

VNRC

Vermont

Environmental Report

Published
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BE A PATRIOT — PROTECT THE ENVIRONMENT

BY ELIZABETH COURTNEY, Executive Director

Why should Vermonters be concerned about the national environmental policies? Isn't Vermont's world class environment already protected by its very own progressive environmental laws?

Yes, Vermont has a great legacy of environmental protection. But much of Vermont's good environmental policy is based on federal law and the administration of the institutions these laws set in place during the 1970s. Vermont's environmental policy foundation is built in large part on the Clean Air Act and the Clean Water Act and how the Environmental Protection Agency and the U.S. Forest Service administer the rules promulgated under federal environmental statutes. If this foundation goes, so goes Vermont.

So if we want to keep Vermont healthy for our children and theirs, we must care about our national environmental policy.

But it seems that many of us in this country are in serious denial about environmental degradation and the need to keep our policies strong. Take for example, a recent memo from the U.S. House of Representatives' Republican Conference, which included statements such as:

- Global warming is not a fact.
- Links between air pollution and childhood asthma remain cloudy.

- The U.S. Environmental Protection Agency is exaggerating when it says that 40 percent of America's streams, rivers and lakes are too polluted for drinking, fishing or swimming.
- Vermont Senator Jim

Jeffords says that the memo distorts reality. "It's so incredible that they have this denial of any responsibility for the serious situation we have in this country as far as the environment goes." In its defense since 9-11, the Bush administration, understandably, has

*There are those of us
who would argue
that our homeland
security starts with
environmental
security.*

become focused on security. But there are those of us who would argue that our homeland security starts with environmental security. "After all, what good is a country and a flag if there is no more fertile soil, no ancient forests, no clean water, no pure food? If

you really love your country, protect and restore some wilderness. Support local agriculture. Plant a garden. Those who work to protect and restore these things are real patriots," says Michael Abelman, author of *Good Land, The Autobiography of an Urban Farm*.

Indeed the board, staff and members of VNRC know how important it is to take responsibility for the stewardship, conservation and restoration of our precious natural resources. And we rely on federal law and rule to shape our state policies. National policy trickles down to Vermont and other states in myriad ways.

As we march into the 21st century, the words of Winston Churchill in the aftermath of WW II, remind us. "These are the best of times and the worst of times." While




VNRC Executive Director Elizabeth Courtney with Vermont Senator Jim Jeffords at VNRC's annual meeting in October 2003.

there are huge threats to the environment, we also recognize that there are people across the country that are coming up with real solutions. There is a grassroots political infrastructure growing from the bottom up, working for the health of our lands, our forests, our water and our communities.

While VNRC is actively seeking to create the "best of times", with the conservation and restoration of healthy ecosystems and vital communities, we are dedicating this issue of the *Vermont Environmental Report* to what we might classify as the "worst of times". These are the dual offenses of new national environmental policies; the denial of existing environmental degradation and the creation of new U.S. environmental policy designed to obfuscate the truth about the existing conditions and roll back 35 years of laws designed to protect our great nation. 




Vermont Senator Jim Jeffords and Hub Vogelmann receive the Peter Zilliacus Award for Environmental Achievement at VNRC's 40th anniversary celebration. The award, a beautiful, hand crafted chair by Beeken Parsons is presented to those who demonstrate outstanding environmental citizenship. The award is given in honor of Peter Zilliacus who made extraordinary contributions to the people of the State of Vermont as an environmental advocate, Act 250 administrator, and political activist.



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HOW THE PRESIDENT'S ENVIRONMENTAL POLICIES ARE HURTING VERMONT

BY PAT PARENTEAU

From day one, the Bush (II) administration has been on an crusade to undermine environmental laws, reduce funding for environmental programs, and mislead the public by using deceptive labels like "Clear Skies" and "Healthy Forests." Laws and institutions that took 30 years of painstaking, bipartisan effort to assemble are being systematically dismantled, brick by brick. Whether the subject is climate change, clean air, clean water, hazardous waste cleanup, wetlands protection, endangered species conservation, national forest management, wilderness preservation, energy policy, or any other issue, the administration's approach never waivers: whatever industry wants, industry gets, and the public interest be damned.

