

VNRC

Vermont

Environmental Report

THE FUTURE?

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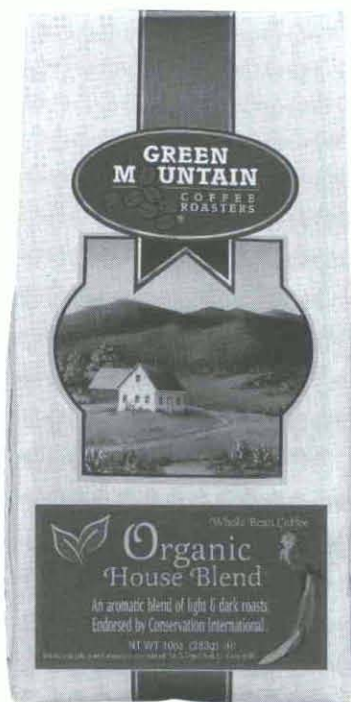
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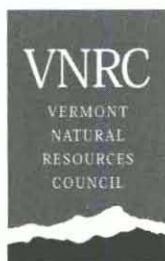


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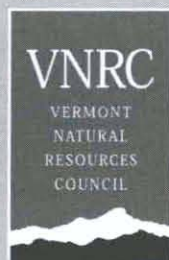
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THE INSIDE WORD

WHO'S PLANNING VERMONT?

BY ELIZABETH COURTNEY
Executive Director

The Green Mountains are Vermont's heritage and legacy to our children. They are the home of the black bear and the source of clean water and fresh air. VNRC wants this legacy to reach our seventh generation and beyond.

As we enter the next millennium, we find Vermont poised on the brink of a new era in mountain resort development that could change forever the nature of the Green Mountain State. The modern ski industry, now planning four-season resorts, could bring cities the size of Rutland onto Vermont's highest mountain peaks. We must exercise extraordinary sensitivity to the scale of these developments and to their potential negative effects on our land and water resources in these pristine mountain areas.

We are working to insure that ski areas in Vermont are required to submit Master Plans for public review. The lessons learned and processes created through review of these multi-phased development plans will guide consideration of large scale plans in the future. VNRC is advocating for review of cumulative impacts, appropriate long range review and sound planning principles.

We question whether the scale and fit of these massive proposals are appropriate for the Green Mountains. Vermont's rural fabric is at stake. VNRC is prepared to assure the continued vitality of Vermont's communities and environment. This is why VNRC is taking steps to institute comprehensive state land use (Act 250) review of these large scale development schemes. There is a growing awareness in the communities hosting and surrounding these resorts that the cumulative effects of these multiple developments are not being addressed. VNRC supports the concept of master planning in 'rural growth areas' at



Killington and other ski areas. But we want these development proposals reviewed comprehensively under Act 250, not just one piecemeal project at a time.

This winter and into next spring, Vermonters will be asked to consider mountain resort proposals without reference to a strategy, standards, or criteria for

evaluating the cumulative effects of these individual projects on the environment. From Haystack-Mt. Snow to Stratton, from Okemo to Killington-Pico and from Sugarbush to Stowe, there will be significant new issues arising from dramatic increases in: real estate development, numbers of vehicles on our roads, waste water discharges, air emissions and other byproducts of new growth. Not one of these impacts is being addressed or monitored comprehensively by any state or local government.

When the General Assembly established Act 250 in the early 1970s, its intention was to promote well-planned land use and to protect Vermont's natural resources. In passing the act, the General Assembly declared: "It is necessary to regulate and control the utilization and usages of lands and the environment to insure that, hereafter, the only usages which will be permitted are those not unduly detrimental to the environment, will promote the general welfare through orderly growth and development and are suitable to the demands and needs of the people of this state."

The cumulative effect of mountain resort development in Vermont could be unduly detrimental to our clean water and air, our wildlife habitat and our scenic highways and byways. We must take every opportunity to question whether proposals for large scale mountain real estate developments are suitable to the demands and needs of Vermonters, or whether these are proposals designed to benefit a global economy at the expense of our local economy.

A Skier's View: PAVING PARADISE

By DAVID GOODMAN

*They paved paradise and put up a
parking lot,
With a pink hotel, a boutique,
And a swinging hot spot.
Don't it always seem to go
That you don't know what you've got
till it's gone?
They paved paradise and put up a
parking lot.*

— Joni Mitchell, singing about the ski industry
(well, not exactly, but she could have been)

Growth is good! Bigger is better! These twin mantras of today's ski industry hardly seem controversial. After all, doesn't every hot-blooded, self-respecting yuppie swear by these principles?

There's just one problem: the explosion in ski area development may kill off our sport faster than El Niño ever could.

Consider, for example, what is happening right now in Vermont. Les Otten's American Skiing Company has proposed adding a new city to our humble state. This metropolis would lie at the base of Killington Mountain, one of the nine ski resorts that Otten owns. The twenty-year master plan unveiled by Killington in September calls for adding up to 1,530 hotel rooms, 2,015 hotel suites, 480 condos, 345 townhouses, 80 single family units, 230,000 sq. ft. of commercial space, and 118,000 sq. ft. for meetings or indoor sports. According to ASC vice president Carl Spangler, Killington will be able to accommodate about 30,000 people after just four years — a 50 percent increase over its current capacity.

Reality check: a fully occupied Killington would be the second largest city in Vermont. Only Burlington, population 39,000, would be bigger.

ASC calls this its "village approach" to development. I call it urban sprawl.

Does this construction

boom have anything to do with skiing? Barely. Skiers sliding down a beautiful mountain are mere eye candy for the main event: making boatloads of money for downcountry investors.

For more proof, consider this: in just one month last spring, Intrawest Corp. — owner of Stratton Mountain — made \$94 million selling slopeside real estate at four of its ski areas. Intrawest estimates that it has land enough to build 16,500 units, which they can eventually sell off for \$2.4 billion.

One problem when Wall Street heads to the woods is that the ski experience is the first casualty. Suddenly, the beautiful glades that line a trail are clearcut to make way for million-dollar condos. That's just what happened at Stratton two years ago.

The ski area experience is rapidly becoming an extension of everyday life, rather than a respite from it. Crowds on liftlines feel a lot like the crush at Grand Central Station at rush hour. Is this growing the sport of skiing? Hardly: the number of visitors to ski areas in the Northeast peaked in the 1986-87 season, and has been flat or down ever since. Skiers are savvy travelers. If they want crowds and neon, they know they can save time and money by just staying home in downtown New York or Montreal.

Residents of mountain communities are right to object to this new wave of development. They are being asked to underwrite speculative real estate ventures with their pristine natural resources. They could easily be tempted by the promises of jobs and riches. But they've seen this before: during the real estate boom of the

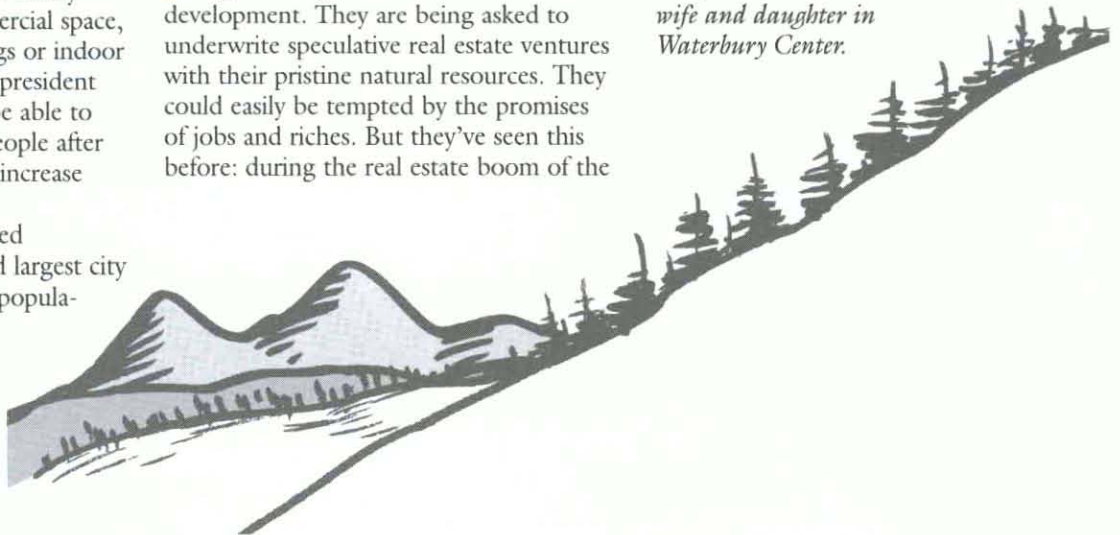
1980s, ski resort owners went hog wild investing in slopeside vacation homes. Then the market tanked, taking down a number of ski areas with it.

