to convince Vermont legislators to weaken Act 250. The effort is misplaced: Act 250 is a sound law that has served Vermont well.

By Sarah Seidman.

A Look Back At The Genesis Of Vermont's Premiere Environmental Law

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Concern Across Political And Economic Spectrum Led To Landmark Legislation

The list of supporters of the initial Act 250 legislation reads like a who's who of Vermont politics, with plenty of help from state businesspeople. Important work still needs to be done to make Act 250 as effective as originally planned.
By Andrew Nemethy.

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Taking The Long View In A Practical, Moderate, Common-Sense Way

Vermont environmentalism is a "Vermont item, produced by Vermont's people, its history, and its undeniable beauty," writes longtime state journalist and editor Tom Slayton. A concern for the fruitful use of the earth's resources is shared with a concern for the health and well-being of people.

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GOOD GROWTH

Vermonters Rallying around Act 250

Ned Farquhar, Executive Director

Right or wrong, there are politicians who believe that Vermont's environmental laws need revision. Some businesses are on a crusade to repeal or revise key parts of Act 250, especially related to public involvement. And some in the public believe that "streamlining" environmental laws will increase Vermont's prosperity.

No one could disagree that Vermont needs efficient permitting. VNRC has put forward positive proposals

that would improve the process, such as growth centers and agency permit reform. But many of the business-supported proposals are downright dangerous, and VNRC is actively communicating with Vermonters to provide the facts about Vermont's environmental protection programs.

Environmental laws aren't responsible for the recession. In fact, VNRC's recent report on Act 250 ("Act 250 — A Positive Economic Force for

Vermont") shows that Vermont's key environmental law has probably been good for Vermont's economy.

VNRC's recent video ("Made in Vermont — The Dividends of Act 250") shows how 20 years of being careful has paid off for our economy, communities, and citizens. At hundreds of viewings of this video around the state, Vermonters are rallying to support Vermont's "good-growth" laws.

The Vermont Businesses for Social Responsibility is working on events with VNRC to showcase how valuable strong environmental laws are for Vermont's business image and community.

There are lots of reasons to stand up for Act 250. You see them every day, in jobs, environmental quality, and community life. Perhaps the greatest reason of all, though, is the one you can't see: Act 250 will continue protecting Vermont for the next generation of Vermonters. Good growth is something we do for our children — a special thing that they can't get in many other places.

VNRC STAFF

Ned Farquhar
Executive Director

Stephen Holmes
Deputy Director for Policy

Dinsmore Fulton
Deputy Director for Development

Peg Elmer
Land Use Program Director

Chris Kilian
Water Program Director
and Staff Attorney

Jim Shallow
Forests, Wildlife, & Public Lands
Program Director

Nadell Fishman
Membership Director

Marie Frohlich
Operations Manager

Jennifer Langdon *
Program Assistant,
Grassroots Coordinator

Mary Morrison *
Accounts Manager

Alison Trowbridge *
Program Assistant, Southern
Vermont

Brendan J. Whittaker
Northern Forest Project Director

* Part-time staff

PUBLICATIONS

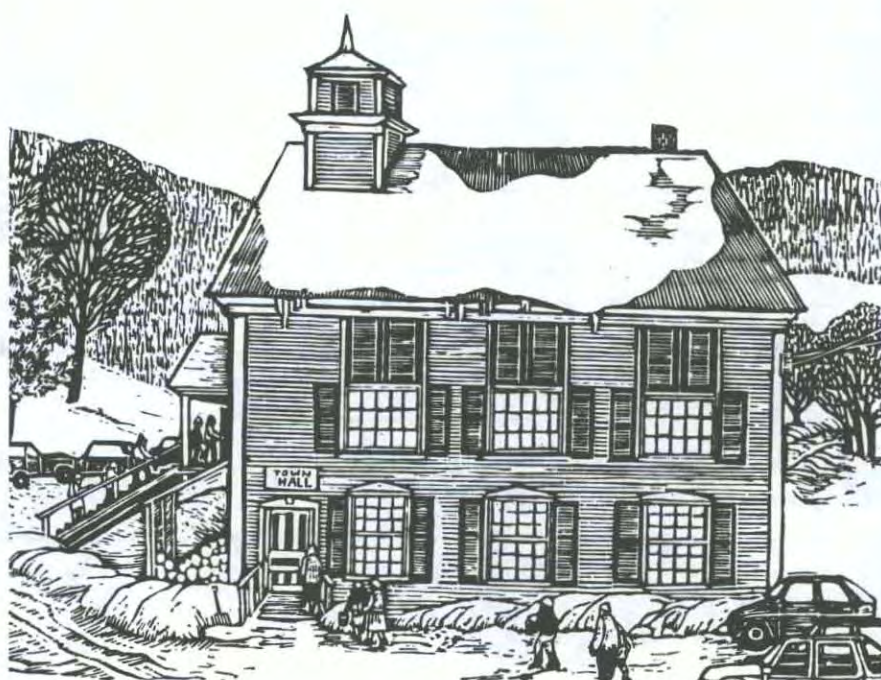
Allen Gilbert, Guest Editor,
PressKit Communications

Sarah Brock, Assistant Editor

Brian P. Graphic Arts, Layout

Cover art by D.B. Johnson

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ACT 250

You clearly have pointed out that you can have strong environmental regulations — like Act 250 — and at the same time have solid economic growth. This message needs to be constantly reinforced. A healthy environment and a strong economy can be compatible — they are not mutually exclusive.

Act 250 has worked very successfully in Vermont because the *people* have made it work. I wish some of our other New England states would follow Vermont's lead. We need to better plan our future growth and expansion of the economic sector.

*Paul G. Keough
Deputy Regional
Administrator
U.S. Environmental
Protection Agency
Boston, Mass.*

HATS OFF!

Just a quick note of compliments on the fall Vermont Environmental Report. I found the entire issue well-written, thought-provoking and informative. Hats off to all involved!

*Steve Blackmer
Appalachian Mountain Club
Boston, Mass.*

MAD RIVER

I would like to express my sincerest gratitude to Vermont Natural Resources Council for its tireless and continued efforts to protect and preserve for future generations the Mad River.

"Always do right. It will please some people and astonish the rest." (Mark Twain)

*Don Sidney
Warren*



SARAH BROCK



COMPLIMENTS ON THE BULLETIN

VNRC was the first environmental organization I ever joined. It was in 1974, when I was in the war in Cambodia, before we settled in Vermont. A Vermonter on my staff persuaded me to be interested, and he sent my name to VNRC. Shortly thereafter I received a letter signed by Deane Davis, urging me to join. I sent in my first membership dues. Now our kind of environmentalism seems to have become my second career.

Let me compliment you on the Winter 1993 Bulletin, of which I have read every word. It is a fine piece of work — I applaud the VNRC stands and initiatives on all issues covered. With best wishes for the success of VNRC,

*James Bruce Engle
President of Woodlands
for Wildlife, Vermont
Coverts, Inc.
Peacham*

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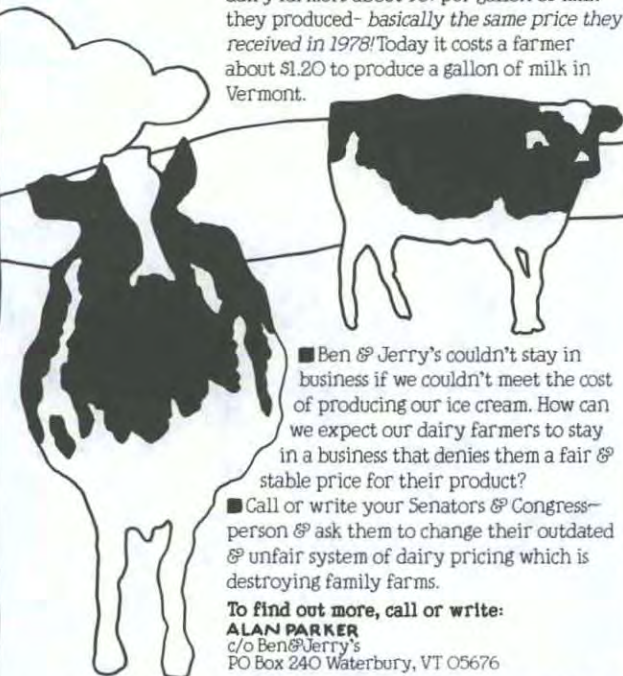
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SUGARBUSH ALLOWED HIGHER WATER WITHDRAWAL LIMITS

Skiers Win Out Over Fish In Mad River Case

The Vermont Water Resources Board decided in early February to allow Sugarbush ski resort more water for snowmaking than recommended by VNRC, the Vermont Federation of Sportsmen's Clubs,

Trout Unlimited, and the Vermont Sierra Club.

In denying the groups' appeal of two Agency of Natural Resources permits, the board allowed Sugarbush to withdraw water to a winter flow level about 20 percent lower than the February

median flow contained in the Vermont Environmental Board's Okemo Mountain withdrawal decision, the U.S. Forest Service's Loon Mountain decision in New Hampshire, and policies and draft policies of the Vermont Agency of Natural Resources and U.S. Fish and Wildlife Service.