But what does all this mean for Vermont? How do these policies written in the backrooms of Washington, D.C. affect us here in New England? Here are five examples.

AIR QUALITY

Following instructions from Vice-President Cheney's secret, industry-dominated Energy Task Force, EPA issued a controversial rule last August that allows aging powerplants in the



The administration's approach never waivers: whatever industry wants, industry gets, and the public interest be damned.

Midwest to avoid installing "scrubbers" and other pollution control equipment to reduce emissions of sulfur dioxide, nitrogen oxides, mercury, fine particles and soot that continuously blow into Vermont, causing respiratory and heart problems in humans as well as acid rain, fish contamination, and other environmental problems.

Under the Clinton administration, EPA had begun cracking down on electric utilities that had, for decades, been evading the requirements of the Clean Air Act by upgrading the plants without installing control technology. The Bush rule pulled the rug out from under the enforcement effort,

sabotaging a number of ongoing settlement negotiations. Outraged, thirteen states, including Vermont filed suit. Last December, the D.C. Circuit Court of Appeals put a temporary hold on the rule finding that it threatened "irreparable harm" to human health and was probably illegal. Undaunted, the administration has vowed to pursue the case. Meanwhile the pollution continues unabated, and Vermonters, along with millions of other "downwinders" continue breathing unhealthy air and eating mercury-contaminated fish, while the technology to prevent it sits on the shelf.

WATER QUALITY

Over one-third of Vermont's lakes and streams do not meet water quality standards including, of course, Lake Champlain, where toxic algae periodically erupts, poisoning dogs that drink the water. The major cause of all this dirty water is non-point source pollution — the contaminated runoff from farms, roads, parking lots, golf courses, logging operations, and construction sites. Following years of study, debate and negotiation among a wide variety of "stakeholders" from across the country, the Clinton Administration issued a detailed plan for cleaning up the nation's waters under the so-called "total maximum daily load or "TMDL" program, which requires states to identify all sources of pollution and develop a plan to clean them up through a combination of regulations, education, financial assistance, and best management practices. The Bush administration immediately scrapped this plan and has yet to come up with a substitute, leaving the states holding the bag, with no mandate and no money to move forward. Here in Vermont, the Agency of Natural Resources has twice come under severe criticism from the Water Resources Board for failing to address the serious problem of stormwater pollution into Lake Champlain. Governor Douglas has recently announced an initiative to provide more funding to the agency to improve its performance. This is certainly a welcome move, but it will take more than that to achieve cleanup goals throughout the Lake Champlain Basin. It will take federal muscle and federal money, neither of which is coming out of Washington these days.

HAZARDOUS WASTE CLEANUP

The law known as Superfund was enacted in 1981 to clean up the nation's most contaminated sites. EPA had been making steady progress on the huge backlog of sites until the Bush administration came to town. Since then the Superfund budget has been slashed, EPA enforcement staff has been reduced or "reprogrammed" into the Homeland Security Department, and ongoing cleanups have been halted or delayed across the country. The administration also opposes any re-authorization of the chemical feedstock tax that could be used to replenish the fund. Here in Vermont, this has resulted in de-funding the cleanup of the abandoned Elizabeth Mine in Strafford, one of the nation's oldest copper mines. Although the mine does not pose an imminent health threat, metals and other contaminants continue to leach out of the massive tailings piles on site, polluting several miles of the Ompompanoosuc River. EPA has determined that the unstable tailings piles also pose a threat to downstream homeowners and to the Connecticut River in the event of a mass failure which could send a wall of sludge downstream. Over 5 million dollars has already been spent on studies and emergency work to stabilize the site. The affected communities and property owners have spent countless hours in meetings debating the merits of various cleanup plans, only to have the administration pull the rug out from under them with no warning and no alternative to clean up the site.