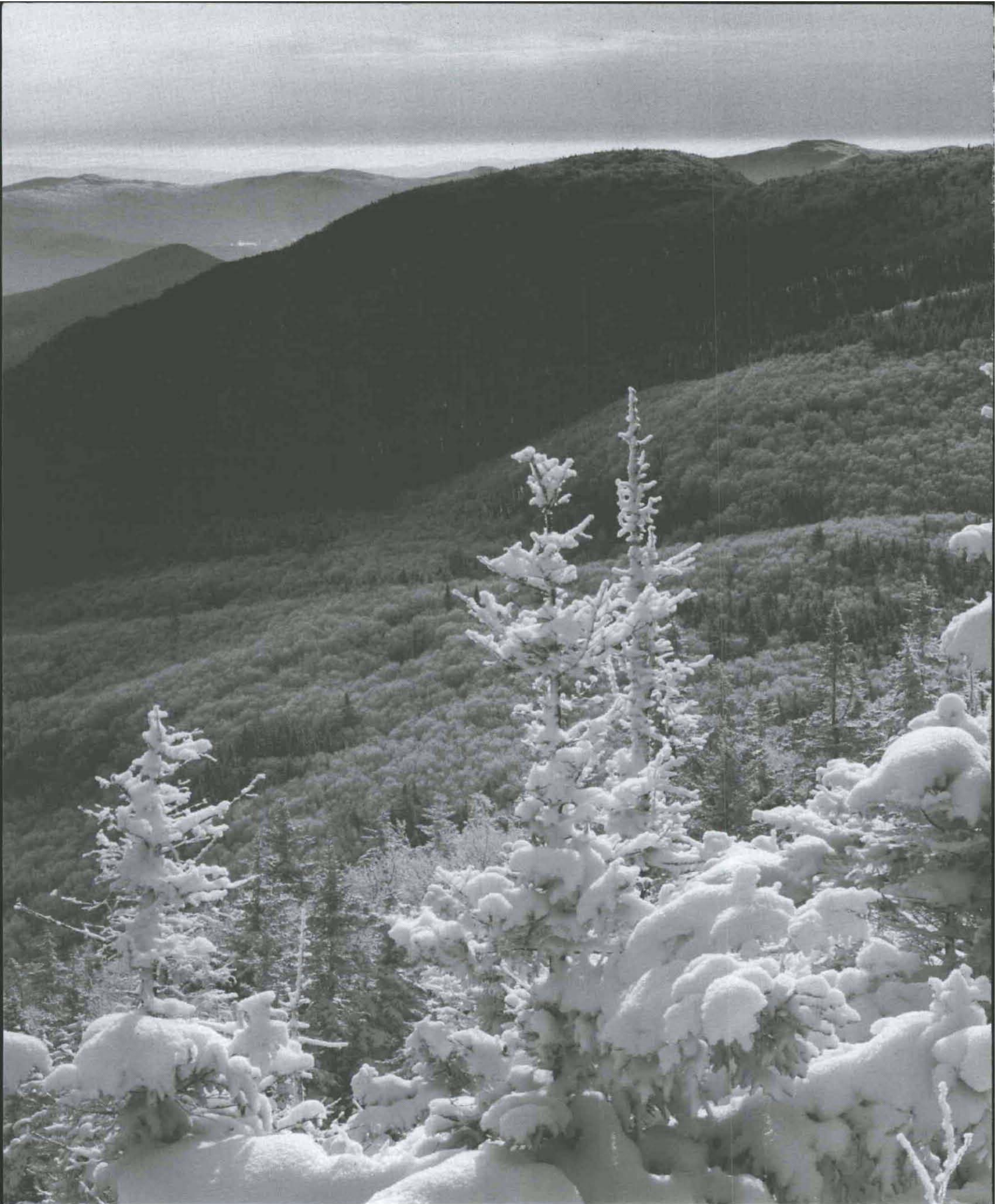
Eighty-six years ago, a large ship set sail from England. Its owners were supremely confident that it was unsinkable. When the Titanic went down, two-thirds of its occupants perished. Are skiers and mountain town residents now being lured by resort conglomerates onto a modern day Titanic?

In skiing, only the vertical and the snow depth should be huge. The soul of our sport is just being in nature. Watching snowflakes drop quietly onto giant fir trees. Being outdoors with friends. Feeling like you are free, flying like a bird.

Yeah, I know: these are sappy, simple sentiments. And they are why we ski.

David Goodman is a contributing editor for SKI, Powder, and Back Country magazines, and the recipient of numerous national ski writing awards. His passions range from politics to skiing, as the subjects of his latest books indicate: "Backcountry Skiing Adventures: Classic Ski and Snowboard Tours in Maine and New Hampshire" has just been published by AMC books, and "Fault Lines: Journeys Into the New South Africa" will be published in February by University of California Press. He lives with his wife and daughter in Waterbury Center.





The Power To Move Mountains

A look at ski areas across the nation

By KATHLEEN HENTCY

There's a gold rush on in Aspen, Colorado, and the nuggets shine along the downtown streets. There is Cashmere Aspen, a shop with "everything in cashmere;" Olivia Lee, carrying European couture undergarments and exclusive lingerie; Chanel Boutique, where you can get Chanel fine jewelry and watches; and Polo Ralph Lauren. There is McDonough's carrying all the best in ski wear — how about a \$1,500 Bogner ski suit?

And if you want to move here and get in on the boom, there's a bargain apartment available, two-bedrooms at \$300,000 for about 1,200 square feet of living space.



"The resort aspect of the town has changed everything," says Kara Klein, an area resident and adventure film producer in Aspen.

"Four years ago, there were a lot of local shops, but now its like Madison Avenue with all the designer shops." Klein says that when she or her friends need clothing, they either drive four hours to Denver or buy through a catalogue.

What does this situation in far-away Colorado have to do with Vermont? While Aspen is much more upscale than anything planned for Vermont to date, the international trend in ski resort development to year-round destinations is a cautionary tale for the Green Mountain state.

Take a look at American Skiing Company's new 20-year master plan for its Killington Resort. If ASC is successful, it will own three quarters of all the commercial beds between Fair Haven and Woodstock and enough retail space to house three WalMarts. (See *Keeping the 'Rural' in 'Rural Growth'*, pages 11-12, for more details.)

"We will probably never, ever see that level of development in our lifetime," said Carl Spangler, vice president of planning for American Skiing Company. The master plan is simply a look through "futuristic glasses," Spangler said.

"We will go for it, if all the stars stay lined up, if the economy is good, if the tax laws don't change, if, if, if — you might see something like this," he said. "But we know long before we get to 20 years, that plan is going to see change."

Besides, Spangler said, there is no downtown Sherburne, and Rutland will

View of Killington base area, golf course and access road.

changes to the immediate area's culture wouldn't upset traditional small-town lifestyles. "It's a whole different setting," than Aspen's, he said.

While there are certainly many and significant differences between Aspen, Colorado and Sherburne, Vermont, there is one similarity that alarms environmentalists and others concerned about maintaining small, healthy, communities based on sustainable growth; the tremendous push to convert former ski areas into year round recreational and destination resorts, with their associated real estate development.

*"Basically, these
ski resort owners are
real estate developers
who are building
international
recreational resorts."*

provide the local shopping that it always has. In addition, he said, Sherburne has no long-term residents whose roots to the region go back generations, as in the town of Aspen. That would mean that

"THE POWER TO MOVE MOUNTAINS"

"Basically, these ski resort owners are real estate developers who are building international recreational resorts," says former Vermonter Andrea Meade Lawrence, a two-time gold-medal winner in the women's downhill, and an activist working to influence ski area development where she lives in Mammoth Lakes, California. There, Intrawest, the interna-

Summer mountain biking at Killington: enhancing the year-round experience.



tional corporation that owns Stratton Mountain in Vermont, is planning to convert the Mammoth Mountain ski area to a year-round resort.

"We're talking about the "Club Med" of the mountains," she says.

Vail, for example, which also owns Beaver Creek, recently acquired Breckenridge and Keystone resorts — all in Colorado. The company has added two hotels and 11 new restaurants to its resorts, for a total of six hotels, 72 restaurants, 40 retail and rental outlets and 1,300 condominiums. At Breckenridge, "to capture a greater share of guest spending, the Company has also expanded the ski school, added dining options and increased retail and rental operations," according to their annual report. At Keystone, where Vail says there are four "neighborhoods," another 4,600 residential and lodging units will be built and "up to 382,000 square feet of retail and restaurant space." Included in all this are golf courses, pools, tennis courts and other "recreational opportunities."

Intrawest, which owns Whistler/Blackcomb in British Columbia, Canada, Panorama, Mammoth and Copper in the western U.S., Tremblant and Mont Ste Marie in Quebec, Snowshoe, Stratton and Mountain Creek in the east, and

Sandestin, a resort in Florida, has substantial construction underway at every one of its resorts. According to Intrawest's annual report, there will be a combined total of 1,622 new residential units at the end of this building phase (ranging from 341 new units at Blackcomb to 17 at

*"We're talking about
the "Club Med"
of the mountains."*

Snowshoe and none at Copper, Whistler and Squaw Valley) with a projected total of new units of 12,562 in a future building phase. There have been 190,000 square feet of commercial space completed and another 92,000 square feet is planned, spread across five resorts.

Intrawest's annual report makes their purpose clear. Under the heading "Adrenaline" and "Whistler and Copper

acquisitions pump profits," Intrawest's annual report states; "The opportunities to increase profits at both mountains are staggering." The "blueprint" for increasing profits is a series of "gears," the first being a ski resort, the second, construction of "an animated place so people stay longer." The third gear is more people, who "spend more money and bring their friends." The fourth gear; "More real estate is built and attractions are added, drawing yet more people." The fifth gear; "More people, more often, leads to the expansion of year-round facilities, maximizing use of shops, hotels, convention facilities and restaurants." The sixth gear; "as occupancy and room rates climb, so does demand for resort real estate, creating a surge in real estate sales." The seventh gear; "a total resort experience, which brings year-round destination visitors, generating financial critical mass...." And the eighth gear: the financial critical mass "leads to more mountains.... It's logical."

Intrawest calls this their "blueprint for success."

"Each gear produces increased skier visits, increased revenue per visit and higher real estate values at every turn. The design's elegance is that the gears work in sync, causing a compounding effect. The

result: exponential power. The power to move mountains."

It's also the power to blind people to the realities of what is happening to their small-town communities.

"In come these people strutting their stuff, saying 'we're going to bring in hundreds of millions of dollars in development,'" Meade Lawrence says. "It gets everyone's eyes rolling around in their heads. It's the gold rush mentality all over again."

WHO GETS THE GOLD AND WHO GETS THE TAILINGS?

"There is no question that some level of development will do these communities a lot of good," Mead Lawrence says. "But you have got to get the stars out of your eyes and start asking some questions."

Such as, who will benefit from this development-produced "gold rush?"

Meade Lawrence points out that while there may be construction jobs for locals in the beginning, and wait-staff positions and ski staff jobs later on, the majority of the high-paying jobs will go to the corporation's people they have brought in. Also, Meade Lawrence stresses, ski resorts are owned by national and international corporations who answer to their stockholders. Profit for the stockholders is the bottom line.

"These corporations don't answer to the local community," Meade Lawrence says. "Their staff sell their condo units, and they sell and rent their own commercial space. Any new business in that space, they control it. That's their prerogative, but from the point of view of the community, it could be very hurtful to existing businesses."

The presence of these mega-resorts also drive up property values, Mead Lawrence says. In Aspen, Klein says she has experienced that first hand.

"Locals can no longer afford to live here," says Klein. "The average cost of housing in this town is \$500,000. That means someone like myself has no hope of ever touching anything." Just to rent a one bedroom apartment, she said, costs around \$1,000 a month. But as Klein and others have moved away from where they work, they've found that getting to and from work has become a job itself.

"It's a huge hassle," says Amy Clemens, a resident of Basalt, a town 17 miles from Aspen. "On a Sunday, the trip

from Basalt to Aspen takes about 20 minutes. On a weekday, it can take more than an hour," she says, depending on the glut of traffic and progress of the highway construction for the new four-lane highway that's going in.

Even without construction, when the shift at the resort changes at 4 p.m., traffic backs up from Snowmass to Aspen, a distance of 12 miles.

"There's so much traffic going in and out of town, it's ridiculous," Clemens said. "People who live here are so frustrated."

"IT'S NOT TO SAY 'NO,' IT'S TO SAY 'HOW.'"

The damage such corporate mega-development can do to local communities is paralleled by the damage it does to natural habitats, said Meade Lawrence.