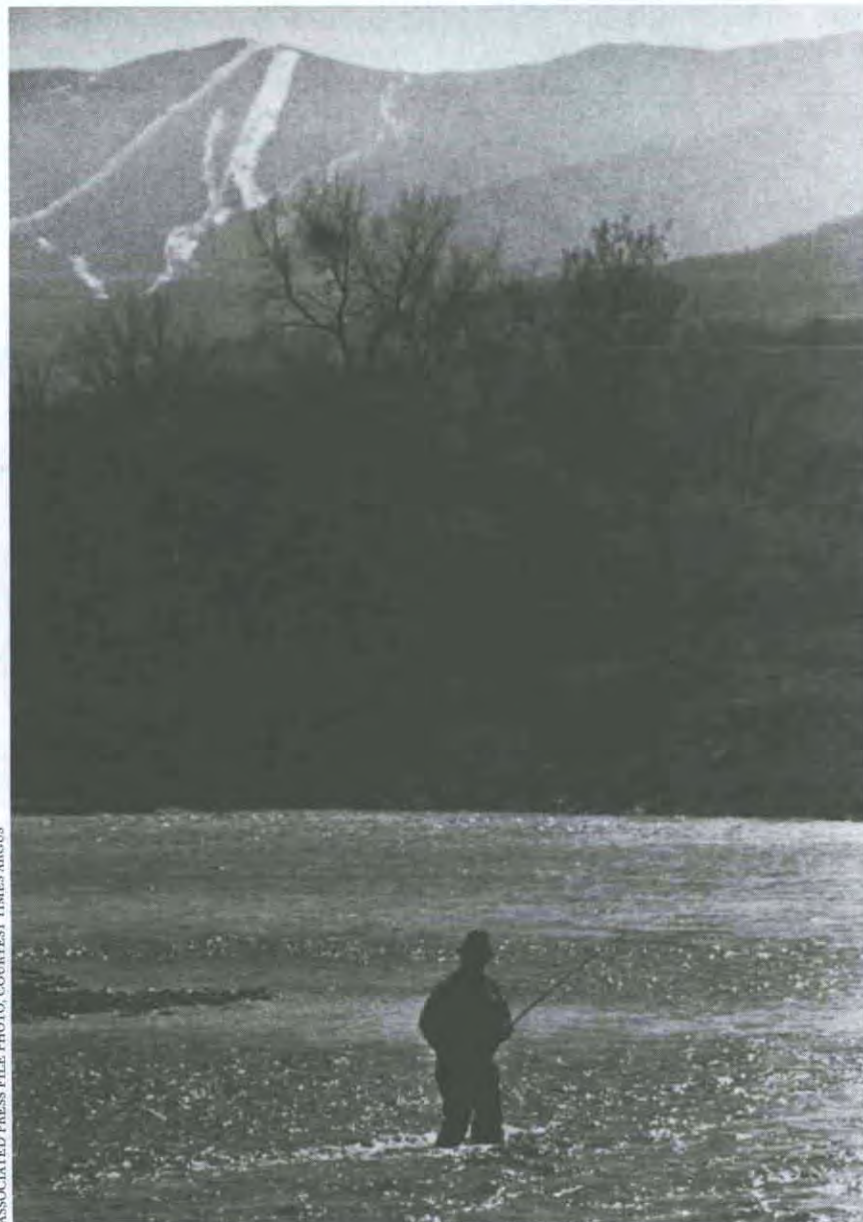
VNRC criticized the board decision but has not decided whether to appeal to the Vermont courts. "It is clear that this decision is a bad decision, creating a significant precedent for future withdrawals by ski areas and utilities," said VNRC Executive Director Ned Farquhar. "Whether or not we can count on federal agencies to do better, this is the wrong way for Vermont to go."

Along with the Conservation Law Foundation and sportsmen's clubs, VNRC has asked the U.S. Forest Service to prepare an Environmental Impact Statement (EIS) on Sugarbush's snowmaking plans. Sugarbush's existing development was approved in a 1983 EIS that the groups believe does not take into account the demands on natural resources of the currently proposed snowmaking project.

In late January the Forest Service said that the request for an EIS was "premature" because Sugarbush has not applied for necessary special-use federal permit revisions for the new snowmaking project. The Forest Service suggested that it would take six to twelve months to decide on the appropriate level of environmental review after Sugarbush submits its permit revision application.

VNRC maintains that the February median flow position would provide significant opportunities for the economic use of water while providing basic protection for the ecology of Vermont rivers. "VNRC promotes the

Continued next page



ASSOCIATED PRESS FILE PHOTO, COURTESY TIMES ARGUS

NORTHERN FOREST STATUS REPORT

Economics, Clear-Cutting Major Concerns

A series of living room meetings was held last fall and this winter as part of VNRC's Northern Forest Project. These meetings, designed to pass on news and concerns of the residents of the project area (Essex, Caledonia, Orleans, and parts of Lamoille and Franklin counties), were so successful that new meetings had to be scheduled beyond the original 17 planned.

Brendan Whittaker, Northern Forest Project Director, described the intensity of issues raised at the meetings: "The sense of economic uncertainty and the continuing effects of the recession are very much on the minds of north country people. These issues, plus extensive clear-cutting in the east-

ern part of Essex County and the general burden of property taxes, have been the biggest concerns people bring to our meetings and to me personally."

Economic uncertainty has been created by a number of developments: negotiations for the purchase of the James River Paper Mill in Groveton, N. H., which employs many Vermonters and buys Vermont wood; a possible abandonment of the Canadian Pacific Railroad line from Newport; and the closing or relocating of other small plants and mills that employ Vermonters.

Whittaker predicted the talks would yield some recommendations to help secure the economic future of the area.

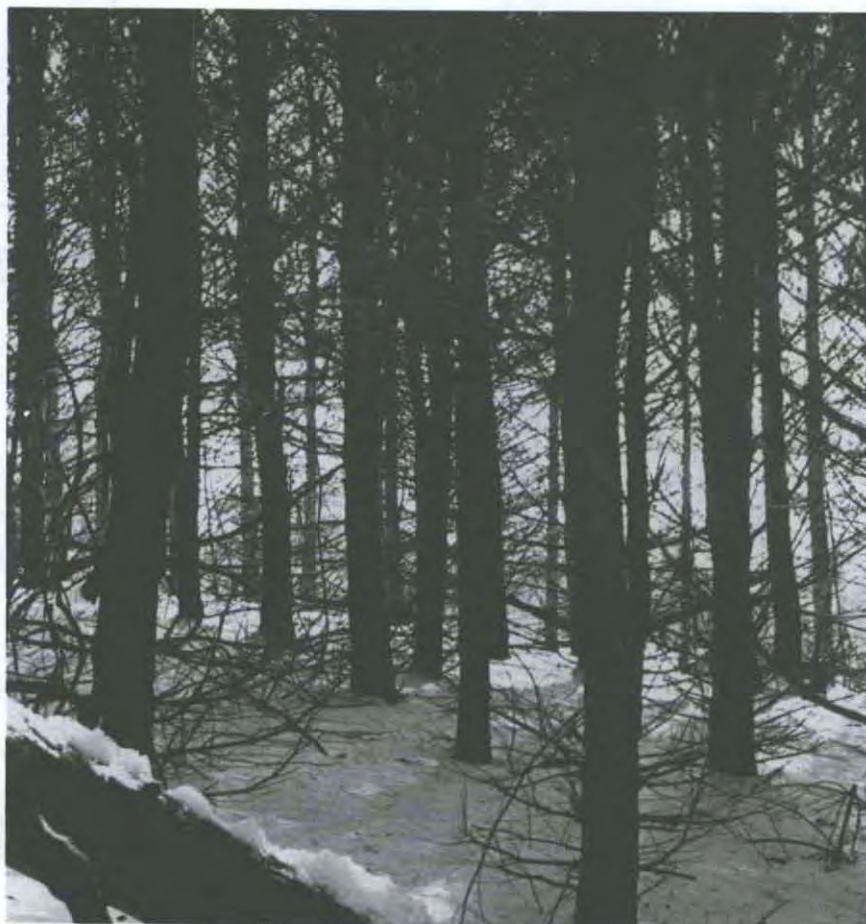
Anne Sherman of Charleston, host of the first of the 1992 series of meetings, commended the spirit of the gatherings: "We may have different perspectives and views, but we are after the same thing — the best management of our resources."

Another forum for discussion of the

future of the Northern Forest was a mock "town meeting" led by Whittaker as part of the University of Vermont Aiken lectures in November. The meeting was attended by over 100 college faculty, students, environmentalists, timber company executives, foresters, and others. "What came out of the meeting," said Whittaker, "was that these people were made aware of the issues affecting the Northern Forest region."

It also hosted a Harvard College conservation class. Whittaker termed each of the visits "a great success." The contributors' tour helped VNRC's relations with foundations by introducing them to the projects they fund. The Harvard class participated in a living room meeting, heard a lecture on the Northern Forest, and spent three hours in the forest taking notes. At the end of the tour the class requested a return visit.

Whittaker, who joined the VNRC staff full-time last May, summarized his experience: "After six months of the task I find VNRC is right on target with the three principles for Vermont's Northern Forest: sustainability and protection of the Northern Forest, environmentally sound business and industry, and healthy rural communities. Nothing I have found after six months on the task indicates that VNRC isn't right on track with these principles." **SB/BW**



SARAH BROCK

Continued from previous page

wise use of Vermont's natural resources," said Farquhar. "Our position on water withdrawals is the epitome of this conservationist approach."

VNRC and the other conservation groups will be working in coming months with Agency of Natural Resources Secretary Charles Clarke on a policy review of withdrawal issues. "Although the Governor has made some statements that might indicate he has closed his mind on our position, we still hope that the state will adopt a protective standard for winter withdrawals," stated Farquhar. **SB/NF**

CONCERNS REMAIN ABOUT SUNBOWL

*More Information To Come
On Stratton Project*

VNRC is still waiting for the Stratton Corp. to provide all information requested by the District Environmental Commission before filing its findings of fact and conclusions of law in Stratton's Sunbowl expansion project. This filing—written recommendations concerning whether or not an Act 250 permit should be issued and under what criteria—is the final step in an Act 250 hearing before a decision is issued.

The information requested of Stratton includes the final storm water discharge permits, and responses to various questions about traffic, the number of people expected to relocate to the area, and energy efficiency. It also includes questions regarding bear habitat, cluster development, and the relevance of expired town plans in the Act 250 process.

Both storm water discharge permits have been issued to Stratton. These permits allow 296 of the originally proposed 498 units (approximately 60 percent), and the proposed 18-hole golf course. One of the permits allows that all the proposed 10 phases of construction, originally planned by Stratton to be built over 10 years, may be built in five. No erosion control measures or water quality monitoring are required, and no assessment has been made of the existing water quality of the receiving waters, the Styles and Brazers brooks.