GREEN MOUNTAIN NATIONAL FOREST


The GMNF is a priceless natural treasure for Vermonters, containing over 400,000 acres of mixed forest types, streams, ponds, wetlands, alpine meadows, wilderness areas and wildlife habitat. It is heavily used for all kinds of outdoor recreation including hiking, fishing, hunting, snowmobiling, skiing, and nature study. Having this much public land open to so many uses is a rarity in New England. The forest also provides important

protection for watersheds and community water supplies. Under the Clinton administration, the rules governing planning and management of the National Forest System were substantially revised by a team of scientists to require that these lands be managed for ecological sustainability and biological diversity, as well as carefully planned logging, mining, and other commercial uses. The Bush administration junked these rules in favor of a "streamlined" set of rules developed by a small circle of Washington insiders under the direction of Under Secretary of Agriculture Mark Rey, the former chief lobbyist for the timber industry. Under these proposed rules, the "shalls" have become "mays," and the requirements that diversity and ecological integrity be maintained have become discretionary goals instead of enforceable requirements. The administration has also pushed through the deceptively titled "Healthy Forests Restoration Act" which eliminates citizen appeal rights, exempts "fuel reduction projects" from environmental assessments under NEPA, promotes backcountry timber sales to pay for "thinning" projects under the guise of fire prevention, and curtails judicial review. It is too early to say for sure what all this means for the future direction of planning and management on the GMNF, but it clearly means that there will be less monitoring to insure that key wildlife populations remain viable, less rigorous analysis of the impacts of and alternatives to potentially damaging activities, and less opportunity for citizens to influence how their publicly owned forests are to be managed.

CLIMATE CHANGE

As the scientific consensus regarding the dangers of global warming continues to grow, the Bush administration continues to stonewall effective action to combat it. Last December the 41,000 member American Geophysical Union, widely regarded as the most influential scientific organization dealing with issues affecting the Earth's atmosphere, issued a new position statement concluding that, "It is virtually certain that increasing

atmospheric concentrations of carbon dioxide and other greenhouse gases will cause global surface climate to be warmer." Yet the White House persists in claiming that the science is still "too uncertain" to take action. It even went so far as to "edit" EPA's latest State of the Environment Report to delete references to the studies linking GHG and climate change, including a 2001 report by the National Research Council that the White House itself had commissioned. The effects of global warming are already being felt in Vermont. According to the 2001 New England Regional Assessment, the region has experienced an increase of 0.74 F in average temperature over the past century. The effects are already evident: winters are shorter; precipitation is higher; exotic species are more prevalent; and subtle changes in the ecosystem, such as shifting ranges of bird species, are being recorded. One model predicted that by the end of the century the climate of Boston will be more like Richmond, Virginia. As the climate warms, maples and beech would be replaced by oak and pine; fall colors would fade; the maple syrup industry (which contributes \$100 million to the Vermont economy) would wither; agricultural and forest pests would increase; habitat would disappear; ski areas would close; and Vermont would eventually cease to be Vermont. Whether this doomsday scenario plays out depends in large part on actions we take today to make more efficient use of energy and to replace fossil fuels with alternatives that do not produce greenhouse gases. Instead the Bush administration has repudiated the Kyoto Protocol, and has proposed an energy plan that will increase these gases by an estimated 15%, on top of our world-leading emissions of today.

In just three short years the administration has largely succeeded in rolling back environmental laws and reversing progress on a number of fronts. In sum, President Bush's environmental policies have not been good for Vermont. 

Patrick Parenteau is a professor of law at the Vermont Law School.

VERMONT PERSPECTIVE

STORMWATER ISSUES CONTINUE

The perennial legislative discussion regarding stormwater pollution in Vermont continues even as this *VER* goes to press. The severe impacts from stormwater pollution, especially urban and suburban stormwater, have been a central area of concern for many water quality advocates in Vermont, primarily due to the degraded condition of many of Vermont's streams and our crown jewel, Lake Champlain. This pollution problem manifests itself in two primary ways. First, stormwater causes severe hydrologic modification of the streams it discharges into because the streams did not evolve to absorb the large fluctuations in water volume experienced in watersheds with the large impervious areas found in urban and suburban areas. Second, stormwater discharges carry an astonishing mix of pollutants, including sediment, oil and grease, heavy metals, toxicants, and bacteria. This is one reason that many swimming areas on Lake Champlain's shore are closed, and it has caused the death of dogs drinking water with toxic blue-green algae blooming in the lake.