For example, Meade Lawrence says, mountains are vast reservoirs of water. Rainfall is absorbed by the soil and plants, such as sphagnum moss, and released slowly into brooks.

"Most of the world gets its water from mountains," she says. There are other resource issues that must be considered as well, such as wildlife habitat.

"Mountains are 'vertical archipelagos,' rich diverse areas, with unique ecosystems," that cannot be replaced or duplicated elsewhere, Meade Lawrence says.

Regardless of the implications of such development in formerly rural and wild areas, Act 250, the state's development control law, will not address American Skiing Company's plans comprehensively unless a little used provision in the law is applied.

"What we're talking about are new villages, towns and arguably, new cities in the mountains," says Elizabeth Courtney, VNRC's executive director. "For the good of all Vermonters, significant development in sensitive mountain regions must be reviewed comprehensively for its potential long-term effects. We need to remember that the traditional settlement pattern in Vermont is small and compact with many diverse uses."

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A NEW GOAL FOR GOLD MEDALIST

BY KATHLEEN HENTCY

Andrea Mead Lawrence, two-time gold medalist in women's slalom and giant slalom, grew up and honed her talent on skis in the Green Mountains. Her parents started Pico Peak in the 1930s, just in time for their little girl, born in 1933, to start learning the fine line between gold-medal speed and control and crash-and-burn skiing.

When Mead Lawrence was 15, she won a place on the Olympic Women's downhill team. Over the next 12 years, she represented the U.S. on the slopes of Austria (1948), Norway (1952) and Italy (1956). In 1952, she won the gold medal in Women's slalom with a time of 2.10.06 and the women's giant slalom gold with a time of 2.06.08.

Obviously, Mead Lawrence has spent a good deal of her 65 years at ski areas around the world. But even though she spent much of her time on the slopes skiing a slalom course faster than her competition, she has always taken time to appreciate her surroundings. Her experience, she says, has given her a global view of the ski industry, its evolution and the impact it has on the local people and wild areas.

So when Intrawest recently bought Mammoth Mountain ski area in Mammoth Lakes, California, Mead Lawrence's home for the past 30 years, the international corporation got her attention. Following the trend in the skiing industry away from skiing and into real estate, Intrawest started "expanding" the ski resort to a year-round recreation destination.

Mead Lawrence objects to this on several fronts. First, she points out, although touted as ski resort expansions, these new developments have little to do with skiing. They are real estate speculation on a grand scale, with sales of slopeside condo units driving the success of the projects.

"It's all glitz and gloss," she says. "It has no heart and soul."

Secondly, the national or international corporations that own the big resorts and are building them into mega-destination areas are doing so on or next to state and national forestlands, severely compromising wildlife habitat in some of our richest, most diverse wild areas.

"These developers have to realize that the areas they are moving into are treasures — we have to be thoughtful about how we develop in those areas," she says. "There is not a single one of us who live in the mountains who isn't nurtured by the land around us."

And then there is the issue of the human habitat.

"What do you want your community to look like in 2020?" she asks. She warns of the economic dislocation that occurs as property values and construction costs climb beyond the reach of ordinary people. And, there is something Vermonters are well familiar with; the danger of allowing one's way of life to be portrayed as "quaint."

"When our culture is seen as 'quaint' it is not valued or respected, it is treated as a curiosity or an oddity," she says. And eventually it dies out.

"My life is more than a pretty postcard," Mead Lawrence says.



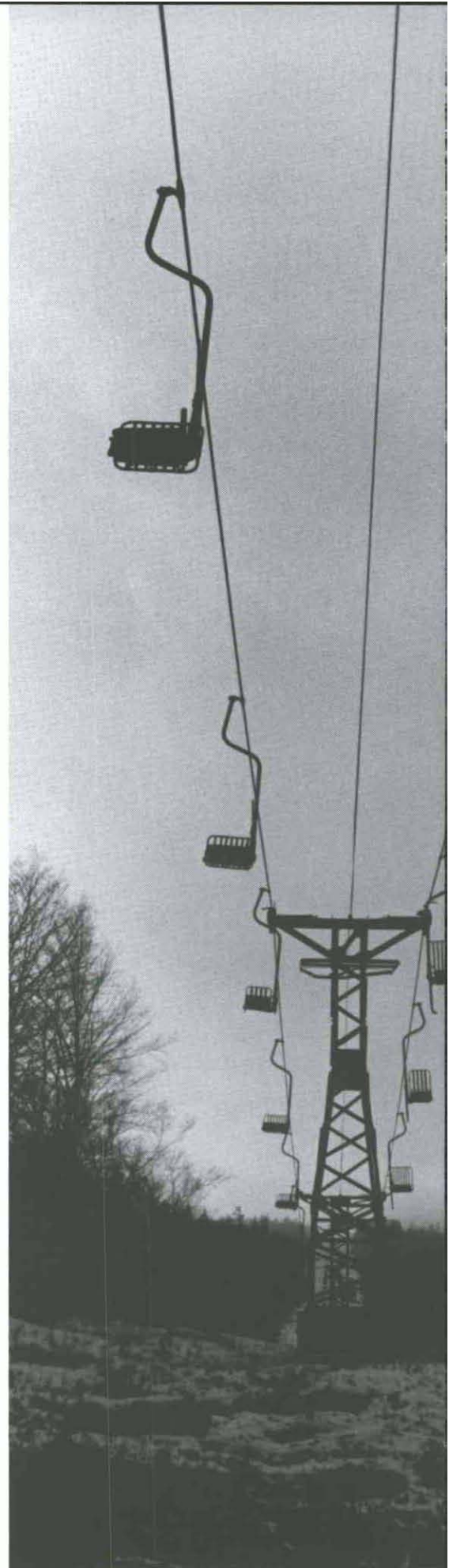
Andrea Mead Lawrence

'KEEPING THE' Rural ^{IN} 'Rural Growth'

BY WILL LINDNER

In any other state, Route 100 would probably have been dynamited by now, and replaced by something wider, slicker, straighter and faster to hasten vacationing skiers toward their favorite slopes. The road is an anomaly by cultural standards that perceive the countryside as a tedious wasteland between exciting urban centers; it is a frayed length of twine incongruously connecting some of Vermont's most cultured pearls — its ski areas and destination resorts.

You can track Route 100 on the Official State Map by following the small red symbols representing alpine and cross country skiing centers, and the little circles with flags that denote golf courses. From Haystack Mountain and Mt. Snow near the Massachusetts border, up to Stratton and Bromley, north to Okemo and then Killington, thence to Sugarbush, Stowe, and Smuggler's Notch and on to Jay Peak just south of Quebec, virtually all of Vermont's major ski areas are there, either on Route 100's mountainous corridor or on connecting roads like Routes 30, 11, and 108.





*Who is planning Vermont?
Vermonters, or the national and multinational
corporations that have bought up its ski areas?*

A question that now looms is what will happen to Route 100 as these ski areas, one after another, seek to become four-season "destination resorts," following master plans that promote resort-centered development zones as large or larger than any existing city in the state besides Burlington.

But more than the roadway, it is the towns and villages along Route 100 that matter most. Indeed, even the cities and commercial districts some distance from Route 100 stand to be affected as the resorts plan vast consumer-goods complexes and cast their eye not only on tourists but on local residents to keep those retail ocean liners afloat. A consultant for Killington's 1998 Resort Village Master Plan, for example, says the developers "should be relying on residents of secondary trade areas [meaning folks from Rutland to Lebanon, N.H.] to support potentially over half the sales" at its planned 230,000 square-foot retail/commercial space.

Vermont isn't averse to plans, or to planning. In fact, planning is a hallmark of our state, reflected in Acts 250 and 200 and our many regional planning commissions. But the kind of planning going on at ski areas with four-season stars in their eyes poses serious questions.

"Who is planning Vermont?," Elizabeth Courtney, VNRC's executive director, wonders aloud? "Are we, Vermonters, doing the planning? Or is it the national and multinational corporations?"

Stratton Mountain, which has ushered its 13-year master plan through hearings for an Act 250 permit and now awaits the

district commission's decision, is a subsidiary of Vancouver, Canada-based Intrawest Corporation. Killington, whose Act 250 hearings began in November, was purchased in 1996 by American Skiing Company (ACS), whose holdings also include Sugarbush, Haystack and Mt. Snow in Vermont and nine ski resorts, in total, throughout the U.S. (Killington, after it was purchased, then consumed neighboring Pico Peak.)

Even Stowe Mountain Resort, which lies at the pinnacle of a picturesque village with an almost legendary link to all things Vermont, is now owned by the insurance and finance giant, American International Group. Stowe is in the early planning phases of a \$150-million development project intended to solidify it as — what else? — a four-season destination resort (albeit a resort whose scale, as thus far conceived, is more consistent with existing settlement patterns than the radical plans put forth by other ski areas).

The breadth of these master plans indicates there's something else going on besides promoting the sport of skiing. Stratton Mountain's "Community Plan" (just part of its \$123.8-million master plan) includes 724 "hotel-like units," 574 condominium/townhouses, 21 single-family homes and 30,000 square feet of commercial space — all this on top of the 81,000 square feet of commercial space, the four hotels, 700-plus condominiums and 281 single-family homes already there. Killington is preparing to spend more than \$700 million for a project that, when fully developed, will include 1,530 hotel rooms, 2,015 hotel suites, 825 town houses, and 80 single-family homes, in

Single chair lift at Mad River — most traditional single-chair lifts have been replaced by high-speed chairs or gondolas.

addition to the 230,000 square feet of commercial space and 118,000 square feet of indoor-recreation and public gathering facilities. Killington's planners envision a more-or-less constant presence of some 30,000 people at the "new Killington" (a community, the plan enthuses, of "sizzle and wow!"). Among Vermont cities, only Burlington is larger (population 38,000).

Both plans also include significant expansions of the alpine skiing infrastructure. But VNRC general counsel Christopher Kilian perceives another trend at work.

"Skiing is a way to attract people to a place where they will purchase real estate," he says. "American Skiing Company went public last year, and a lot of the value to investors, as described in their prospectus, was real estate. That goes along with the whole concept of trying to develop a four-season destination resort, which is the stated goal of all these plans we're seeing at Killington, Stratton, Okemo, Mount Snow, Sugarbush, Jay and Stowe."

It might not be fair to call skiing a secondary consideration, but Shanna Ratner, a rural economist at Yellow Wood Associates in St. Albans, says the industry believes that to fill their slopes resorts must fill their basins, with virtually anything that will attract people.

"One of Killington's consultants is very clear about this in her pre-filed testimony," says Ratner, turning to a document submitted by Sno Engineering Inc., of Littleton, N.H. "This consultant cites recent industry studies, and says: 'At destination resorts, up to 50 percent of the guests do not participate in on-mountain sports.'"