Alison Trowbridge, VNRC's Southern Vermont Program Assistant, summarized VNRC's concerns over the proposed expansion: "We continue to believe that this project is experimental in nature, subjecting the Kidder Brook watershed, the first in the state to be reclassified to Class A (the pristine class for rivers), to tremendous risks." She explained that the proposed developments rely on sophisticated storm water control measures and the cooperation

ACT 250 IN THE HOME

*Living Room Meetings
Boost Support*

VNRC members throughout the state have been helping to motivate support for Act 250 by holding meetings in their homes. The meetings, sometimes assisted by VNRC staff, started in January and will continue throughout the summer. A new 20-minute video, "Made in Vermont," and a new economic report, "Act 250 — A Positive Force for Vermont," have been made available to provide background information for the meetings. VNRC

hopes to encourage more and more people to host such meetings and to attend them.

In an interview for a *Vermont Environmental Report* article with VNRC in the fall of 1989, former Gov. Deane C. Davis predicted, "The next big test to come on Act 250 is if and when we have a major depression." Hard times have, indeed, come and, as Davis predicted, so have attempts to dismantle Act 250. VNRC hopes to resist these attempts by communicating in print, on video, and person-to-person throughout the state the important contributions of this landmark development act to the well-being of all Vermonters.

SB/PE

Here's How You Can Hold An Act 250 Living Room Meeting

VNRC has developed a new package of materials on the many benefits of Act 250, Vermont's unique and effective environmental law. We'd like help from VNRC members in spreading the word! Would you consider inviting friends and neighbors to share a discussion of Act 250?

We can send you:

- 1) A new 20-minute video called "Made in Vermont — The Dividends of Act 250"
- 2) A new economic report, "Act 250 — A Positive Economic Force for Vermont"
- 3) Informational handouts, talking points and other materials

(Both the video and the report are described more fully on pages 16 and 17 of this issue.)

Some of the materials need to be sent back to us, such as the video. Sometimes a VNRC staff member is available to attend neighborhood meetings and can help out.

If you would like to schedule a neighborhood meeting on Act 250, or if you want to know about meetings in your area, please contact us for more information. Ask for Jennifer Langdon or Marie Frohlich at VNRC's Montpelier office — (802) 223-2328.

of Stratton and its contractors to carry out water-quality monitoring and erosion control. "The chances of technological failure and human error are too great," warned Trowbridge, "and the threats of contamination from storm water runoff and pesticides are significant."

Darlene Palola, Chair of the Stratton Area Citizens Committee, shares

Trowbridge's concern: "Using the tools we have been given, the Federal Clean Water Act and the Vermont Pristine Streams Law, we have worked hard as citizens to protect resources valuable to our community. We feel that the issuing of these permits has undermined our work and compromised these resources." **SB/AT**

MOOSE HUNT DEBATED

*"Sound Biology" Key
To Any Decision*

In December the Fish and Wildlife Board voted for a limited moose hunt in Essex County beginning in October. Although some animal rights activists oppose the action and want to bring the matter before the Legislature, VNRC has come out in support of leaving the decision to the biologists and the board.

"We are not opposed to the decision as long as it is based on sound biology. The job of the Legislature is to set a fee structure for the licenses. The decision on how they should be hunted should be left up to the Fish and Wildlife Department and the Fish and Wildlife Board and based on science," VNRC's Forests, Wildlife, and Public Lands Program Director Jim Shallow explained.

"What is important is the overall health of the herd," Shallow stressed. "Both New Hampshire and Maine have demonstrated that a limited hunt can

take place and the moose herd can prosper. If a hunt takes place it has to be conducted according to established methods. This should be the responsibility of the department. If the Legislature gets involved there is a real chance of establishing a bad hunt such as almost happened last year with a bill that would have allowed landowners to



shoot moose suspected of doing damage to property. VNRC opposed that bill and urged Gov. Howard Dean to veto it, which he did."

According to state biologist Cedric Alexander, Vermont's moose population has stabilized at levels where a limited hunt is possible without endangering the population. At this point the deci-

sion to have a hunt becomes, in Alexander's words, "a social question."

Taking the question to the people in a series of nine public meetings statewide, the Fish and Wildlife Department discovered that Vermonters in general want a bigger moose population. However, in Essex County people would like the population stabilized or reduced. "In Essex County," Alexander explained, "the population has reached and perhaps exceeded the cultural carrying capacity. That is why we recommend a hunt in Essex County."

The Fish and Wildlife Department is hoping to work with the Legislature to establish a fee system for the proposed season. The regulation, before going into effect, must go through a public hearing, and a re-vote of the Fish and Wildlife Board. It must then pass the rules committee of the Legislature. The department wants to charge a \$10 application fee for the permits, which would be allocated by lottery, and issue the permits themselves for free. This, according to Alexander, would generate more income for the state than charging a larger amount for limited permits. It would also make the permits accessible to low-income hunters. **SBJS**

CONSERVATION COMMUNICATIONS GROUP

*If It's Made In Vermont,
It's Better*

Coordinated by VNRC's Jennifer Langdon, the Conservation Communications Group is working to send positive messages to the public about the links between environmental conservation and the economy. The group is the Vermont component of a concerted effort by environmentalists in Maine, New Hampshire, and Vermont to respond to the stepped-up anti-environmental activities that are occurring under the banner of "property rights."

The Conservation Communications Group is gathering information on why

some Vermonters react negatively to the environmental conservation movement. Their goal is to promote conservation and planning as positive forces for the economy. Part of this promotion is to underscore the market value of the "Made in Vermont" image and its potential for creating jobs.

Langdon explained, "We are trying to select a message that everyone agrees with. If you ask almost any Vermonter, 'Do you want Vermont to look like New Jersey?', they would say, 'No.'" She stressed that the group is trying to find a "common ground" where conservationists, citizens, and developers can meet. She maintained that "misunderstanding and a lack of information," are a large part of the problem.

In addition to conservationists, the participants in the Conservation Communications Group include historic

preservationists, land trustees, and others. Sarah Muyskens, VNRC Board Chair and a member of the group, finds this diversity a particular asset: "I have found there is a lot of strength to be gained in looking with other organizations at issues that are of importance to all Vermonters." **SB/JL**



"Made in Vermont" sales labels help Vermont businesses by capitalizing on the state's image.

SARAH BROCK

UNCERTAIN FUTURE FOR CURRENT USE

Woodlands Targeted For Big Cut

The state's tight budget and interest in property tax reform have put the Current Use program at the center of crucial debates this legislative session. Gov. Howard Dean has proposed cutting funding of the woodlands portion of the program to about 60 percent of what is needed to keep eligible lands in the program. He has proposed cutting funding of the agricultural land portion of the program to 70 percent. VNRC is opposed to the cuts, but also to the distinction made between two different kinds of land. "If funding is cut," said VNRC's Forest, Wildlife, and Public Lands Program Director Jim Shallow, "it should be cut across the board."

The Current Use program returns tax equity to open lands so that they are taxed at their use rather than at their potential uses. Allocating funds to relieve the tax burden on lands used for growing trees or crops decreases the need for such lands to be sold for development. By encouraging responsible long-term management of the lands, Current Use also helps create jobs for farmers, foresters, loggers, truckers, and manufacturers.

Underfunded by last year's Legislature, Current Use has continued to face an uncertain future, this would be the third year of reduced funding for the program. Shallow feels it is time to evaluate the program and develop a long-term approach that reduces the funding needs and restructures the property tax system. He explained, "We feel that if we are going to cut the cost of the Current Use program, we need to have property tax reform which would recognize that we are overtaxing open land and try to make that tax more equitable."

Gov. Dean has supported purchasing development rights rather than putting money into Current Use. But simply purchasing development rights doesn't address the tax issue. Shallow

summarized the problem: "You could have a piece of land that you sold your development rights for and still have your taxes on the land above what your land-use will support, above what you can afford to pay. In many cases listers aren't bringing the value of properties down once the development rights have been given away. Cutting Current Use and reforming the property tax have to be worked in tandem."

VNRC board member and consulting forester John Meyer agrees. The tax equity assured by Current Use, he said, helps keep the timber industry viable. He warned that the property tax system for undeveloped land is such that it is forcing a disinvestment in timber, which is worth \$500 to \$750 million for the state's economy. "The only way we are going to produce high value timber is to invest in our forest land. A tax system that asks the investor to pay a property tax which is 150 percent of what he can grow is doomed to have serious repercussions on the economy of this state," he predicted.

Meyer explained that the tax system, in addition to forcing some timber-land owners to sell, is forcing others to harvest timber long before it reaches its potential value, a bad situation since a tree's timber value jumps exponentially as it grows in size. "As soon as the stuff becomes marketable, it is cut because of the demand of the property tax," said Meyer. "This has led to poorly stocked stands and a downward economic spiral for the forest industry."

Vermont, said Meyer, is in the center of the region where the northern hardwood timber-type, which is in great demand, is grown. Liking forestry to the potential "goose that lays the golden egg" for Vermont, Meyer called for a change in understanding of what woodland means to Vermont. He said that maintaining woodland should be considered an "investment" for the long-term good of the state, and timber-owners should be considered "investors." He called for changes to the property tax system to encourage such investment. **SBJS**



ROUTE 7 CORRIDOR STUDY

Is This The Same Old Rut?

Proposals for strengthening the transportation system along the Route 7 corridor in Addison and Chittenden counties are causing concern among some citizens of those counties. The proposals are based on a study by Wilbur Smith Associates, consultants commissioned by the state Agency of Transportation. They are being presented in public hearings throughout the area.

"What is alarming," said Peg Elmer, VNRC's Land Use Policy Director, "is the emphasis on new highway construction. They are proposing the construction of by-passes around every town along the route. In addition they recommend widening existing pavement to accommodate heavier and faster traffic and the building of an entirely new highway."

The proposals ignore an important part of the guidelines of the federal government's recent ground-breaking legislation, the

Intermodal Surface Transportation Efficiency Act. The act calls for funding transportation alternatives not dependent on the automobile.