At present, there has been tremendous progress towards developing comprehensive clean-up plans for these impaired waters. Over the course of last fall and winter,

the Vermont Water Resources Board presided over an investigation into the difficulties surrounding clean-up plans. In addition to VNRC and other environmental groups, participants in the process included professors from the University of Vermont, staff members of the Vermont Agency of Natural Resources and the U.S. Environmental Protection Agency, officials from many affected cities and towns, business and agricultural interests, and unaffiliated citizens of Vermont. The result was overwhelmingly positive, and for VNRC, affirmed our contention that clean-up plans can and should be created to

address these problems.

What remains to be seen is whether or how this will affect Vermont's current stormwater permitting system and the statute that governs that system. VNRC remains intensely involved in the discussions of these important matters, and will continue to advocate for the responsible clean-up of these impaired waters.

PERMIT REFORM

On Thursday, February 19, 2004, House and Senate Conferees in the Vermont Legislature came to preliminary agreement on a "Permit Reform Bill", H175, after months of wrangling over how to consolidate appeals for local, state, and Act 250 permits. By April 20, the committee had ironed out many of the unresolved issues around party status and the new Environmental Court envisioned in the bill. On

Earth Day, April 22, it passed the Senate floor with bipartisan support.

The Vermont Natural Resources Council, which has defended Act 250 since its inception, views the "Permit Reform Bill" with mixed reactions. It certainly falls short of reform. Another bill, Senate 286, held the promise of real reform, but is destined to languish in the Senate. In spite of general support for H175 in this election year, the critique it received on the Senate floor might lead one to believe that it should be called the "Bill of Unintended Consequences".

More specifically, there are unintended consequences of moving away from a citizen board model to the courts model in the appeals process. The role of the court, the number of judges, the staffing of the court and the funds necessary to allow the court to function expeditiously are all still debatable.



VNRC is concerned that the enhanced Environmental Court's role has not been clearly defined, and that staffing for the Court is not sufficient to hear and decide appeals from decisions of district commissions, the Agency of Natural Resources (ANR), and municipalities. Both the role of the E Court and the requisite level of staffing are inextricably linked.

There is no doubt that an important part of Vermont's heritage has been lost. For over 30 years, Vermont's citizen appeal boards have afforded regular Vermonters the opportunity to make decisions about how development will forever change the character of our landscape.

While this proposed legislation may have some deficiencies with regard to its ability to process appeals in a timely manner, VNRC does not believe that it will impair the ability of Vermonters to get involved in the development review process to protect our natural resources and our communities.

The final package includes:

- Consolidation of all local, state, and Act 250 permit appeals to Environmental Court;
- A consolidated citizen board to deal with policy issues;
- An updated definition of which interests can be granted party status in Act 250;
- Appeals to the Vermont Supreme Court for all parties;
- An overhaul of Vermont's local permitting system;
- Provisions for voluntary "scoping" hearings to help consolidate review.



The Senate held firm on principles important to the environmental community, and House negotiators agreed to the benign elements of a comprehensive package that includes key provisions supported by VNRC. For their respective roles, both deserve credit.

PLANNING FOR VERMONT'S ENERGY FUTURE

VNRC joined others in successfully calling for the complete withdrawal of the Department of Public Service's (DPS) Draft Energy Plan that was submitted in December of 2003. The proposed Draft Plan made some sweeping changes to the current Energy Plan and did so without adequate public involvement.

The Legislature clearly requires the DPS to consult with environmental organizations (like VNRC) in establishing its plans. VNRC and other environmental organizations were not consulted on the establishment of the Draft Energy Plan. The results of this omission were

obvious as environmental concerns relating to the environmental impacts of Vermont's energy use were largely ignored. For example, planning to reduce Vermont's greenhouse gas emissions, which was given great emphasis in the previous plan and also in Governor Douglas' "Climate Change Action Plan" Executive Order was completely ignored. There is also no "comprehensive analysis and projection regarding the environmental effect of energy resources used within Vermont," which is another violation of law. Discussion on Vermont Yankee and how to plan for its scheduled decommissioning in 2012 was largely ignored. Discussions for developing appropriate sightings criteria for wind farm sightings was also ignored, despite the daily presence of this debate in communities across Vermont.

VNRC is now working with the Department of Public Service to rewrite the original Draft Energy Plan in order to ensure that environmental concerns are given greater emphasis.