"This," Ratner says, "raises important considerations about their master plan."

That plan is designed to recapture lost skiers. Total annual "skier-days" on Killington's slopes have actually dropped from their 1987-1988 peak of 1.4 million, to 1.1 million. The company wants to boost that number up to 1.6 million. If the industry analysis is correct, each of those new skiers would have a companion checking out the amenities below.

"That increases every dimension of impact," says Ratner, "from energy consumption to water and sewage treatment, to traffic." (Modern master plans routinely tout the free bus and "people mover" transportation that resorts will provide to diminish driving around the site, but even to the extent that those are effective, it's

The breadth of their master plans indicates there's something else going on besides promoting skiing: attracting people to a place where they will purchase real estate, a goal of the four-season, destination resort.

likely most visitors will arrive and depart by automobile.)

CITY ON A HILL

While these elaborate plans animate the imaginations of developers and investors, conservationists express concerns not only about their potential drain on natural resources, but about their sheer size.

"What I'm seeing is that [Killington's]

proposal is too ambitious," says Tom Daniels, a professor of planning at SUNY Albany. "Skiers tell me, to a person, that Killington is already more crowded than they would like ski areas to be." Daniels has been asked to testify for VNRC when the district commission evaluates Killington's proposal.

So in the Act 250 forum, VNRC has begun to address the question of when a proposal surpasses any conceivable definition of rural development.

"In Vermont — and even more critically, nationally — we need to develop the concept of what are our boundaries concerning rural and non-rural areas," says Fred Schmidt, director of the Center for Rural Studies at the University of Vermont.

Connected to this are other questions.

"What do we expect to be the characteristics of the countryside that supports a rural community? Is the future to be private development of the resources, and if so, will the land be accessible to citizens for the kind of activities that would characterize a traditional Vermont rural community?"

Act 250 commonly deals with resource-conservation issues — air and water, wetlands and wildlife — and VNRC and other groups have helped attain important Environmental Board decisions pertaining to economic impacts and scattered development. But the deliberations on these four-season master plans isolate another concept of conservation: When does development in a rural area introduce so many hotels, houses, theaters, restaurants, gymnasiums and stores, so many roads, bus stops and golf courses, that the environment becomes urban in nature?

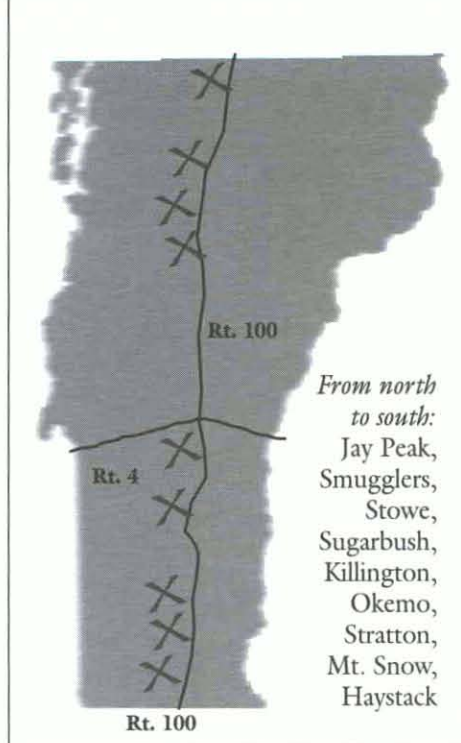
VNRC Executive Director Courtney says this is the time to find out. The Council will hold Killington's proposal to the light of a series of Act 250 criteria (Criteria 5, 6 and 7, and 9A, H, K and L), some of them related to the almost self-contradictory concept of "rural growth areas" and the impact such growth would have on the economy and municipal infrastructure of the entire region.

"These questions are at the very heart of our concerns with this kind of development," says Courtney.

Rural economist Ratner says that while Killington has paid a great deal of attention to its marketing strategies, it has spent much less time evaluating the effect a virtual city of Killington would have on

PLANS FOR DEVELOPMENT

Locations of ski area resorts planning new expansions along the spine of the Green Mountains.



When does development in a rural area introduce so many hotels, houses, theaters, restaurants, gymnasiums and stores, so many roads, bus stops and golf courses, that the environment becomes urban in nature?

the region as a whole — other than to speculate how much retail business it will need to pull in from points as close as Rutland and as far away as Lebanon to make the numbers work.

"If you want people to shop — the 50 percent of them that won't be skiing — then why not put them on a shuttle to Woodstock with a cappuccino in their hand?" Ratner says. "We need to be concerned about the extent to which Killington's retail expansion will displace existing local businesses."

And how many new families would come to live in the Sherburne region? And would the resort provide adequate, year-round income for them to contribute to the costs that more people, more roads, bigger classroom sizes and more public services inevitably require?

Ratner finds the answers Killington provides to such questions often contradictory and unconvincing.

"The company says they need to bring in more skiers, bring them during off-peak times of the season and get them to stay longer. They need to get people to visit the resort at all times of the year, to change their vacation habits.

"I buy all that, although I don't see how they can accomplish some of those goals," Ratner says. "It's not a question of whether they should do anything; it's a question of scale. The task before us in the hearings will be to take something that is essentially misguided and try to shape it into something that works, for the company and also for the region."

WATERS AND ROADS

To be sure, VNRC won't put all its eggs in the basket challenging rural development on economic and social terms. VNRC General Counsel Kilian, who doubles as Water Program Director, is adamant that water quality issues get a serious look in these four-season proposals. In the Stratton hearings Kilian sought to reinforce the premise that a land-use

permit holder must comply with Vermont's water quality standards and the federal Clean Water Act before its request for a new or amended permit could be granted.

"One of our major concerns at Stratton is that the headwaters of the North Branch of Ball Mountain Brook are entirely dominated by development at the resort," Kilian says.

That development has fostered such water-quality problems as erosion, parking lot runoff, cleared stream banks that allow the waters to grow too warm for aquatic biota, and an over-abundance of nutrients, some of them produced by golf-course products, that gradually fill in streambeds with harmful vegetation. The North Branch appears on the state's 1996 "List of Targeted and Impaired Waters."

And it has company there: a four-mile section of the Roaring Brook at Killington.

"The Environmental Board has ruled that the fact that a river has already been degraded does not justify further degrada-

tion," Kilian says. "If anything, it justifies a greater degree of protection provided by the district commission."

Increasingly, it seems, defending Vermont's natural resources requires that conservationists operate on several levels. There are the battles that take place on the ground, seeking specific concessions from permit applicants not only to protect but to reclaim waterways damaged by development. And as large corporations launch proposals to transform their ski areas into communities that would threaten our established residential and business districts, conservationists will need to fight to establish limits on growth, or else see the entire concept of "rural" turned into a mockery.

And now an even larger picture is coming into focus. Conservationists may temper, one at a time, the outsized ambitions of real estate and recreational empires. But what happens in 10 to 15 years, when the environmental and economic spheres of influence have spread from one resort to another, consuming the villages and countryside between?

"Nobody — no state agency, no district commission — is monitoring the cumulative affect of all these applications," says Courtney. "Nobody yet is assessing what would occur if all these places got their permits. What would Route 100 look like then?"

And what would Vermont look like? And who would own it?



SKI AREAS AS STEWARDS

Conservation Initiatives for Ski Areas to Emulate

BY WILL LINDNER

From Burke in the east to the Middlebury Snow Bowl in the west, from Jay Peak up north to Haystack Mountain in southern Vermont, commercial ski areas control some 40,000 acres of the state's land mass. And although that accounts for only about seven-tenths of one percent of the state's total six million acres, the companies' responsibility is enormous. Because of their high altitudes and steep slopes, those 40,000 acres include some of Vermont's most ecologically sensitive terrain.

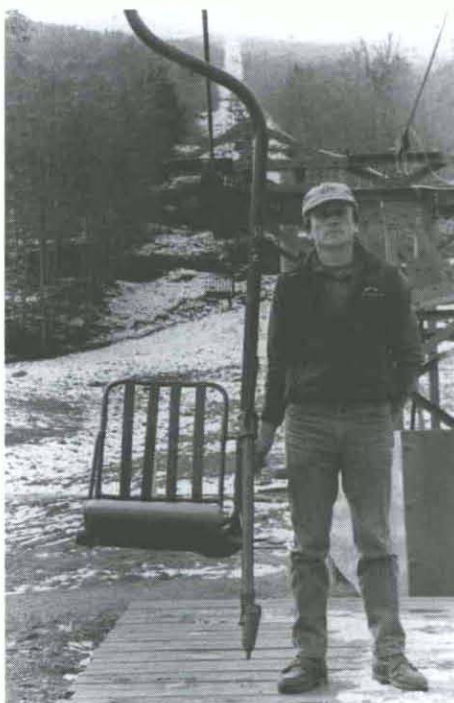
By the nature of their business, ski areas carry out inherently harmful activities such as trail cutting, snowmaking and paving. Think how disastrous things would be if they exercised no conservation efforts at all. Fortunately, they do.

Virtually all the ski areas engage in significant recycling programs. According to the Vermont Ski Areas Association (VSAA), Smuggler's Notch, Bromley, Sugarbush and other companies initiated a voluntary effort in 1988 that has led to deep reductions in their use of Styrofoam. As recycling has caught on in the general society the ski areas have kept pace, Stratton recycling some 20 tons of paper, cardboard, plastic and other materials every month during the ski season.

Such recycling should be expected of everyone in this day and age. But the VSAA says some of its member areas employ more unusual recycling and waste-reduction programs as well. Killington conserves water by piping some 38,000 gallons of treated wastewater, on peak-usage days, into its rest rooms to be used for flushing toilets and urinals. Jay Peak, Suicide Six and others have installed low-flow toilets, sinks and shower heads, reportedly enabling Smuggler's Notch to cut water consumption by 30,000 gallons a day. Ascutney, Mount Snow, Jay Peak, Sugarbush and Smuggler's use vegetable-based castor oil, instead of petroleum products, for lubricating their lift cables.

MAD RIVER'S MISSION

But what of the land, and the trees, soils and water that are, when you come



General Manager Bob Mazza stands next to Mad River's single-chair lift, one of the last in the country.

down to it, what skiing is all about? Many of the larger ski areas are seeking to become "destination resorts," small and not-so-small cities on sensitive alpine terrain. Is anyone conserving the land? Are there places with lesser — make that, different — ambitions?

A good example of a ski area with a strong conservationist ethic is Mad River Glen in Fayston. Mad River is unique in more ways than one. It is the only cooperatively owned ski area in Vermont; and you can't exactly call it a resort because it doesn't offer the luxuries one associates with that term. Mad River is about one thing: skiing.