The town of Charlotte, which has spent much time developing a new

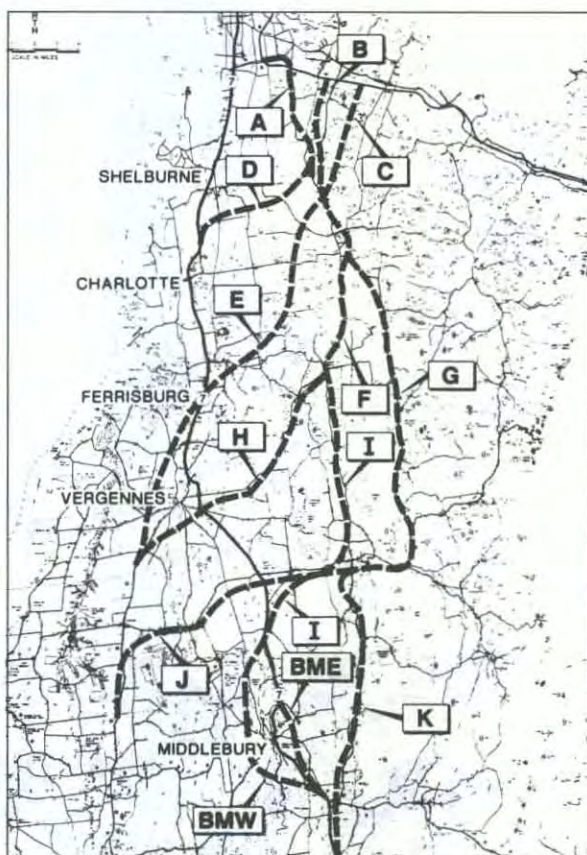
town plan to allow for future growth, is cut by new highways in the proposals. Charlotte Conservation Commission Chair Caroline Schipa observed, "After working so hard on adopting a new town plan which can help protect the

environment and rural character important to us, we were astounded to see them not just broaching the idea of a new east-west highway cutting across the landscape, but actually presenting maps with the proposed alignments. They seem to be either ignorant of the town plan or ignoring it to pursue their own agenda."

The results of the corridor study should be ready for formal public comment sometime in 1993. Meanwhile, concerns or questions can be addressed to Harry Strate of Wilbur Smith Associates at 388-1708.

"What they decide to do in this corridor," said Elmer, "has major ramifications for future land use in the western part of the state." **SB/PE**

The letters represent by-passes to be created around towns. The dotted lines represent new road alignments (which is a combination of old roads rebuilt and new roads that connect them).



DEERFIELD HYDRO REVIEW SOUGHT

*Sportsmen, VNRC Join
in Relicensing Case*

With the Vermont Federation of Sportsmen's Clubs, VNRC has petitioned for intervenor status in the Federal Energy Regulatory Commission's relicensing proceedings for the Deerfield River Project. The project, the petition maintains, conflicts with state recreation plans and gives inadequate provision for permanent protection of vital natural resources.

The Deerfield River Project involves eight separate dams, three of which are wholly within Vermont and one of which spans the Vermont-Massachusetts border. The Deerfield River is a significant recreational resource, and the Somerset and Harriman reservoirs, part of the project area, are the two largest lakes in southern Vermont. In addition, the Long Trail/Appalachian Trail passes close to the project.

Of particular concern to VNRC and the sportsmen's clubs is the protection of the wilderness character of the Somerset Reservoir. The reservoir offers rare opportunities for lake recreation near major population centers. The proposal to construct a concrete boat ramp and build shore-front camp-

sites could threaten the reservoir's wilderness characteristics.

VNRC and the sportsmen's clubs are also concerned about restoration of minimum flows to the Harriman by-pass, a 7-mile section of the Deerfield below the Harriman Reservoir. This section of river, once a significant fishery, has been completely "de-watered" since the power project went on line early in the 20th century. "We want to restore the natural river characteristic for use by the public," explained VNRC's Water Program Director and Staff Attorney, Chris Kilian. "It has substantial potential as a cold-water fishery for brook trout, brown trout, rainbow trout, and possibly for land-locked salmon." **SB/CK**

MT. SNOW WINS SEASONAL CAP

Compromise Reached on Water Withdrawals

In a February hearing on Mt. Snow's application for expansion of its water withdrawal from the Cold Brook, Mt. Snow and the Agency of Natural Resources reached a compromise agreement allowing a seasonal rather than a monthly cap on how much water the resort can take from the brook. VNRC, which had party status in the hearing, maintains that the compromise's increase in withdrawal frequency and duration risks injury to brook habitat.

The withdrawal cap is the amount of water in gallons the resort is able to withdraw while the stream is flowing at a certain reduced rate — in this case, 58 csm (cubic feet per second per square mile of watershed). Once the withdrawal cap is reached, the resort must allow the flow to return to 1.0 csm, which is the minimum winter rate set by the Agency of Natural Resources in its "draft interim procedure" for determining acceptable minimum stream flows.

Alison Trowbridge, Southern Vermont Program Assistant, explained VNRC's position: "With this compromise it is apparent that the times that the Cold Brook is flowing at a reduced rate are going to be increased. Mt. Snow has not met the burden of proof that this change won't have a detrimental effect on the habitat in Cold Brook."

She described, in particular, the stresses on fish caused by reduced flow of water. Part of this flow reduction occurs in winter naturally due to ice build-up. The withdrawal of water by ski resorts for snowmaking threatens an already delicate winter survival balance.

VNRC originally requested party status in the hearings when Mt. Snow applied for a permit to build a 2.8-mile snowmaking and fire protection pipeline linking the Mt. Snow and Haystack ski resorts. VNRC is concerned that the pipeline may be the first step in plans for expanded development in the area between the two resorts. Such a merger and consequent sharing of withdrawal rights and water sources, might, VNRC feels, result in increased frequency and durations of low flow levels. **SB/AT**

PSST, GOVERNOR DEAN:

It's Your Environmental Advisors!

VNRC Director Ned Farquhar is one member of a council of advisors appointed by Gov. Howard Dean last spring to look at long-term environmental issues. The group, which also includes VNRC's board Chair Sarah Muyskens and board member Paul Bruhn, meets regularly to make policy recommendations to Gov. Dean on the environment. The council has focused on policy principles in the 1987 Growth Commission report: protection of Vermont's agricultural heritage, environmental quality, economic opportunity, and community.

The council also has been discussing this year's legislative platform and issues such as Act 250, water withdrawals, and air toxics. "The governor," noted Farquhar, "seems much interested in what the council says to him and wants it to develop a long-term relationship with his economic advisors. If we can get business and environmental interests on the same wavelength, then Vermont's prospects for a sustainable economy are much brighter."

Farquhar also noted that former state Sen. John McClaughery had attacked the members of the Governor's Environmental Council as radical environmentalists because seven of the 18 members have ties to VNRC. "It is flattering that VNRC is such a presence," commented Farquhar.

Council Chair Monty Fischer praised the council as a forum for communication: "To have direct access to the governor in a relatively relaxed atmosphere provides a wonderful opportunity to offer timely advice on the issues." **SB/NF**



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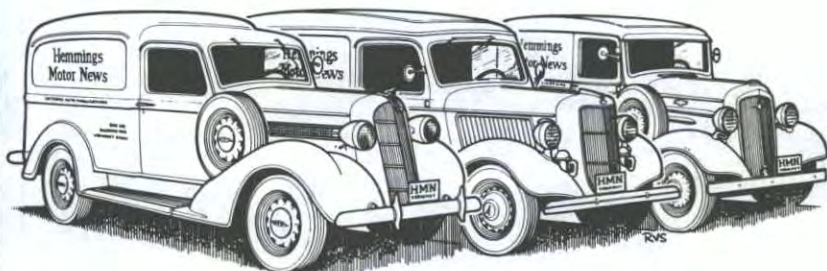
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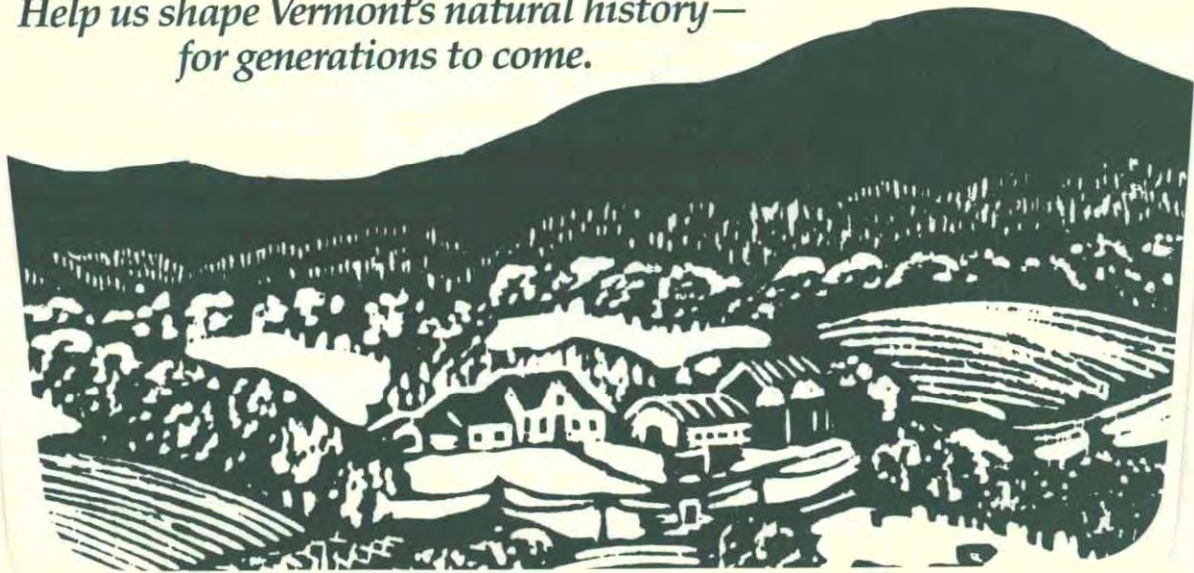
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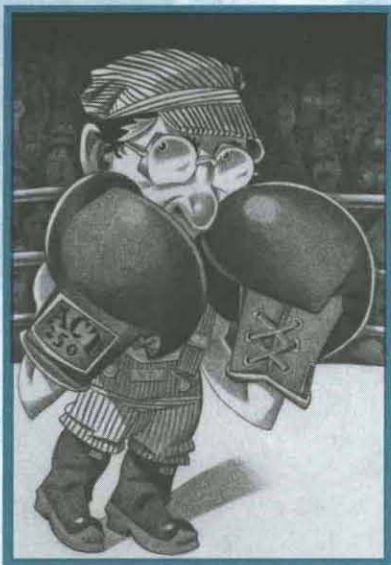
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ACT 250 ON THE LINE



Tinkering With A Law That Isn't Broken

By SARAH SEIDMAN

Act 250 is in the ring for a fight. A new coalition of business and landowner groups calling itself the Vermont Environmental Council is spending up to \$250,000 lobbying the Vermont Legislature to consider significant changes in Vermont's landmark development review process.