WHERE AND WHETHER WIND

The debate over wind tower siting continues to attract attention across our state. The issue of where and whether wind will be sited, on state lands and private lands, challenges Vermonters to carefully analyze our overall energy consumption, Vermont's energy mix and our legacy of natural resource protection.

VNRC has developed a list of criteria in order to guide our policy on wind energy development on state and private lands. We do not support developing wind energy on sites that fall under the following criteria:

- Public lands that have a low level of human disturbance and development.
- Ridgelines with steep slopes, uneven topography, or large bedrock outcrops.
- Inventoried Roadless Areas or areas that generally have a core area of roadless area characteristics.
- Areas with little or no evidence of past human disturbance.

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- Natural Areas, Fragile Areas or Wilderness Areas.
- Lands encumbered by conservation easements.
- Areas that currently receive a high level of backcountry use, especially within the Long Trail and Appalachian Trail corridors.
- Areas identified by the Nongame and Natural Heritage Program as significant or critical habitat.
- Areas that would disturb the Wilderness characteristics of existing or proposed Wilderness Areas.

We do support focusing development of wind energy in Vermont in the following areas:

- Private and public lands that are already developed with existing infrastructure (roads and transmission lines).
- Lands that are already used for commercial activity that are developed with roads and infrastructure (ski areas, timberlands, communication towers, etc.).
- Areas with existing permanent and secondary roads.
- Areas where evidence of human development is already noticeable.
- Lands with relatively even ridgelines and gradual approach slopes.

VNRC will judge all wind

energy proposals in Vermont on a case-by-case basis to determine whether or not they meet the criteria outlined above. The Agency of Natural Resources recently made public "An Assessment of Hypothetical Wind Power Potential on State Lands in Vermont". VNRC is encouraging the ANR to expand the map to include an assessment of hypothetical wind power potential on private lands as well, and make the map available to the public.

VNRC generally supports wind energy development, but we do so with the greatest of caution on state-owned lands. Vermont's public lands are the one place where lands can and should be managed for ecological protection first and foremost. This should continue to be the most important goal of all public land management strategies.

WAL-MART'S BACK

Not content with its four stores in Bennington, Berlin, Rutland and Williston ranging in size from around 50,000 square feet to 115,000 feet, Wal-Mart has set its sights on more than half a dozen new "big boxes" in Bennington, St. Albans, St. Johnsbury, Newport, Morrisville, Middlebury and Rutland.

Wal-Mart is floating a scheme for a 170,000 square foot "Superstore" in

Bennington to go with the 50,000 square foot it opened in the mid-nineties. With a local developer, the Arkansas-based mega-retailer wants to rezone the 29-acre Bijur industrial site for commercial use to pave the way for its next big box.

VNRC's Steve Holmes helped to organize a January 14th educational forum in Bennington on "Smart Growth and Big Box Development: What are they and can we have both?" The event drew 125 people on one of the coldest nights of the year.

Robert Hartwell, Chairman of the Burlington County Regional Commission moderated the panel discussion. Panelists included: Beth Humstone, Vermont Forum on Sprawl; Paul Bruhn, Preservation Trust of Vermont; Thomas Muller, Economist and Expert on the Economic and Fiscal Impacts of Big Box Stores; Stacy Mitchell, Research Associate, Institute for Local Self Reliance; and David Buckley, Bennington Real Estate Appraiser and Developer.

The majority of the panelists discussed some of the national fiscal and economic impacts Wal-Mart is having on the manufacturing and retailing sectors and how big box stores can adversely effect downtowns like Bennington. They also addressed ways in which Bennington could strengthen existing businesses and avoid excessive growth of big box chains, through, for example, zoning less land for retail. David Buckley provided the counterpoint to the forum as an outspoken advocate for the proposal to rezone the Bijur site on Kocher Drive in order to pave the way for the Wal-Mart Superstore.

From the response of the audience, it was estimated that the majority in attendance favored keeping the Bijur site as industrial so as to encourage further manufacturing in town and discourage Wal-Mart.

At a Bennington Planning Commission public hearing held shortly after the January 14 forum, the Better Bennington Corporation, which represents downtown merchants, added its voice to a majority that has opposed efforts to rezone. The Bennington County Industrial Corporation is also opposing rezoning. And in March, the Bennington Planning Commission decided not to recommend a zoning change to accommodate commercial development.