Make that two things. The 1,500-member cooperative commits itself, in its mission statement, to "protecting and preserving the mountain ecosystems of General Stark Mountain."

General Manager Bob Mazza says those preservation efforts are very "hands-on." Trail improvements and maintenance are done by volunteers, using hand tools. Oil-spewing chain saws are used only in

rare circumstances, and sickles substitute for power mowers. For erosion control, or to create soft barriers around sensitive sites, people hike up the mountain with hay bales on their backs.

"There's nothing easy about it," says Mazza, but volunteers are not in short supply. "We average more than 20 people every time we organize a work party," he says. "They do the work, they feel good about it, and they reap the benefits when they ski."

Mad River Glen also employs a naturalist who has developed a year-round schedule of events that include full-moon snowshoe treks, birding and wildlife-tracking, and outdoor seminars on the various forest types found on Stark Mountain.

"Our whole focus is to educate our shareholders about what's food for the ecology of the mountain," says Mazza. "We realize that a lot of them, frankly, are naïve about the forest."

Mad River also practices conservation by limiting the numbers of skiers on its slopes, and thus the damage they can do with their skis and poles. It accomplishes that by sticking to old-style lifts with small capacities, eschewing the wide benches and the heated gondolas — like small, mobile lounges — that are coming into favor at larger resorts. Mad River has three two-person lifts plus its pride and joy, a 50-year-old, single-chair lift, one of the last in the country, that carries skiers aloft in peaceful isolation. The objective, says Mazza, is not to get as many people to the peaks as possible, but to keep a lid on the numbers skiing back down. That makes both directions of the trip more relaxing and enjoyable.

"This wouldn't work for all ski areas, but it works for us," says Mazza, who senses a backlash among skiers turned off by huge resorts with crowded trails.

MORE TREES, PLEASE

Of great interest to conservationists are the protections, or lack of same, afforded to the flora and fauna who live in former wilderness areas transfigured by skiing. The VSAA reports several tree-planting projects, some of them meant to restore habitat. A common problem is that developers remove buffer areas along streams, which leads to erosion and allows sunlight to warm the waters to the detriment of fish and other aquatic species. Jay Peak and Mount Snow reportedly planted trees along local brooks to stabilize stream banks and cool the waters. The

Middlebury Snow Bowl planted pine, fir and birch trees to shelter wildlife and provide sanctuary for migratory birds, while Okemo planted apple trees in the state forest for the benefit of deer.

Two ski areas — Stratton Mountain and Stowe — won recognition in 1996 from the Skiing Company, which publishes *Ski* and *Skiing* magazines, for specific environmental programs: Stratton won the Golden Eagle Award for habitat-protection efforts, and Stowe received a Silver Eagle Award for a mountaintop-ecology education program.

Stowe's program is linked to efforts by the Green Mountain Club and the University of Vermont, which owns the

land at the top of the toll road on Mount Mansfield. Working in concert with the Club (steward of the Long Trail), Stowe Mountain Resort has created a display about sensitive alpine life forms found at the mountaintop, pointing out geological features that visitors can find there and alerting them to the importance of treading carefully to avoid damaging sometimes inconspicuous but rare plants. Maps and brochures also describe other sensitive local areas found along the Long Trail and on a 20-acre high-altitude parcel owned by the resort, which visitors can access at the top of Stowe's gondola.

"We put a renewed emphasis on the program about four years ago," says

Stowe Director of Planning and Development Rob Apple. "We needed to focus more attention to the area and to the level of commitment that we were investing in the program."

Stowe therefore increased funding for the project and hired knowledgeable summer interns to expand the educational signage, perform research and provide additional information to visitors.

"We are all stewards of the land we exist on, and the more we can do to increase people's understanding about the nature of the environment, in both winter and summer, the more benefit there is for everyone," Apple says. "We should be doing a lot more. We all have a role to play."

DARLENE PALOLA, EVER VIGILANT

BY WILL LINDNER

Maybe cloning isn't such a bad idea. There are 246 towns in Vermont, and the overwhelming majority don't have Darlene Palola in them.

Fortunately, not all of our towns need a Darlene Palola — only those confronting ski area development that threatens to degrade mountain streams or commandeer the local economy; or those where irresponsible forestry practices could leave hillsides barren and stream banks eroded; or towns where district environmental commissions tend to rubber-stamp development proposals because people don't know how to defend their rights; or any town that stands to suffer when Montpelier politicians stage an anti-conservationist coup to topple the state Environmental Board.

Only those towns need a Darlene Palola. Only Winhall and neighboring Stratton have her. Perhaps cloning is in order.

"I think of Darlene as a kind of state treasure," says Steve Holmes, VNRC's deputy director for policy. "Whenever we've had a big and important issue, she has come forward. Mostly, though, in a very quiet, unassuming way, she has been a vigilant presence in the Stratton Mountain area, helping to sustain a small group of volunteers (the Stratton Area Citizens Committee, or SACC) that has done a marvelous job of watching over development in that area."

SACC, which Darlene chairs, has added a dimension to the public debate that Holmes says is missing in most places.

"They come to the table with facts and sound scientific arguments, which have formed the basis for good land-use decisions over the years," says Holmes. "They have consistently done their homework, and when they come to an Act 250

hearing they are a force to be reckoned with."

Spend a few hours with SACC's members and it's striking how intimately they know the condition of their streams and brooks — the color of the water and its temperature and depth, the algae on the rocks. It is a familiarity that has come from years of defending them against degradation caused by development at the Stratton Mountain resort.

In 1989 SACC, along with conservationist allies, persuaded the Vermont Water Resources Board to reclassify Kidder Brook to Class A. In 1991, they got Pikes Falls designated an Outstanding Water Resource.

These victories had real and positive consequences. When Stratton Mountain drafted its Sunbowl application to build 500 condominiums and a new 18-hole golf course, the predicted effect on these protected water resources reduced the scope of the permit so greatly that the project faded away. SACC has blown the whistle when Stratton Mountain has violated its permits, and members of the group, including Darlene, go to the streams religiously for water samples six times a year, rendezvousing on back roads to pass their vials along in a relay that eventually gets the samples to Brattleboro for analysis. Darlene, Betsy and Bill Uptegrove, Peter Strong and others never give up. They never turn their backs on the waters.



THE DOWNHILL CONNECTION

The Palolas, originally from Seattle, moved east in 1971 when Darlene's husband Ernie was named vice president for research and evaluation at Empire State College, a statewide network of adult independent-study programs based in Saratoga Springs, N.Y. The family settled in New York state, but two things lured them across Vermont's border: Darlene's search for work in

Darlene Palola

her field as a medical technologist, and son Eric's commitment to downhill racing.

Eric Palola's name is familiar to VNRC members who recall his past work at VNRC; he now directs the National Wildlife Federation's Northeast Natural Resource Center in Montpelier. But then, Eric was a 14-year-old member of the Junior National Ski Team, and when the family moved east his coach recommended he continue his training at Stratton Mountain.

When Darlene landed a job at tiny Grace Cottage Hospital in Townsend, the die was cast: They would become Vermonters.

They purchased a place on Taylor Hill in Winhall and split their time between there and Saratoga Springs. Darlene became deeply involved in health care issues in southern Vermont, serving for several years as president of the Valley Health Council. She eventually earned a Masters degree in public health from the University of Massachusetts in 1988, at age 49. That led her back to New York state, where she helped five northern counties design more effective health care policies.

Meanwhile, Eric was skiing. When the Stratton Mountain School opened up, combining academics with ski training, Eric was in the first graduating class. Darlene reminds school officials of that connection these days when they find her disrupting their development plans.

No discussion of the Palolas' residence on Taylor Hill is complete without remarking that in time they purchased the intriguing stone house and outbuildings once owned by Helen and Scott Nearing, authors of "The Simple Life," and mentors for a generation of Vermont homesteaders. When they moved into the house, which had become a camp owned by the Pearl Buck Foundation, Darlene remembers an attractive but uncompromising domicile with cold stone floors and no central heating.

"My daughter Heidi and I used to bring in logs and cut them to length on the floor in the living room, using an electric saw," she laughs. The family has made the historic home far more comfortable.

All these years, however, the mountain that looms above their home (you can see the cleared swaths of the ski slopes from their doorway) was changing — changes that affected the terrain and waterways, and therefore the lives of those who lived below. SACC formed in 1984 with its stated mission "to protect the waters of the West River Basin." Winning the Class A designation for Kidder Brook and its headwaters, and Outstanding Resource protection for Pikes Falls, was SACC's first coup.

"That caught Stratton by surprise," says Darlene. "I don't think they thought it would happen."

Those designations have repeatedly been a factor limiting the plans and ambitions of Stratton Mountain, and the Canadian conglomerate, Intrawest Corp., that bought the resort in 1994. In Act 250 hearings related to the Sunbowl proposal, SACC contended the project should be divided into Class A and Class B components, related to the waterways it would affect. The district environmental commission bought the argument and conditioned Stratton's permit accordingly.

But SACC does not, and cannot, rest on its laurels. The group



participated in recent hearings on Stratton's master plan, providing testimony and analysis by rural economist Shanna Ratner. Darlene is concerned not only for the potential environmental impact of Stratton's proposed \$124-million development plan, but also for possible social consequences resulting from over-dependence on the resort's prosperity.

"What if this 'Disney World' scheme of theirs doesn't work?" she wonders. If the revenues from skiing and real estate don't support Intrawest's investment, "Do you think they might bring in casinos? People say, 'Oh don't worry about that; Governor Dean would never allow it.' But he's not going to be governor forever."

Darlene and SACC are also frustrated that the district commission entertains permit applications on components of Stratton's master plan, while delaying its verdict on the master plan itself, a procedure that reveals that the Act 250 master plan-review process has "no teeth."

Frustrated or not, they never fail to show up for hearings, perhaps exasperating commissioners whose deliberations would be eas-

ier if they had just one side to listen to.

"The chair of the commission complained to us, 'You only come to raise objections,'" Darlene recalls. "I said, 'Yes, that's our role. Your role is to be objective. We wouldn't be here if we thought Stratton's plans were great.'"

Darlene also expresses concerns about the state's embrace of over-ambitious ski area development.

"A lot of the people who come down from the Agency [of Natural Resources] are sincerely concerned about what they see happening," she says. "I've seen their faces drop when they look at conditions in the streams. But their job is to implement the policies of the administration, and Dean's policy is that we can protect the environment and have this rampant development at the same time. That cannot be done."

A GRIM REMINDER

Early on a November morning, Darlene Palola had a disappointing experience. She had proudly taken a visitor to see Pike's Falls, a beautiful, deep pool in the woods at the bottom of a cascade of granite boulders. SACC had worked hard to win a protective designation for these falls and this pool, and a Vermont Youth Conservation Corps crew had constructed an attractive pathway down the hillside using flat stones and branches.