Legislation proposing amendments to Act 250 has appeared in both chambers, and the Dean administration has also introduced proposals to streamline the Act 250 process.

"We agree with most of the administration proposals; they've done a good job of throwing out changes that would hurt the process or slow it down," said Ned Farquhar, VNRC Executive Director. "Still, in general,

tinkering with Act 250 continues to create the impression that it's the law that's the problem, when they should be working on other issues, particularly the permitting process at the Agency of Natural Resources."

Charles Clarke, the new head of that state agency, is among those who agree with Farquhar's assessment. "The problems are not so much with Act 200 and Act 250," Clarke told a Bennington audience in January. "They're mostly with my own agency."

A lack of Agency organization and knowledge, a lack of consistency between requirements for permits, and a lack of technical assistance — "All of these combined make up the main bottlenecks at ANR," he said, "not Acts 200 and 250."

Not The First Assault On Act 250

Act 250 has been in the ring before — many times. Last year a Senate-backed bill sought changes to the law. It went to the House late in the session but never emerged from the House Natural Resources Committee.

"The House Natural Resources Com-

mittee found that virtually none of the changes advocated by the Homebuilders Association and other groups had any factual basis," noted VNRC's 1992 legislative liaison, Chris Kilian.

But major changes in the composition of the Vermont House and Senate may affect how amendments to Act 250 are received in 1993. Former Senate leader Doug Racine, D-Chittenden, a staunch ally of environmental advocates, chose not to run for re-election last year. Sen. George Little, D-Chittenden, also retired, leaving a 4-2 majority for change on the Senate Natural Resources Committee. The new committee chair, Sen. Tom Macaulay, R-Rutland, has made it clear he'll be supporting the kinds of Act 250 changes proposed by the Vermont Homebuilders Association and the Vermont Environmental Council.

In the House, Natural Resources Committee Chair Rep. Curt McCormack, D-Rutland, resigned his seat on the committee in order to run for mayor of Rutland. His successor as chair, Rep. Chuck Ross, D-Chittenden, appears to be a supporter of environmental responsibility, as McCormack was.



Made In Vermont: The Dividends Of Act 250

*A 20-minute video by VNRC showing
how Act 250 benefits Vermont*

Act 250 is now more than 20 years old. Many Vermont policy leaders have credited the law with protecting Vermont's character — its environment, communities, and economy. Now, in the words of Vermonters who have had experiences with the law, VNRC presents a new videotape showing Act 250's impact.

"Made in Vermont: The Dividends of Act 250" was filmed and edited by Underhill videographer Michael Sacca, who conducted approximately 40 hours of interviews with dozens of Vermonters with experiences surrounding Act 250.

A diverse range of businesspeople — including Jerry Greenfield of Ben and Jerry's, former Vermont Development Secretary Elbert Moulton, and banker Zoe Erdman present their views on Act 250's importance to Vermont's economy.

Additionally, citizens who have protected their homes and businesses through Act 250 speak about the importance of public participation. An environmental official points out that more than 80 percent of Act 250 applications are approved quickly — within 120 days.

"This videotape should appeal to every Vermonter who cares about the state's economy, environment, and quality of life," said VNRC Board Chair Sarah Muyskens. "We have a special way of reviewing development proposals in Vermont. It leads to what VNRC calls 'good growth.' I am proud that VNRC has put together the opinions of Vermonters on the subject."

The videotape is available from VNRC's main office in Montpelier. Although it is not for sale, members can borrow the tape for local viewing. (See the article "VNRC Living Room Meetings" in the Vermont Perspective section of this *Vermont Environmental Report* for details.) **NF**

"I believe he recognizes that Act 250 has been very good for Vermont and that the real problem is in other permit processes and in the lack of state planning to attract good growth rather than lowering environmental standards," said Farquhar.

Gov. Howard Dean has been a strong supporter of Act 250 and has promised to oppose substantive changes to the bill. Recently, however, he lashed out at VNRC and other environmental and sportsmen's organizations for their positions on the Sugarbush ski resort's planned water withdrawals from the Mad River.

"We need those environmental laws," Dean said at a January press conference. "But it's getting increasingly more difficult to defend those environmental laws when the permit and appeal process is used in the way it is now being used by those who don't believe Sugarbush should have snowmaking." (VNRC and the sportsmen do not oppose water withdrawals for snowmaking; they do, however, oppose withdrawal levels that threaten fish habitat.)

Remarks like these suggest the governor and legislators are being pressured to aid some segments of Vermont's business community who lay a variety of ills on the doorstep of development control laws, and that they are responding. Yet the governor can't forget that a strong environmental stance helped him into office last fall against state Sen. John McClaughry, whose well-publicized opposition to planning and regulation appealed to some Vermont businesspeople.

Good Law, Healthier Economy

At the heart of the fractious debate over Act 250 is the law's effect on the Vermont economy. The Vermont Environmental Council coalition insists that Act 250 has become a major obstacle to any kind of responsible economic growth in the state. Yet analysts have suggested otherwise. The Financial Times of London recently studied the interplay between the environment and the economy in Vermont and New Hampshire and found reasonable growth laws promote responsible, long-term growth.

Headlining its story "A Tale of Two States," the British paper reported that when the economy in New Hampshire soured, "The scars of development proved more difficult to erase than the jobs . . . New condominiums and industrial projects had eradicated many of the state's farmlands — the very scenery tourists come to New Hampshire to see." Vermont, by contrast, didn't suffer quite the same fate, and The Financial Times called Act 250 "perhaps most important" among Vermont's environmental regulations.

George Little is also an astute observer of this issue — in addition to serving in the Legislature, he has also chaired the board of one of Vermont's largest banks. "Since the act (Act 250) passed, there's always been very low-level disapproval of any sort of regulation, and I think that builds up in a bad economy," he said. "I look at Act 250 as a long-range affair. You have to guard this law, which has really worked very well."

The Public Can Be Heard

Citizen involvement is the element of the Act 250 process some in the business community find most troublesome. The Vermont Environmental Council wants to:

- Eliminate or reduce citizen participation and appeals.
- Increase the cost and difficulty of public involvement in the Act 250 process.
- Tilt decision-making in favor of applicants.

Yet, as some of Vermont's most well-known and controversial Act 250 cases illustrate, citizens' roles in the review process are at the center of the environmental law's effectiveness in assessing issues of public health, wildlife habitat, and development.

For instance, 16 years ago, the Pyramid Company obtained the necessary local permits and applied to the district environmental commission to build a large shopping mall in Williston. Under Act 250, a group called the Williston Citizens for Responsible Growth was able to present testimony on the regional im-

pact of the large development, such as traffic congestion, and its noncompliance with the Williston town plan.

"Act 250 allowed the regional impacts of development to be reviewed by surrounding communities," said Betsy Rosenbluth, a board member of CRG. "There's no place in the local permitting process where regional impacts can be considered; only Act 250 provided that broader review of environmental criteria. It also gave CRG a voice, and allowed citizens to provide important information on how the development would influence their lives and their community."

A decade later, developers are again battling to create a large — but not as large — retail center in Williston, "Maple Tree Place." Rosenbluth said the decreased size and improved design of the new project suggest to her that Act 250 works to influence the quality of development proposals. Still, CRG and now the town government are united in their opposition to the project. The developers were denied their local permit by the planning commission and have requested a delay in Act 250 proceedings while they appeal.

Carter Smith, a Williston selectman and former CRG member, noted, "Act 250 helps keep down rampant growth. It helps towns in their planning to know there's another review process, and it helps developers think about the impacts of their projects. Getting party status to testify requires a lot of work — it's a good process for both sides."

Resort Growth Questioned

Another example highlights both citizen participation and the state's willingness to press for decisions that mesh with its own political agenda.

In 1987, the state Agency of Natural Resources initially favored the Killington ski area's plans to construct a snowmaking pond on Parker's Gore East. Then a citizens group called the Friends of Parker's Gore (FPG) found that part of the proposed site contained wetlands and an exceptional beech forest — prime habitat for the area's black bear population. New questions were raised.

"Act 250 was invaluable, because it created an arena with a level playing field," said FPG Director Nancy Bell, who did much of the legal work for the group. "There will always be advocates for business, because they have the time and money. But in Act 250 you don't have to be a lawyer; people can go and speak on behalf of the environment, and if you bring in enough evidence, the commission will listen."

More recently, the U.S. Court of Appeals affirmed a permit denial for the Southview vacation home development in Stratton because a portion of the development was situated in an important winter deeryard. In a statement released with the decision, Judge James Oakes — a Vermonter — noted, "Historical experience teaches . . . that today's plentiful species may become tomorrow's endangered or even extinct species The restrictions imposed on Southview by the Act 250 process redound to the benefit of the public, both Vermonters and non-residents alike."

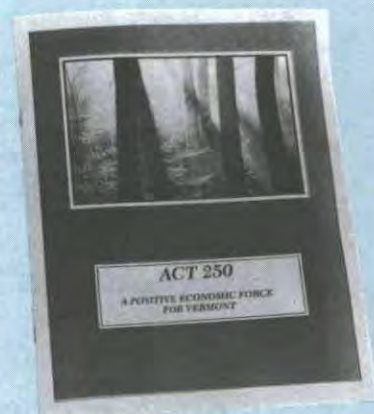
Oakes pointed out that Act 250 did not appear out of the blue. It was prompted by massive second home and recreational building in southern Vermont in the mid-1960s. Communities witnessed the effects of poorly planned subdivisions: soil erosion, water pollution from sewage systems, and a decline in the aesthetic quality of the land.

"(Act 250's) enactment represented the culmination of an effort to create a process that would subject subdivisions and other large development in Vermont to administrative review so as to ensure economic growth without environmental catastrophe," Oakes said.