It appears that Wal-Mart is poised to apply for local and state permits within the next month on a 150,000 square foot store in St. Albans on the same site that was rejected for a smaller Wal-Mart by both the Environmental Board and the Vermont Supreme Court in the mid 1990s. VNRC is evaluating possible courses of action at this time. We will keep you posted on this and other projects as they unfold.

ENFORCING VERMONT'S LAWS

The Vermont Agency of Natural Resources (ANR) should be enforcing Vermont's laws. Unfortunately, they don't have the staff available to take necessary actions such as the inspection of large construction sites to ensure that erosion control plans are implemented, or the inspection of stormwater systems to ensure that they

were installed properly and working as planned.

Thus, VNRC has begun an initiative to physically inspect some of the state's largest active development projects, both in the construction and operational phases, and will inspect the state's largest industrial agricultural operations. By visually inspecting receiving streams, taking water quality samples, and documenting operation and maintenance practices, we are building a strong record demonstrating whether illegal discharges in the three areas of erosion, stormwater runoff and agricultural runoff are occurring. We are targeting sites on the ground and by aerial flights during rain events and snowmelt when discharges can be photographed and documented.

Using this information, VNRC will provide the state of Vermont with the necessary data to pursue actions and penalties against polluters for not implementing erosion control plans and proper stormwater controls. We will also use these cases as examples before the Vermont Legislature to advocate for increased ANR enforcement staff. We will work with the media to ensure that VNRC's actions are highly publicized. By doing so, we believe that the word will get out to developers and others that enforcement of these laws is a real threat to those who chose not to comply. This will also help to make the much needed change in the implementation of erosion control plans, stormwater runoff plans and accepted agricultural practices on a statewide level.

VNRC JOINS ATV COLLABORATIVE

VNRC recently started participating in a collaborative formed by the Governor to address ATV recreation in Vermont. VNRC sees the collaborative as an opportune time to address concerns over widespread unauthorized ATV activity in Vermont. Before the collaborative started, VNRC was interested in furthering legislation that would curtail illegal ATV activity on public and private land, and increase registration and penalties to pay for enforcement and better trail development on private land. The collaborative will now give us a chance to work on policy recommendations to improve problems associated with ATV recreation in the state.

Several months ago, VNRC sent a survey to our members to document instances of unauthorized ATV activity, and to sample member sentiment regarding state policy on ATVs. The results are listed below. Thank you for your responses! VNRC will present our findings to the collaborative.

It is worth noting that we have received a large response from ATV users in the state regarding our survey. ATV riders overwhelmingly support opening public lands while VNRC members do not. Furthermore, our members offered many instances of unauthorized ATV activity in the state, while ATV riders largely remained silent. This discrepancy highlights the need for a collaborative discussion on ATV recreation in Vermont. There is a need by ATV riders to recognize

ATV SURVEY RESULTS

In January 2004, VNRC conducted a survey of our members regarding their opinions about ATV policy.

1) During the past year, have you observed any unauthorized ATV use on your land, on State land, on Federal Land or on other privately held land?

No—47
Yes, on private land—93
Yes, on state land—45
Yes, on Federal Land—24

2) Should Vermont's policy be changed to allow ATVs on public lands?

Yes—8
No—135
Maybe—4

3) Should ATV users pay for trail construction and maintenance through registration fees?

Yes—135
No—12
Maybe—1

4) Should ATV users pay for greater enforcement through registration fees?

Yes—156
No—6

and take responsibility for unauthorized ATV activity and build trust before pushing to open public lands.

VERMONT FAIR TAX COALITION

Founded in 1998 to conduct research and education regarding changes in tax policy to improve the environment, the Vermont Fair Tax Coalition (VFTC) has made green taxes a mainstream policy solution for environmental challenges in Vermont.