But when they reached the basin at the bottom of the falls — a popular swimming hole, in warmer times — they found the rocks coated with slick green algae despite the frigid temperature of the water, which might have been expected to loosen the residue and carry it away.

They climbed back up the path, and Darlene pulled herself behind the wheel of her pickup truck (with its worn copy of *The Birds of North America* in the doorway pouch).

"Well there it is," she sighed. "That's our Outstanding Water Resource full of algae." She'll remember that when the next Act 250 hearing rolls around.



Strategies for Watershed Protection

A LOOK AT VNRC'S CONSERVATION EFFORTS OF THE NULHEGAN

For over a year, Vermonters have been concerned about Champion International's imminent plans to sell 133,289 acres of Vermont forest in the Northeast Kingdom. During this time, VNRC has been working to secure long-term protection for the waters and lands in the Nulhegan River Basin (in the heart of Champion's Vermont lands) which would compliment and strengthen any future public or private efforts to conserve these resources. On December 9, Governor Dean announced that all of Champion's Vermont property will be sold to a coalition of conservation groups.

Approximately 39,000-48,000 acres are proposed for public ownership, while 85,000-94,000 acres will be resold with deed restrictions to private investors for long-term timber production. Timber operations will continue on roughly 70% of the lands. VNRC is more optimistic than ever about its efforts to secure protection of this undeveloped 71,000 acre watershed.

The Champion property contains nearly 90% of the Nulhegan River Basin, which includes some of the most unique and free flowing waters in Vermont. It has long

been enjoyed for recreation such as fishing, hunting, and snowmobiling. The lands have substantial undeveloped shorefront and ecologically significant rivers, ponds and wetlands. As a result, there is enormous public interest in long-term protection for these lands.

Concerned about the uncertain future of this land, on October 27, 1998, the Vermont Natural Resources Council, with a coalition of other environmental groups and individuals, filed petitions with the Vermont Water Resources Board seeking designation of the Nulhegan watershed as Class A waters and as Outstanding Resource Waters (ORW). ORW designation would assure that the existing excellent water quality and ecology would be protected, while Class A designation would raise the standards for future water polluting activities and guarantee that water quality would be further restored over the long-term. Both designations are components of the Clean Water Act and would bring additional protection to the water quality, habitat and wildlife of the Nulhegan watershed. "The Nulhegan watershed represents some of the most ecologically significant water resources in

the Northeast," says VNRC Executive Director, Elizabeth Courtney, "and we are actively seeking long-term protection of these exceptional natural values."

The coalition is asking the Water Resources Board to designate a higher level of protection to an entire watershed. "It makes sense to examine the physical, chemical and biological integrity of the Nulhegan waters in the context of its watershed. In order to protect the high water quality and habitat values of the Nulhegan, we must take a watershed approach," according to Kim Kendall, VNRC Staff Scientist. This is the first time that designation of an entire watershed for protection has been proposed.

OWNERSHIP HISTORY

Just ten years ago Diamond International Corporation announced plans to sell approximately 90,000 acres of timberland in the Northern Forest. There was a mad scramble as some smaller parcels of the land were bought by state and federal governments, yet much was sold to private interests that liquidated the remaining commercial timber and developed the land.

The Diamond International sale was viewed by many as an example of things to come. Many long-term timberland owners had extracted most, if not all, of the short-term commercial value out of their New England land holdings. Moreover, the large blocks of privately held timberlands in northern New England and New York are becoming increasingly valuable for development due to their location near large population centers in the United States and Quebec. All of these factors combined triggered the creation of the "Northern Forest Lands Council," a federally funded study with representatives from all affected states. The "Council" was commissioned to study the long-term ownership, management and ecological health of forest lands. Upon completion of their work in 1994, the Council recognized the significant risk of conversion of northern forest lands and the need for regional and state-specific actions to protect the public's interest in vital forests, clean water and wildlife.

Unfortunately, the concerns that triggered the creation of the Northern Forest Lands Council are becoming a reality. In 1997, over 3,000,000 acres of forest lands in New York and New England went up for sale. In September 1998, SAPP sold 905,000 acres of Maine forest to Plum Creek Timber Company, a company known for its aggressive timber cutting and real estate development.

In December 1998, however, the situation took a very positive turn, as a coalition of conservation groups led by The Conservation Fund (TCF) signed a contract to purchase 296,249 acres of land in New York, New Hampshire and Vermont from Champion International. TCF will be working with the Vermont Land Trust

(VLT) on the plan for the 133,289 acres in Vermont. The argument put forth by the VNRC petitions to designate the Nulhegan River Basin as Class A waters and as Outstanding Resource Waters will enhance Vermont's portion of this remarkable land deal.

PRESERVING EXCEPTIONAL NATURAL VALUES

VNRC has worked hard to ensure that the Nulhegan River basin — Vermont's last great parcel of undeveloped lands and ecologically intact watersheds does not lose its exceptional natural values. The Nulhegan basin has been identified by numerous scientists and conservation groups as an area of significant ecological value that deserves the highest protection. The Nulhegan River basin is located in northeastern Vermont in Essex County, and some of the towns in the watershed have a total population of zero. The Nulhegan basin covers 151 square miles, making it the largest undeveloped and free-flowing watershed in Vermont. In all there are over 345 miles of free-flowing streams and rivers in the watershed which flow into the Nulhegan River and ultimately the Connecticut River near the town of Bloomfield, Vermont. The Nulhegan basin also includes numerous wetlands with the highest concentration of boreal bog communities and black spruce swamps in Vermont. "The Nulhegan's lakes, ponds and wetlands are extensive and include natural communities of statewide significance such as: black spruce swamp, white cedar swamp, bog and marsh communities containing rare plants and providing habitat for the threatened common loon, osprey and spruce grouse and rare black backed woodpecker and

northern harrier" according to Jim Shallow, Executive Director of the Vermont Audubon Society and member of the coalition that filed the petitions.

The Nulhegan waters are some of the most remote and undeveloped waters in Vermont and combine to form one of Vermont's last ecologically intact watersheds. The Vermont Agency of Natural Resources Water Quality Division uses the Nulhegan as a "reference" stream which means that it represents the best known water quality conditions in the state and is used as a benchmark for assessment of polluted waters. The Nulhegan provides high quality habitat for wild brook trout and is targeted as prime spawning habitat for Atlantic salmon, a species which government agencies are working cooperatively to restore in the Connecticut River watershed.

The only activity which has significantly affected the water quality of the Nulhegan waters is intensive logging and road building. These actions affect turbidity (a measure of water clarity), water flow, sedimentation (when disturbed surface soils erode into the river and bury essential fish habitat), and water temperature. For over two centuries, the Nulhegan watershed has been intensively logged. Currently, the watershed is in a state of recovery and has very clean water which will only improve with better management in the future.

The Water Resources Board recently notified VNRC and the coalition that it will be taking up consideration of the petitions in early 1999. According to VNRC General Counsel, Christopher Kilian, "The Board has the opportunity to protect the best water quality in Vermont. We are hopeful that they will take advantage of it."



Job Heintz

THANKS FOR YOUR TEAMWORK!

The Nulhegan filing was indeed a Herculean effort. Former VNRC law clerks Job Heintz and Steve Velyvis pitched in and worked long hours with staff in order to thoroughly research, write and file the two petitions with the Water Resources Board.

Their energy and expertise were integral to the project. "The work I have done with VNRC is special not only because it is professionally rewarding, but also personally gratifying. The gratification stems from the use of my legal knowledge and experience for the protection of our earth's amazing resources and special places. Long live the Nulhegan!" Steve reflected.

VNRC extends our warmest thanks to Job and Steve.



Steve Velyvis

Preview of VNRC's TOP LEGISLATIVE ISSUES

Watch for full Legislative Platform in VNRC's January Bulletin

BY STEPHEN J. HOLMES

TAX SHIFTING TO BENEFIT THE ENVIRONMENT AND THE ECONOMY

Have you ever wondered what our society would be like if taxes were actually lowered on things we wanted —like our jobs —and raised on things that we didn't want —like waste and pollution? Would you think twice about the next new car you bought if you had to pay a premium for a large gas guzzler, but got a rebate on a more fuel-efficient vehicle?

These are among the questions that VNRC, along with other members of the Vermont Tax Shifting Coalition (Vermont Businesses for Social Responsibility, Friends of the Earth, and Vermont Public Interest Research Group), are asking the Legislature to explore in the next biennium.

One modest proposal that should be considered by the legislature this year is the Clean Car Incentive Program. This program would protect Vermont's air quality and sustainable energy future by encouraging the purchase and use of cleaner, more fuel efficient, automobiles.

EQUAL EDUCATION OPPORTUNITY ACT / PROPERTY TAX REFORM

One of the most important things the 1999 legislature can do is to assure imple-

mentation of Act 60 by giving it time to work.

Act 60 carries some important benefits for the environment. Farms and forests received higher protection through full funding of the Current Use program and by allowing all enrolled land to be put on the grand list at its use value.

VNRC would like to see the legislature consider creating a preferential taxation program for "open land" that provides outstanding environmental, economic, and social benefits, but does not qualify for the Current Use program.

FOREST RESOURCES

The 1999 legislature is urged to stand behind the "heavy cutting" law passed in 1997. Act 15 provides a tool the state can use to control the kind of practices that have left great patches of Vermont's forest scarred, naked, and depleted.

Final rules that will include provisions for protection of soil, water, habitat, and unique or fragile natural areas are scheduled to be adopted in 1999.

Of particular importance at this time is the need to be prepared to implement a land protection strategy, including possible state appropriations, for the 139,000 acres of Champion International lands in the Northeast Kingdom.

ENERGY

As the nation moves to market competition through electric utility industry restructuring, it is important that we not

lose some of the important benefits of the current regulated system, such as environmental protection, demand side management, development of renewable energy resources, consumer protection, and low-income assistance. At a minimum, any bill on electric utility competition considered by the Legislature should incorporate these issues.

MANAGING GROWTH

The growth center concept is an excellent alternative to strip development and haphazard parceling up the Vermont countryside —as long as it is linked to permanent protection of land outside the growth center. The legislature would be advised to review the Urban Growth Boundary legislation which has been in place in Oregon for over 20 years. The state should follow the lead of Maryland's "Smart Growth" program and invest in infrastructure such as road improvements, public buildings, water and sewer systems only in properly designated growth centers.