Not all projects receive Act 250 scrutiny, and despite critics' charges, very few are denied permits outright. Of the 40 percent of Vermont's developments covered by Act 250, 81 percent were approved within four months, and only about 1 percent were denied approval.

For 23 years, Act 250 has protected the citizens of Vermont well. Now, citizens need to protect Act 250.

Sarah Seidman is a freelance writer and editor living in Middlesex



Act 250: A Positive Economic Force for Vermont

A 23-page report by VNRC on Act 250's effect on Vermont's economy

In an economic recession, one of the first targets of business concern is regulation. Vermont is no exception. A coalition of Vermont business groups is currently pushing for a range of changes in Act 250, Vermont's nationally respected development review law.

VNRC's report on Act 250 and Vermont's economy, "Act 250: A Positive Economic Force for Vermont," puts to rest the idea that Act 250 has harmed Vermont's economy, and suggests that careful review of development proposals has probably benefited the state's economy.

First, the report shows that Vermont's economy (judged by several key indicators) has kept pace with or exceeded national and regional growth indices.

Second, the report shows that Act 250 has created a force-field around Vermont that tends to repel poorly capitalized and badly planned development.

Third, the report shows that Vermont's image of environmental and product quality is extremely important to some very high-growth sectors in Vermont's economy — particularly the \$1.5-billion "green trade," including some manufacturing, forest and agricultural products, and travel. Act 250 plays an important part in protecting this image.

The report was praised by former state Sen. George Little and University of Vermont economist Jane Knodell at a December press conference.

Little, who has chaired the board of one of Vermont's largest banks, said that the report confirmed views of Vermont's potential growth and environmental quality that Gov. Deane Davis expressed in 1970 when the law was proposed. Professor Knodell said the report knocked down the customary argument that environmental regulation impedes growth.

The report was prepared by Vermont Law School graduate Darren Defoe and is available from VNRC for \$3 and a handling/shipping charge of \$1. **NF**

A LOOK BACK AT THE GENESIS OF VERMONT'S PREMIERE ENVIRONMENTAL LAW

Concern Across Political And Economic Spectrum Led To Landmark Legislation

By Andrew Nemethy

IT WAS 24 YEARS ago that a bill called H.417 began its journey through the legislative labyrinth toward eventual passage. Today, we know that bill as Act 250, probably Vermont's best-known law, and certainly one of its most controversial — which is nothing new. H.417 was also controversial when it was proposed back in 1969 as a landmark effort to address concerns about a sudden, overwhelming wave of land subdivision and development in Vermont.

To cast some light on the debate over Act 250 today — is it too stringent, has the review process become too cumbersome and time-consuming, even abused? — it helps to go back a couple of decades, re-opening the door on the concerns of that era and dusting off the history and passage of the bill.

The reels of microfilm, the news articles and legislative hearing transcripts reveal a remarkable who's-who of Vermont political names tied to Act 250: Sen. Jim Jeffords, Govs. Richard Snelling, Deane Davis, and Tom Salmon; Development Commissioner Elbert Moulton, and many others. More importantly, a look back unearths the original framework of H.417, which has become obscured over the years by time and by legislative amendments, and by Environmental Board and court rulings.

As with any dig into the past, removing the many layers of history provides

insights on how we got to where we are today in the current debate over Act 250. At the bottom is the forgotten truth that Act 250 has been built upon a jury-rigged foundation, because the critical keystone of the law, a statewide land-use plan to guide Act 250 decisions, was never adopted by the Legislature.

Development Boom Spurred Review Interest

The bill known as House 417 was the outgrowth of hearings held by the Governor's Committee on Environmental Control, appointed by Republican Gov. Deane C. Davis and chaired by Arthur Gibb of Weybridge, then a highly regarded state senator and now a member of the Vermont Environmental Board. The committee (whose members included a future governor named Richard Snelling) was appointed to deal with a historic and unprecedented development boom in southern Vermont, especially in the Mt. Snow resort region.

Facing subdivisions as large as 1,000 lots, volunteer town officials were feeling overwhelmed, under siege, and upset because environmental controls were hopelessly inadequate. Republican Gov. Davis responded to appeals for help by asking Gibb's panel in 1969 to come up with some solutions.

At the same time, there was also a boom in environmental awareness, re-

calls Montpelier's Leonard Wilson, who has rich insights on Act 250. Over two decades, Wilson has served three stints on the Vermont Environmental Board, twice as chair. As the development wave flooded Vermont, he says an awareness grew that Vermont's beauty was threatened by unrestricted building and that some steps had to be taken.

"You have to remember that in the late 1960s there was a great emphasis on natural beauty," he says, citing Vermont's landmark efforts to control billboards and the passage of the state Planning and Zoning Act in 1968, which established zoning and planning guidelines for local towns. At the same time at the national level, Lady Bird Johnson was spreading the message of "beautification."

That environmental awareness coalesced around the need to protect the state's beauty and natural resources by setting some statewide controls on development. Schuyler Jackson, who was assistant secretary of the Environmental Agency when Act 250 passed and then became chairman of the Environmental Board in 1973, vividly recalls those heady days.

"The environment had become the hottest topic nationally," says Jackson, who is now chair of the state Transportation Board. When the state forged ahead and enacted a whole string of environmental laws, he says, "The eyes of the nation were on Vermont. The only other



Strong backing from Gov. Deane C. Davis, a Republican with close ties to Vermont's business community, boosted passage of Act 250.

state that had anything even similar was Oregon. It was very exciting."

Regional Citizen Commissions Key To Law's Passage

The blueprint for controls developed by Gibb's panel was premised on the general police powers of the state to ensure the "public health, safety, and welfare" of its citizens. But despite pressure for curbs on development, H.417 was politically very touchy, says Gibb, and to ensure its passage a key change was made.

Gibb's panel had suggested a state commission be established to rule on developments, but a savvy Gov. Davis knew that would never pass given the cherished political dogma in Vermont of "local control." Davis' stroke of genius was to place the decision-making out of state control.

"He insisted that it (Act 250) be as close to the people as possible," says Gibb.

So for its regulatory nuts and bolts, H.417 instead proposed regional citizen environmental commissions. Elbert Moulton, who was on Gov. Davis' staff and played a key role in shepherding H.417 through the Legislature, explained the reasoning in testimony in 1970 before the Senate Natural Resources Committee. Saying a "Montpelier office" — a statewide review commission — would never fly, Moulton told the committee,

"We wanted to get the decision-making as close as possible to the area where the decision will take place."

Moulton explained the theory behind regional panels: they would reflect the attitudes of an area and understand local problems. The panels would also address another concern: that environmental decisions be removed from local town politics. Moulton told lawmakers that Windham and Bennington counties could not be expected to have the same views as counties in the Northeast Kingdom — a statement no less true today than it was two decades ago.

Besides establishing the new commissions, H.417 also spelled out the criteria to be used to judge certain-sized developments. They were contained in nine, succinct one-line sentences, such as not creating water pollution, unduly affecting municipal services, and — probably most radical because it was so nebulous — not having a negative effect "on the scenic and natural beauty of an area or historic place." Typical of the legislative process, the bill left the detailing of these criteria to the Environmental Board.

Records of House and Senate Natural Resources Committee hearings in 1970 reveal other aspects of the thinking of those who had a hand in drafting the law and guiding it along, such as then-Attorney General (now U.S. Senator) Jim Jeffords, Assistant Attorney General John Hansen, and attorney Jonathan

Brownell.

What is clear from the comments of all these players is that the now predominant regulatory aspects of Act 250 were, back then, considered an adjunct to the centerpiece of the bill, which was the State Land Use Plan and a Capability and Development Plan. Before house lawmakers, Moulton said these underpinnings of the law were "absolutely essential" because they would be what guided environmental commissions in making their development decisions.

The Capability and Development Plan was intended to provide the scientific and environmental basis for judgments on where development should go; for example, that building on ledge or wetlands should not occur because of potential sewage pollution.

Brownell presciently testified that the Land Use Plan, however, "involves political decisions as to where certain development or non-development should take place." Because this would be obviously a controversial process, H.417 provided for the Land Use Plan to be adopted down the road by the Legislature "so the people themselves can be heard," Brownell said. And they were.

Implementation Brings Challenges

After the law took effect in 1970, the new Environmental Board set out to draft

the two plans. The Capability and Development Plan, which spelled out the detailed criteria in Act 250 that developers had to abide by, was adopted in 1973. The Land Use Plan faced a different fate, however.

As Environmental Board chairman in 1973, Jackson had hoped to play a key role in drafting the statewide Land Use Plan, but that function was transferred by executive order to the state planning office, and the Environmental Board was relegated to taking the plan around to hearings.

"That was a very deep disappointment to me," Jackson says. "What they produced was an Adirondack Park-type plan, and I was absolutely convinced it was going to fail. It was irrelevant to the complex political structure of a state like Vermont."

It was also not what Walter Blucher, a professional planner on Gibb's committee, had originally conceived of. Blucher saw the plan as a "frame of reference" with generalized suggestions, and he recommended it "not be given the effect of law or of a zoning document." But the plan produced by the state planning office was detailed, complicated, and to a lot of people seemed like the heavy hand of Montpelier telling towns what they could or couldn't do.

"The reason it never passed is it scared the hell out of everybody," says Gibb plainly.

Jeffords today shares that assessment. "It got tagged with being statewide zoning," he says, and even all the high-powered political names backing Act 250 couldn't sell that to Vermonters. Bernard Johnson, who as assistant director of the state planning office worked on the Land Use Plan, notes that the state was also in a recession; the sour economy and the Arab oil embargo in 1973 made such statewide controls even less palatable and seemingly less needed at the time.

"People were just not as interested in the environment," he says.

Jackson "valiantly" went out and held hearings on the plan in 1973 and 1974, but with support lacking, it never passed the Legislature.

"That was the major failure (of Act

250), because when all was said and done and the dust settled, you were missing the ultimate component," says Jackson today.

Many key players see the rejection of the Land Use Plan two decades ago as the heart of many complaints about Act 250 today. Jackson compares Act 250 to a building built without the architectural plans. Wilson similarly says "the state plan called for was a key concept," and it was the "framework that never materialized" for Act 250.