The Coalition's unique

partnership between VNRC, Vermont Businesses for Social Responsibility and Vermont Public Interest Research Group, has served as a national model for other states working on fair tax issues. The Coalition has been instrumental in several recent policy victories, including:

- Repeal of the sales tax exemption for non-agricultural pesticides
- A renewable energy bill and a requirement for the state to recommend a renewable energy portfolio standard

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- Sales tax exemption for solar hot-water heaters and off-grid systems
- A comprehensive financial incentive program for downtown development



Clean Water

VFTC will encourage a strong state financial and tax incentive commitment to cleaning up agricultural runoff and stormwater going into Lake Champlain and other waters of the state. Our work

will include follow-up work on the elimination of the pesticide tax exemption and participation in efforts to implement the Governor's Clean and Clear Water Initiative, which seeks to raise \$14 million through a variety of creative financing options including private fund raising. The funding would be used to finance phosphorus reduction through manure storage facilities, riparian buffers, and other best management practices.

Renewable Energy

The Coalition will continue to press for increased tax incentives and state investment in renewable energy and energy efficiency. VFTC will focus on: renewable portfolio standards for utilities; a strong 20-year comprehensive electric plan that encourages renewables and efficiency; a state procurement policy for renewable energy; energy efficient building standards; appliance efficiency standards; a fee-bate system for automobile efficiency; leasing state land to wind developers where appropriate; exempting wind power from property taxes; and increased tax rebates for installation of small wind and solar generators.

Sustainable Land Use

The VFTC will focus its efforts on tax incentives to complement land use policies that reinvigorate community centers and help fight sprawl. The Coalition will work to improve, and educate policy makers on, new downtown and growth center fiscal policy, property transfer tax programs, the current use tax program, statewide property tax, and cumulative fiscal/environmental impacts in development review.

FISH AND WILDLIFE FUNDING

Barring a last minute disagreement in the State House, it appears the Vermont Department of Fish and Wildlife (DFW) will benefit from an infusion of new money from the general fund this year. It is likely as much as 1.4 million dollars will be allocated to the DFW, which has been struggling financially in recent years.

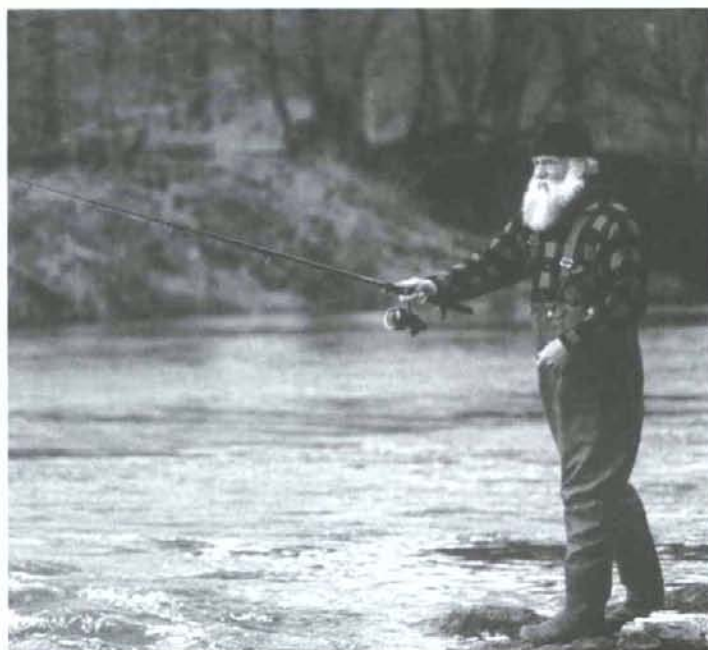
Last December, the Vermont Natural Resources Council sent a request to the

Secretary of the Agency of Natural Resources advocating for an appropriation of general fund dollars to the DFW. Specifically, VNRC recommended that new money be allocated to the Nongame and Natural Heritage Program to help with budget deficiencies regarding threatened and endangered species work.

The Governor started the appropriation process on the right foot by recommending 1.7 million dollars for the Department of Fish and Wildlife. VNRC testified in the State House on behalf of this allocation along side the Vermont Federation of Sportsmen's Clubs and other conservation organizations. In a year where general funds are limited, the appropriation for fish and wildlife resources is significant.

However, VNRC is disappointed that the Nongame and Natural Heritage Program will not receive a line item portion of the funding. The Agency of Natural Resources refused to dedicate a portion of the funding for the Nongame and Natural Heritage Program. Still, VNRC is hopeful that part of the funds will be used to leverage additional federal dollars to benefit threatened and endangered species work in Vermont.