ACT 250

Act 250 should be strengthened in several areas. Act 250 does not consistently require that master plans be submitted for large-scale, multi-year, phased developments like ski area expansion. So Act 250 administrators must make fragmented, project-by-project decisions based on piecemeal, often incomplete, information. They need to be able to conduct compre-

hensive review of the cumulative impacts of these large-scale developments, including the review of nearby development projects which are being constructed at nearly the same time. There also needs to be a mechanism for Act 250 administrators to effectively review projects whose impacts cross over into more than one district.

Citizens who may be affected by decisions of the Vermont Environmental Board currently have no way to appeal to court the way other parties such as the applicant, town, state, and regional planning commission do. Citizens should be granted the same rights of appeal as other parties: to the Vermont Supreme Court.

MUNICIPAL AND REGIONAL PLANNING FUND & HOUSING AND CONSERVATION TRUST FUND

Restoration of full funding and continued dedication of the property transfer tax to these two funds are critical if the goals of comprehensive planning and preservation of affordable housing and open land are to be fully achieved.

WATER RESOURCES

Addressing problems of habitat deterioration, wet weather run-off of pollutants, insufficient stream flow, and loss of biodiversity should be priorities for Vermont.

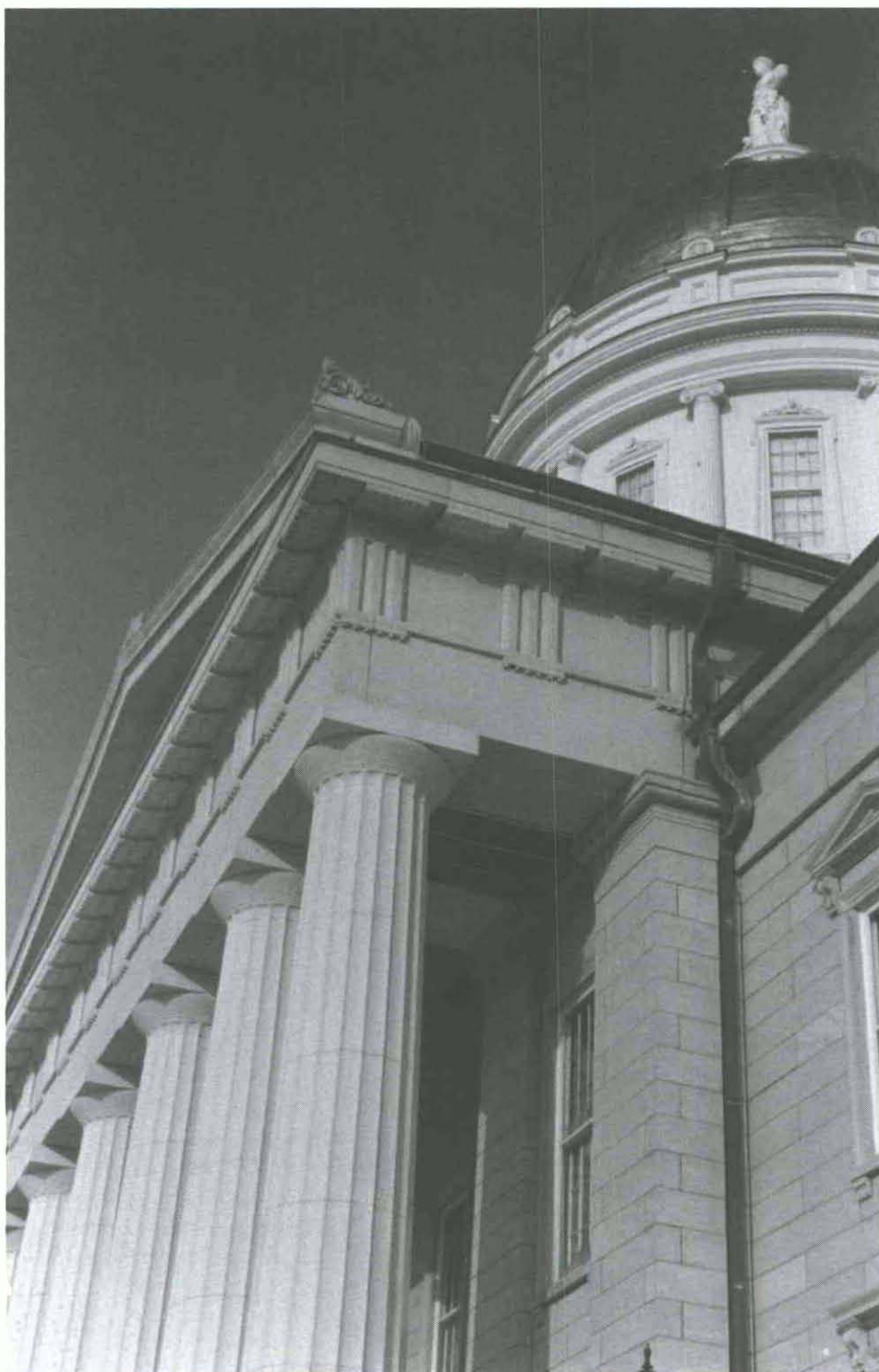
Most commercial users of public waters, including hydro-electric and snow-making operations, pay nothing for the privilege of sucking water out of our rivers and streams. VNRC supports assessment of reasonable fees for these uses and would like to see unlicensed in-state hydro-power facilities comply with the Vermont Water Quality Standards.

FACTORY FARMS

If the legislature decides to keep the program under the Department of Agriculture, there should be appeal rights to an independent panel and then to the Supreme Court. The panel should be required to review a broad range of criteria including odor, traffic, noise, pests, and insects, as well as air and water quality, waste disposal, and community impacts.

TRANSPORTATION

Rather than proceeding with expensive and potentially sprawl-inducing new highway projects like the Chittenden County Circumferential Highway and the



Bennington Bypass, the state should be evaluating alternatives that emphasize the use of public transportation, utilize the existing road network more efficiently, and create innovative land use strategies for directing development to transit-oriented growth centers and downtowns. The state also needs to implement an effective highway exit access policy that protects Vermont's scenic quality and discourages strip development and sprawl.

CITIZEN ENFORCEMENT OF ENVIRONMENTAL LAWS

The federal government and many states have laws allowing citizens to take polluters to court. VNRC supports changes in Vermont law to enable citizens to sue for enforcement of environmental protection laws.

Agreement Will Restore Lamoille River La

In August 1998, after more than five years of litigation, VNRC entered into a settlement agreement with Central Vermont Public Service Corporation, Trout Unlimited-Central Vermont Chapter, and the Vermont Agency of Natural Resources which paves the way for restoration of the lower Lamoille River.

In 1992, VNRC challenged an Agency of Natural Resources permit for the dams. VNRC's appeal was upheld by the Water Resources Board in 1996 when the Board threw out the Agency permit and required CVPS to conduct additional studies. CVPS had challenged the Board decision in Superior Court.

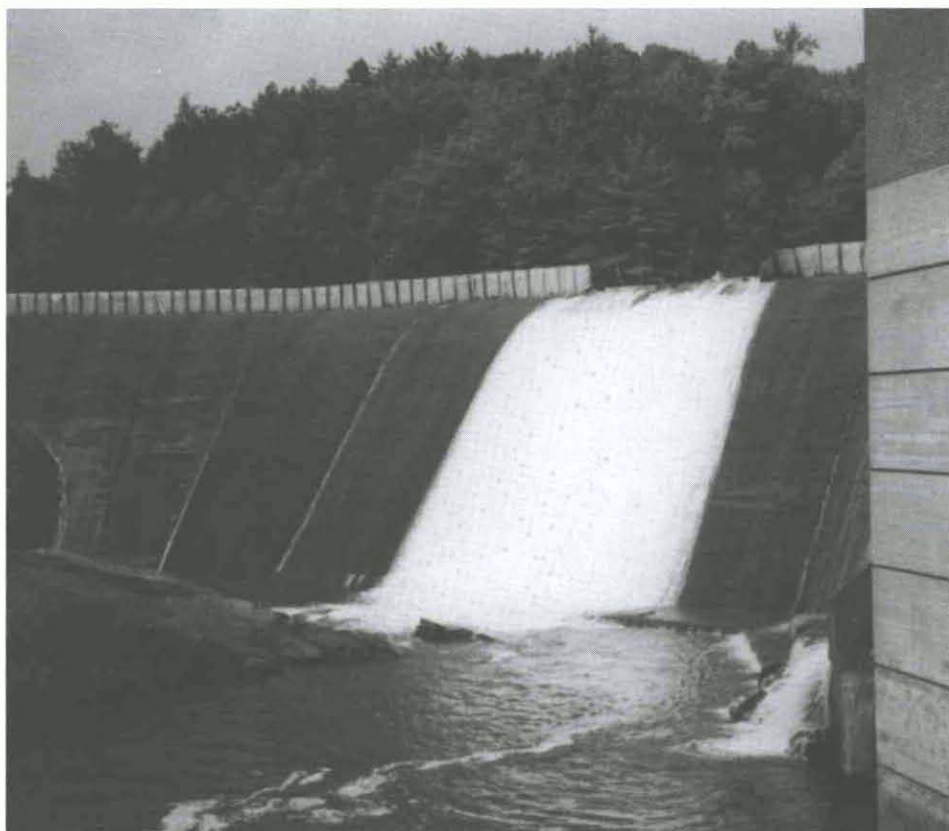
At issue in the litigation has been the continued operation of four hydroelectric dams owned by CVPS. The four dams affect habitat and water quality in more than 30 miles of the river. The settlement ends litigation which has focused on the adequacy of the CVPS application materials and interpretation of key provisions of the water quality standards. In addition, it assures that the negative impacts of the project will be adequately considered and mitigated. "The agreement guarantees that the Board's decision will remain intact and that the river will be restored," according to Chris Kilian, VNRC Water Program Director and General Counsel.

The settlement requires the parties to complete comprehensive studies of the project by October 1999 on a wide range of important issues including aquatic habitat, fish passage, stream flow, protection of dissolved oxygen, wetlands, and restoration of natural character of waterfalls and gorges. Most importantly, VNRC will be

completing an assessment of the need for removal of the Peterson Dam to restore fish habitat.

"The Peterson dam is located at the mouth of the river and has eliminated critical spawning habitat for many fish including walleye and endangered lake sturgeon," said Kim Kendall, VNRC Staff Scientist. "We will be looking at whether the dam meets water quality standards and opportunities to restore river habitat."

VNRC staff spent countless hours negotiating the agreement and making sure that it would work to restore the river. "The agreement refocuses the discussion on restoring clean water and ends litigation over procedural and preliminary questions," said VNRC Executive Director Elizabeth Courtney. "VNRC is prepared for the challenges yet to come to protect this important Vermont River."



Peterson Dam on the lower Lamoille River.