Act 250: "People's Court" For The Environment

The result is not that Act 250 does not work, but that it is working differently than lawmakers and backers intended. Without a state plan and policies that emphasize certain areas for development, environmental commissions have had to make their decisions in a vacuum.

"People have been using it as a planning tool and mechanism, and it's very clumsy. It was never designed or capable of doing that," says Jackson. Without a context to guide decisions, he says Act 250 "had a great deal of difficulty handling issues overtly — or covertly — being thrust on it." The outcome, he says, has been "erratic results."

As an example he cites the confusion in Williston, where a development infrastructure was put in with lots of excess sewer capacity, sending one message, while Act 250 has been used by groups that oppose development in the area, sending another.

Wilson suggests that Act 250 has ended up much more a "project specific evaluation" than its framers intended. And Johnson observes that this has produced what he calls "guerrilla warfare."

"Project after project is fought using one or more of the 10 criteria in Act 250," he says, while the real issue is unresolved land use decisions, such as preserving prime agricultural land: Where, and how much, should be preserved?

VNRC Executive Director Ned Farquhar agrees underlying land use decisions are key, and says that is why VNRC has been a strong supporter of Act 200 — "to try to get planning going," on both

regional and grassroots levels. "We agree that planning is the answer. Relying on good municipal and regional plans for many local issues would allow Act 250 to become the place we look at issues truly of statewide concern."

The way things are now, suggests Stephen Sease, planning director for the Agency of Natural Resources and the agency's Act 250 land use administrator in the 1970s, "Act 250 has evolved into sort of a people's court for the environment." He sees other changes in the law's operation as well.

"In the early days the hearings were more informal and there were not as many lawyers involved," says Sease. While he says the law always was intended to be an adversarial process, "I think there's been an evolution where developers tend to bring in lawyers early and there's certainly been an evolution in the private sector with citizen groups forming and getting involved."

"The process has become inevitably more legalistic," agrees Wilson, who argues that is the natural evolution of any regulatory process. Wilson notes the Environmental Board has produced two decades worth of important rulings, and any smart developer is going to research those with a lawyer.

Sease says another key, and less recognized, change in Act 250 has been the growth in environmental science. He says knowledge about Act 250 criteria such as deer and bear habitat, erosion control, and waste discharge has expanded considerably.

"The issues have gotten more complicated with 20 years of research and expertise applied to them," he says.

But ultimately, the biggest change in Act 250 has always been that it never passed as intended.

"People like myself saw the Land Use Plan as the ultimate goal. The regulatory aspect was essentially the subordinate part of the law," says Jackson today. "But Act 250 ended up being the feature [part of the whole law]."

Andrew Nemethy of Calais has written on Vermont environmental issues for a wide range of publications.

VERMONT ENVIRONMENTALISM

Taking The Long View In A Practical, Moderate, Common-Sense Way

By Tom Slayton

Editor's Note: Tom Slayton — longtime Vermont journalist who is currently Vermont Life editor — first drafted this article about the roots of Vermont environmentalism for a Vermont Public Radio commentary. His remarks help put the current discussion about Act 250 and wise use of the state's resources into a broad context that rises above immediate conflicts.

CONTRARY TO SOME popular beliefs, Vermont environmentalism isn't a product of either the 20th century or the many urban emigres who have moved to Vermont in the past 50 years. In fact, Vermont environmentalism is just that — a Vermont item, produced by Vermont's people, its history, and its undeniable beauty.

What is Vermont environmentalism like? For one thing, it has a moderate, common-sense tone to it. And it is practical, not doctrinaire. There are exceptions, but for the most part Vermonters are more concerned about resource management than tree-hugging.

There is, to be sure, a quietly mystical side to much Vermont writing about the environment; and many, many Vermonters appreciate nature for its own sake. Native Vermonters were among those who fought hardest for the establishment of a few wilderness areas in the Green Mountain National Forest a decade ago, and they know where and how to draw the line on development.

But Vermonters are basically a pragmatic lot, and their environmental beliefs have historically come out of this state's farming traditions, not out of anybody's book of politically correct doctrine. One of the first and most famous Vermont environmentalists was George Perkins Marsh, who grew up on a Wood-

stock farm and later became a lawyer, a judge, a U.S. congressman from Vermont, and eventually a European ambassador.

Marsh saw the devastation that the widespread timbercutting and helter-skelter, high-elevation farming had brought to Vermont. He was especially concerned about soil erosion and the declining water quality of Vermont's rivers when he wrote *Man and Nature*, a book destined to become a classic and to reshape the way people thought about the relationship of humankind and the natural world. Today, Marsh's *Man and Nature* is considered a founding document of contemporary environmental-

ism, but in the 19th century it was a pioneering work.

And it was above all a practical, common-sense work. Marsh did not argue for conservation out of Romantic notions about the rights of trees or animals; he didn't deny that humanity had a rightful place in the grand scheme of things; he didn't argue moralistically for simpler lifestyles or less consumption. He argued for a wise use of the earth's natural resources.

He wrote, for example, that the earth was given to man for fruitful use — "not for consumption," he said, "still less for profligate waste."

Though his voice is Puritan, it is also



Vermonters
George
Perkins
Marsh,
one of the
nation's
first
"environ-
mentalists,"
in his study.

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moderate. The earth was given to man, Marsh believed, and therefore we have a duty to use the earth fruitfully and well. We are, in a word, stewards, not owners of the land.

The sword of fruitful use cuts both ways. Once several years ago, I was touring the Mad River Valley with Ed Eurich, a farmer who had gone on to become state agriculture commissioner. Eurich remembered how farms had once dominated the valley, and he grieved a bit to see lights shining through the night in what had been a dark, wild mountain hollow when he was a boy. But Eurich knew that times change and that Vermont had to change with them.

What he couldn't accept was the loss of productive land that went along with some of the changes. We stopped along the German Flats Road, got out, and looked at what had once been a farmer's high meadow, now overgrown with shrubbery and 15-foot-tall trees. The trees were too small and scrubby for timber, the farm field had been lost, and no one was making any use that we could

see of the land.

"That's a shame, Tom," said Ed Eurich. "That's just a waste."

The Vermont ethic of thrift held — and holds — that nothing should be wasted, least of all good land. The great environmental measures of our day — Act 250, Act 200, the returnable bottle law, the phosphate detergent law, and others — are based not on a desire to shut mankind out of nature, but to use nature — land, water, wildlife, plants, scenery, and all the rest of it — wisely, for the benefit of all.

Of course this has economic implications. One is that we shouldn't use up our natural resources, but should use them in such a way that they renew themselves and last a long, long time. A hillside can be farmed or managed as forestry forever. It can only be turned into roadside development or split-levels once. Farmed land not only produces food; it produces a beautiful landscape that draws tourists and new businesses. And if those businesses provide clean, good-paying industrial jobs, then everybody benefits. An

example is the IBM plant in Essex Junction — brought here, I should note, by a manager who liked to ski and liked the beauty of this state.

The other side of the equation is that a truly healthy economy benefits the environment. Former environmental commissioner Martin Johnson put it this way recently: "A strong, stable environment is directly dependent upon a viable, diversified economy, particularly in this era of rapidly growing populations, with their potential for massive destruction of the earth and its ecosystems. Economically depressed or threatened people will exploit the environment around them in their efforts to survive, rather than nurture and protect these future assets."

Thus, even today the historical trend of Vermont environmentalism is practical. It is concerned with the health of people as much as trees and animals. And it always takes the long view.

We might want to remember that wise middle course as we emerge from a hard recession and begin to consider what Vermont will be in the 21st century.

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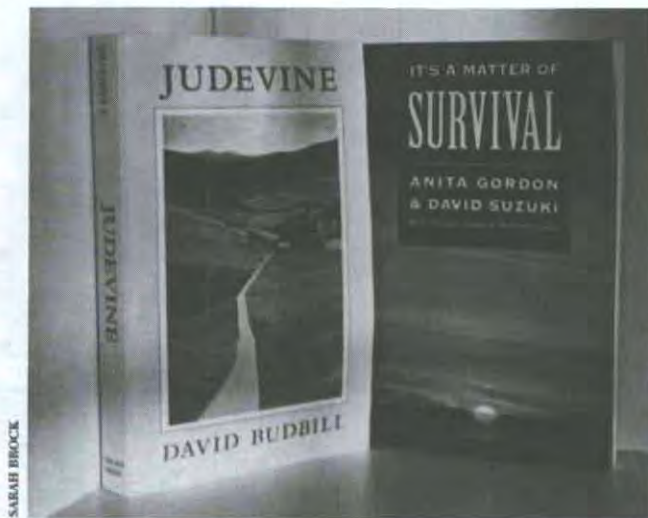
The Ethan Allen Homestead, was once part of the Onion River Land Company where Ira Allen scouted and surveyed, where Ethan and Fanny established their farm, where the Winooski still runs through woodlands and open fields.

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It's a Matter of Survival

By Anita Gordon and David Suzuki
(Cambridge, Mass.: Harvard University Press, 1991. 266 pp., \$10.95)

Anita Gordon and David Suzuki, both Canadians, have written *It's a Matter of Survival*, a book of environmental journalism that concludes we have little time left on earth to change our ways. This is a book of slight comfort. It is yet another "environmental doomsday book" but it is very convincing. One feels an urgency when putting it down. We must get to work. We must double our environmental efforts.

Suzuki is a well-known Canadian Broadcasting Corporation radio and television host of environmental features, among them "The Nature of Things." He is also a thorough-going professional as professor of zoology at the University of British Columbia. Anita Gordon is the originator, producer, and co-writer with Suzuki of the acclaimed radio series, "It's A Matter of Survival," from which the book was generated.

By some measures Canada is behind the U.S. in environmental cleanup, and Canadian citizens are said to lag behind Americans generally on awareness of environmental issues. Evidence for this is said to lie in Canada's treatment of its forests, in its tolerating Vancouver, B.C., to dump its raw sewage into the

sea, and in its treatment of native peoples in energy development issues.

But the authors don't restrict their indictments for savaging of the environment to the Canadians. They point the finger at everyone on earth. They leave us with a question: "Will the human race degenerate into territorial creatures

struggling for power, land, and survival or will we emerge with a new collective image of ourselves as a species integrated into the natural world?" The answer, of course, is critical; it's a matter of survival.

— Brendan J. Whittaker

Judevine: The Complete Poems, 1970–1990

By David Budbill (Post Mills, Vermont: Chelsea Green Publishing Company, 1991. 306 pp., \$16.95)

Funny, sad, heartening, and lonely — these poems evoke a full range of emotions while describing the people who live in David Budbill's town called Judevine. In telling their stories he provides us with his compassionate insight about the changes that have come to Vermont over the past two decades — bringing both good and bad to his characters' lives. Described are the results of the "hippie invasion," the "condo invasion," and the displacement of farmers from the land their forefathers had cared for.

You can hear the playful logger Antoine's voice, complete with his French Canadian dialect and his appreciation of the rugged outdoors. You can feel anger and pain when the peaceful,

ordered lives of Raymond and Ann are destroyed by the senseless violence of a motorcycle gang. There is humor in the efforts of the busybody Edith in trying to uphold the virtue of the town, and pathos in wretched, barely articulate Arnie's celebration of the beauty of the landscape. Reflected is Budbill's deep attachment to the land and its beauty, including Vermont's less pretty places and the people who survive in them.

Here is an excerpt:

"The End is the Beginning"

Down at the junction of Routes 15 and
100 there is and has been,
for the past ten years, a new town slowly
growing.
They paved over two hundred acres of
meadow and in it now
we've got a couple quick stops, four gas
stations, two supermarkets,
a hardware, three video rentals, a dis-
count department store,
two banks, two auto supplies, a pizza par-
lor, a fancier restaurant,
a paving contractor, a video game arcade,
a florist, an optometrist,
a paint and carpet store, a lumberyard
and, just last year
our very first McDonald's.
I was in the discount department store
looking for some spray
to kill a nest of yellow jackets who had
decided to homestead
inside the woodshed right where we all
needed to pass by.
I finally found someone I hoped could
help me:
a bony girl about eighteen,
drooping mouth, gapped teeth, sloe eyes,
and a look of boredom
so intense and terrible I wanted to run
away.

Some of the poems in *Judevine* have been published previously. Some were also the subjects in Budbill's play by the same name. If you have read earlier collections, such as *The Chainsaw Dance*, you will find that this collection fills in pieces of the puzzle. If you cannot find *Judevine* in your local bookstore, you may order the book directly from the publisher by calling toll free 1-800-639-4099.

— Peg Elmer

Spirit and Nature: Why the Environment is a Religious Issue

Edited by Steven C. Rockefeller and
John Elder (Boston: Beacon Press, 1992.
226 pp.)

Across many faiths lies a unifying theme: that people are part of a whole, and that they have an abiding responsibility to behave as part of the ecological whole.

This theme emerges from the scholarly treatment of the environment as a religious issue in a new book of essays and discussion edited by two Vermonters, Steven Rockefeller and John Elder of Middlebury College (both VNRC members!). With analysis by other scholars, and the dialogue of some participants, *Spirit and Nature* presents the thinking of leaders in Buddhist, Christian, Jewish, Native American, and Islamic religion as expressed at a three-day "Spirit and Nature" conference at Middlebury in 1990.

Where is the human place in the earth's ecological fabric? What are humanity's responsibilities to the earth? In the various religious traditions, the human role is seen quite diversely. Sometimes we protect. Sometimes we use — wisely. Sometimes we celebrate and belong.

Reading the thoughts and presentations of the scholars and spiritual leaders represented here, conservationists are likely to be most affected by the views of the Onondaga elder, Audrey Shenandoah, and The Dalai Lama, world leader of Tibetan Buddhism.

Their thoughts seem to reflect the direction of the American conservation movement over the past century, with deep roots in the mystical harmony of individuals with the earth. There is an optimism and a faith in human nature that runs through the thinking of these spiritual leaders. They inspire us to believe in ourselves and our ability, through the love of the earth and its creatures (including people), to come together for the good of the world.

— Ned Farquhar



Alison Trowbridge



Peg Elmer

EMILY SLOAN

COMINGS & GOINGS

Best Wishes

Alison Trowbridge, VNRC's Southern Vermont Program Assistant, is on leave for the anticipated birth of her first baby. Best wishes to Alison and her family.

Peg Elmer has left VNRC after more than three years of dedicated and steadfast service to our goal of promoting the wise use of Vermont's natural resources. She will be taking a job at the Vermont Agency of Development and Community Affairs. Peg's leadership in defining land use issues and working with community groups to address environmental concerns will be greatly missed. Best of luck to her.

Alums

Susan Clark, VNRC's former Editor and Director of Communication and Education, is hosting Vermont ETV's new series on the environment and business.

Former Southern Vermont Office Program Director **Marcy Mahr** is completing a master's degree in field naturalist studies at the University of Vermont.

Don Hooper, former VNRC Operations Director, has settled in as Vermont's new secretary of state.

Congratulations

Our congratulations and best wishes go to **Jonathan Lash**, former board member, who is now heading the World Resources Institute in Washington D.C.

Congratulations and best wishes for the future to **Farley Brown** on the birth of her first baby. Farley has been working with Brendan Whittaker on our Northern Forest Project.

Board Members

Thank you to outgoing board member **Adam Albright** of Wiliston for serving on VNRC's Board of Directors. VNRC is also especially grateful to **Marcy Harding** of Jonesville for all her good work on the board.

Thank You

The staff and board of VNRC thank videographer **Michael Sacca** for all his creative time and energy in producing our new video, "Made in Vermont."

Many thanks to attorney **Gerald Tarrant** for his tireless work in representing VNRC and other groups in the Sugarbush case.

BULLETIN BOARD

The True Cost

The video "So Goes Vermont," a powerful portrait of land-use planning issues and the Vermonters who grapple with them, is available from VNRC at a cost of \$19.95 until June 15, and \$29.95 thereafter. We previously reported the cost incorrectly.



Look for the Loon

You can make a contribution to wildlife when you fill out your Vermont income tax form. Look for the loon silhouette on line 11, the place where you can make a tax-deductible contribution of any amount to the Nongame Wildlife Fund. This fund supports the Nongame and Natural Heritage Program, which monitors and protects Vermont's endangered, threatened, and rare species. You can also send a gift directly to the fund at Vermont Fish and Wildlife Dept., 103 S. Main St., Waterbury, VT 05671-0501.

Matching Gifts

A matching gift from your employer can double or triple the value of your charitable contributions. Often retirees and widows, or widowers of retirees are also eligible for matched giving. To find out if your company has a matched giving program, call Nadell Fishman at VNRC's Montpelier office, 223-2328.

Giving at the Office

VNRC has joined the newly established Environmental Federation of New England to sponsor a payroll deduction plan to benefit environmental organizations in our region. New England employees may now contribute to these organizations through a workplace program with the money going to help protect, preserve, and clean up natural resources and educate people about environmental needs. For information about workplace giving, call Nadell Fishman at VNRC's Montpelier office, 223-2328.

ACT 250: GOOD FOR BUSINESS?

On Feb. 24, VNRC and the Vermont Businesses for Social Responsibility (VBSR) helped organize a lunch-time program for legislators concerning Act 250. The event, sponsored by Sen. Dick McCormack of Bethel and Rep. Wendell Coleman of Londonderry, offered information on how Act 250 has benefitted Vermont business and Vermonters in general.

Speakers at the program included Jerry Greenfield, co-founder of Ben and Jerry's; Victor Kalina, president of Verquest; Bill Maclay, William Maclay, Architects and Planners; and Steve Gladstone, marketing director for Merrill boots. Greenfield commented on the ease with which his company has dealt with the Act 250 process. He stressed the importance of Vermont's healthy environment in projecting the wholesome image that helps to sell his products and the key role of Act 250 in helping to protect that environment.

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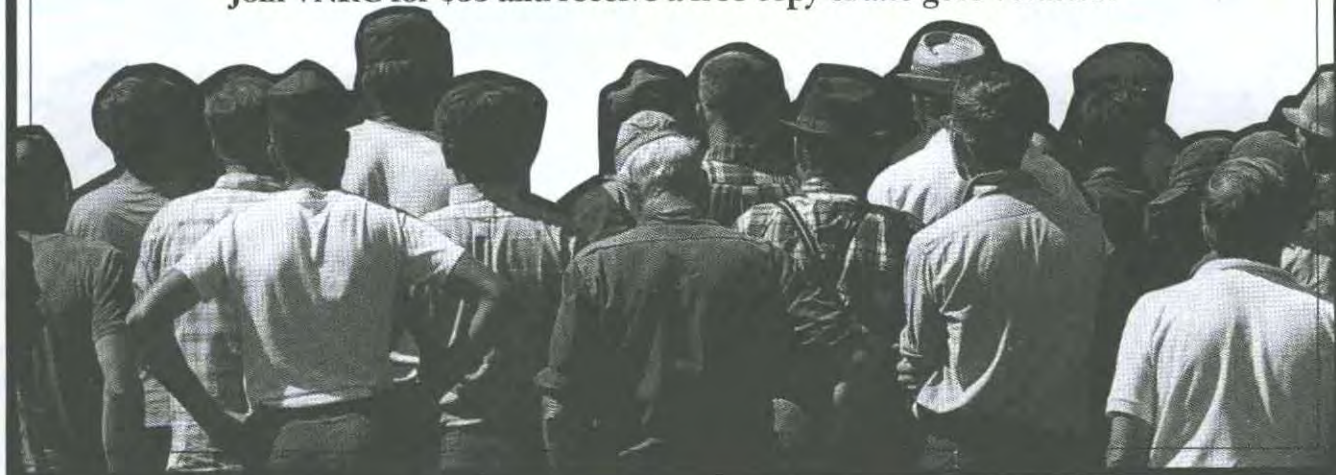
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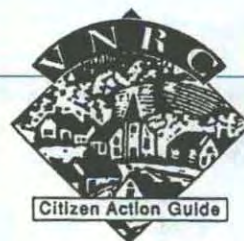
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