VNRC LEADS FIGHT TO STRENGTHEN WATER STANDARDS

The Vermont Water Resources Board is currently considering comprehensive amendments to the Vermont Water Quality Standards. The proposed amendments follow the culmination of a two year process of negotiation and discussion among a wide array of diverse interest groups brought together by the Board and the Vermont Agency of Natural Resources. Known as the "Water Quality Standards Task Group" the negotiating parties met more than 30 times over the course of 2 years to discuss issues including water pollution from farms and development, protection of stream flow, watershed planning, and use of biological criteria — measures of the biological quality of aquatic environments.

As a key member of the Task Group, VNRC has lead efforts to strengthen the water quality standards and assure that they are not weakened. "The standards are the foundation of Vermont's clean water programs" said Chris Kilian, VNRC Water Program Director and General Counsel. "We have put a lot of time into making the standards stronger to make sure Vermont's waters are clean."

The proposed revisions to the standards include a renewed commitment to watershed planning, stronger protections of stream flow, stronger protections for aquatic habitat, and use of biologically based water quality criteria. Kim Kendall, VNRC Staff Scientist said "The Board has made an effort to assure that the standards are based on sound science and to bring new measures of water quality into the standards." In particular, VNRC has worked with the Board to support use of biological standards which assess the health of aquatic communities as a

measure of water quality.

Industry and water users have been pushing for lower standards and opposing some of the most important improvements. VNRC will remain at the table protecting Vermont's clean water. According to Kilian, "The proposed amendments under consideration by the

Board are an improvement, but if things change significantly during the public review process we may have to rethink our support." The Board's hearing process was completed at the end of November and a final decision should be coming sometime in early 1999.



Above, landowner takes river management into his own hands.

Below, discharge of sediment-laden water into the Winhall River from a construction site at the Stratton ski area.

A NEW FACE AT VNRC

Deb Daniels came to VNRC from the United States Postal Service and arrived with an extensive background in administration, bookkeeping and customer service. She is a native Vermonter and currently lives in Montpelier with her husband.



CELEBRATE THE WINOOSKI

This September the Montpelier-area community honored the Winooski River with a parade and ceremony, two river clean-ups and an educational riverwalk. Students from Montpelier High scoured the banks of the Winooski picking up litter, while local citizens pulled trash from the riverbed.

Debris found included shopping carts, tires, a bicycle, chairs, automobile parts, kitchenware and assorted cans and bottles. A purse containing \$60 was found and returned to its owner. Bill Haines, a teacher from Montpelier High School remarked, "once you start doing this kind of work, you just can't stop."

The river debris was transformed into sculpture by Vermont artists with the help of community members. The sculptures were paraded down Main Street along

with banners and river critters proclaiming "Keep Our Rivers Healthy." Music was provided by "junk musician," Barry Miller who made instruments from recycled materials, and a life-size origami boat, folded by dancers, was launched into the Winooski as the finale.

Other highlights of the 4-day event included an educational river walk teaching high school students and local citizens about river protection and restoration from environmental scientists. In a stormwater stenciling workshop, volunteers painted 255 storm drains in Montpelier neighborhoods with the message, "Don't dump, flows to river."

The event was organized by a collaboration of the Friends of the Winooski River, Central Vermont Solid Waste Management District, Montpelier Conservation Commission, Montpelier High School and VNRC.

VNRC CONFERENCE ON GREEN SPACE A HUGE SUCCESS

Vermonters agree — we need open space and we need money to protect the areas we care about. Nearly 300 people joined VNRC and The Vermont Recreation and Parks Association on October 26 for a one day conference — "Green Space: the Investment that Grows" at the State House in Montpelier. Governor Howard Dean opened the conference pledging his support for land pro-



Willem Lange

tection in Vermont. John Berry, the US Interior Department's Assistant Secretary for Policy, Management & Budget spoke at lunch supporting the Land and Water Conservation Fund (LWCF) and encouraged the audience to think big about the future of this funding. Throughout the day, workshops and displays examined the many different aspects of land protection in Vermont. Willem Lange, Vermont Public Radio commentator, wrapped up the day with entertaining stories about life in the north woods.

Investing in green space is similar to investing in other elements of public infrastructure. We make public investments in highways, water and wastewater treatment facilities, airports, green space and other public goods because they are essential to our common well-being and are not adequately provided by the private marketplace. Now is the time to contact Governor Dean and other members of our congressional delegation to urge them to continue their support of LWCF and



Montpelier High School students led by teacher Bill Haines clean-up the riverbanks of the Winooski as part of "Celebrate the Winooski."

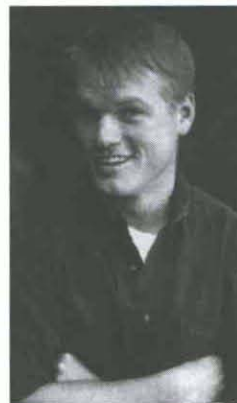
other funding programs so future generations will be guaranteed access to open space: urban parks to rural school yards, farms and ball fields, trails and streams, wetlands and mountain tops.

Special thanks to staff member Lisa Smith, former intern and consultant Freddie Cousins, and volunteer Jeff Fellingner. While many people helped with the conference, these three provided the enthusiasm and support to make it a huge success.

THANKS, JEFF!

Jeff Fellingner volunteered to help organize the recent Green Space Conference.

Jeff is a Champlain Valley Union High School and recent Middlebury College graduate from Williston. In the winter season he works for Burton Snowboards, and during the summer he bides his time as a carpenter. Coming to Montpelier two days a week for a few months was essential to the success of the conference.



JOIN US FOR THE ANNUAL TRACKING WORKSHOP!

Please join VNRC and Sue Morse of Keeping Track for a day in the woods looking for signs of bear, bobcat, moose and others forest creatures. If you have always wanted to attend one of Sue's workshops or are interested in learning more about animal signs, this is your chance. We will meet on March 8, 1999 from 10 a.m. to 4 p.m. in Richmond, VT. This is sure to fill up fast so register early with Lisa at 223-2328 or LHSmith@Together.net.

HEADS UP!



We have a \$20 introductory rate, with a regular membership of \$35. Besides helping the leading statewide environmental group preserve Vermont's valuable resources, your membership includes:

- Invitations to local events and meetings
- VNRC publications: two issues of the *Vermont Environmental Report* and three issues of the *Bulletin* annually.
- Access to environmental information and resources
- Opportunity to participate in writing letters to the editor, talking to legislators, testifying at public hearings

**Call us at (802) 223-2328 in Montpelier
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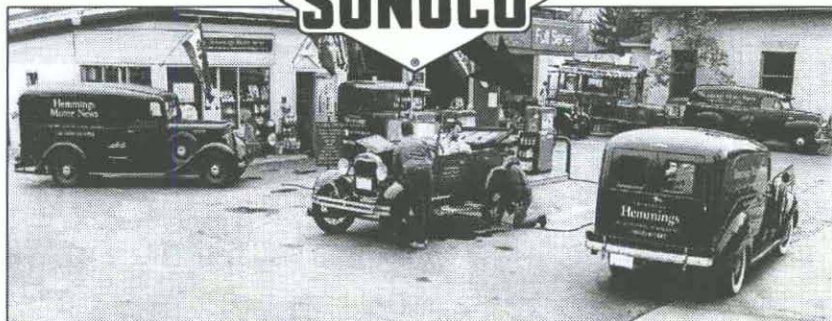
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*For more information, call Stephanie Mueller
at (802) 223-2328.*

VNRC CAN ONLY CONTINUE TO PROTECT VERMONT WITH YOUR HELP — JOIN VNRC!

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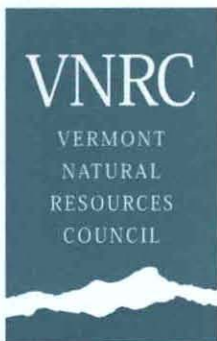
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VNRC HOSTS CONSERVATION SUMMIT

Legislators and Vermont conservation leaders outline legislative agenda.

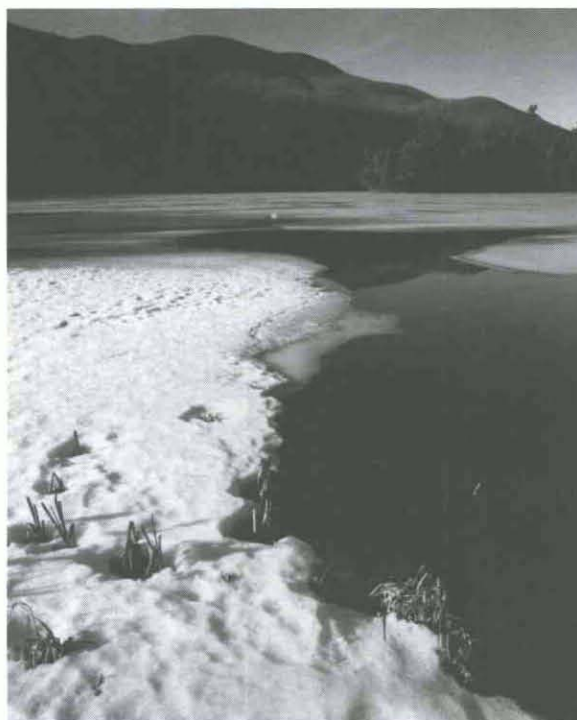
On December 2, the Vermont Natural Resources Council convened the 3rd Annual Conservation Summit in Montpelier. Representatives from over twenty conservation organizations joined key legislators from the Vermont House and Senate for a morning discussion about priorities for the 1999 Legislative session.

Sprawl prevention, transportation alternatives, electric utilities and sustainable energy emerged from the discussion as top priorities for the next biennium. There was also consensus on the need to lay the foundation through education and awareness with both the legislature and the general public about additional top issues on the horizon.

In the afternoon, the conservation community gathered to identify the specific issues for each organization. Through a consensus process, the top ten issues were identified for the 1999 Conservation Agenda. There was also discussion about the budgetary surplus and the importance for the conservation community

to lobby for allocations to invest in our green infrastructure. Given the importance of the opportunity to take advantage of the surplus, it will be included in the Conservation Agenda. The 1999 Conservation Agenda will be presented to the entire legislature at a Legislative Breakfast on

January 29 at the Capitol Plaza in Montpelier.



TOP TEN ISSUES FOR THE CONSERVATION AGENDA

(listed alphabetically)

- Controlling Heavy Metals
- Electric Utilities and Sustainable Energy
- Enforcement of Existing Environmental Laws
- Forest Resources Conservation
- Funding for Vermont Housing and Conservation Trust Fund
- Sprawl Prevention
- Sustainable Agriculture
- Tax Shifting
- Transportation Alternatives
- Water Resources Protection

Blake Gardner