The end result of increased funding for fish and wildlife management is encouraging. It remains to be seen whether the DFW can get itself back on solid financial ground. This will require building a large tent of interested parties to support the long-term viability of the DFW.





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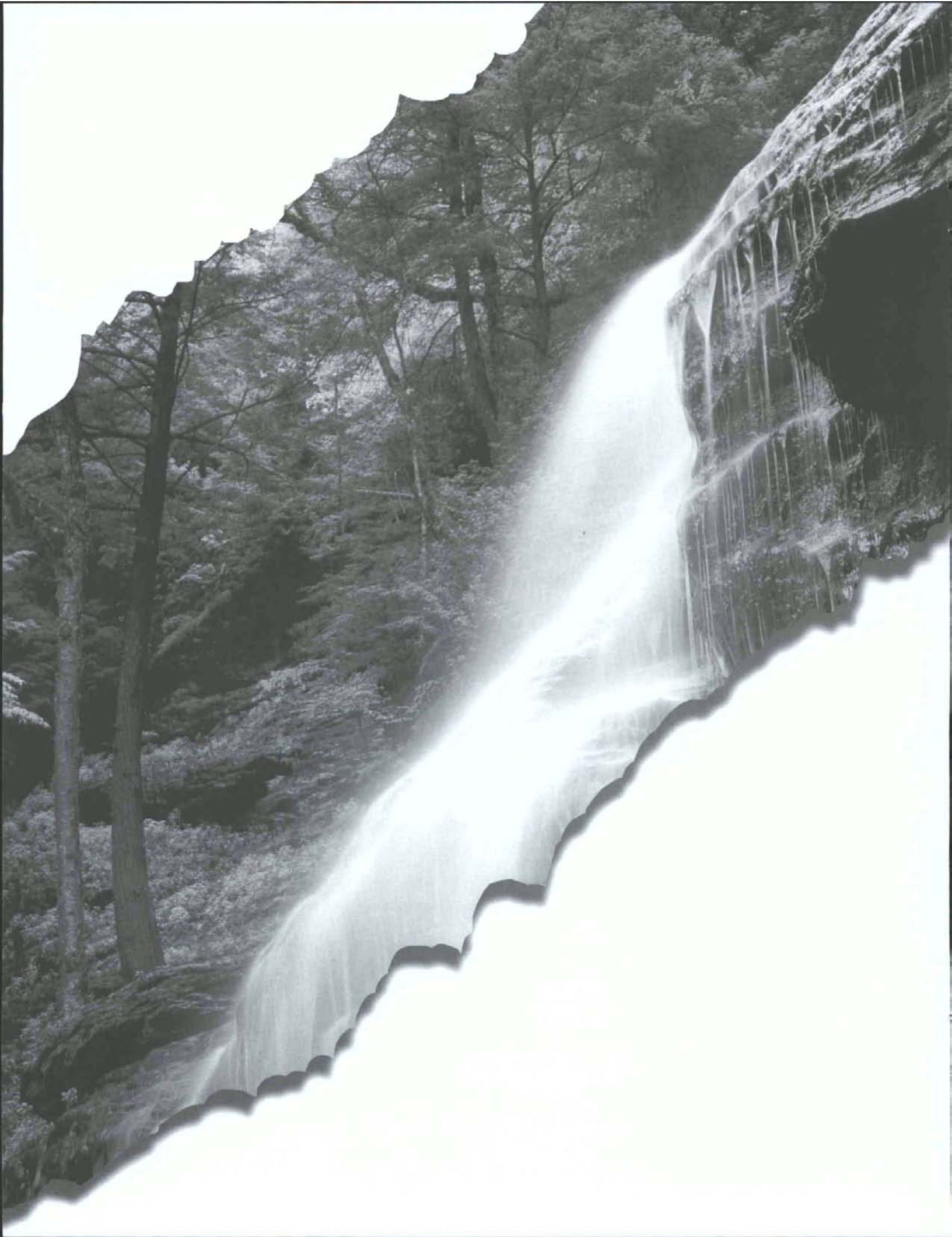
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NOT A PRETTY PICTURE:

ROLLING BACK THREE DECADES OF ENVIRONMENTAL PROGRESS

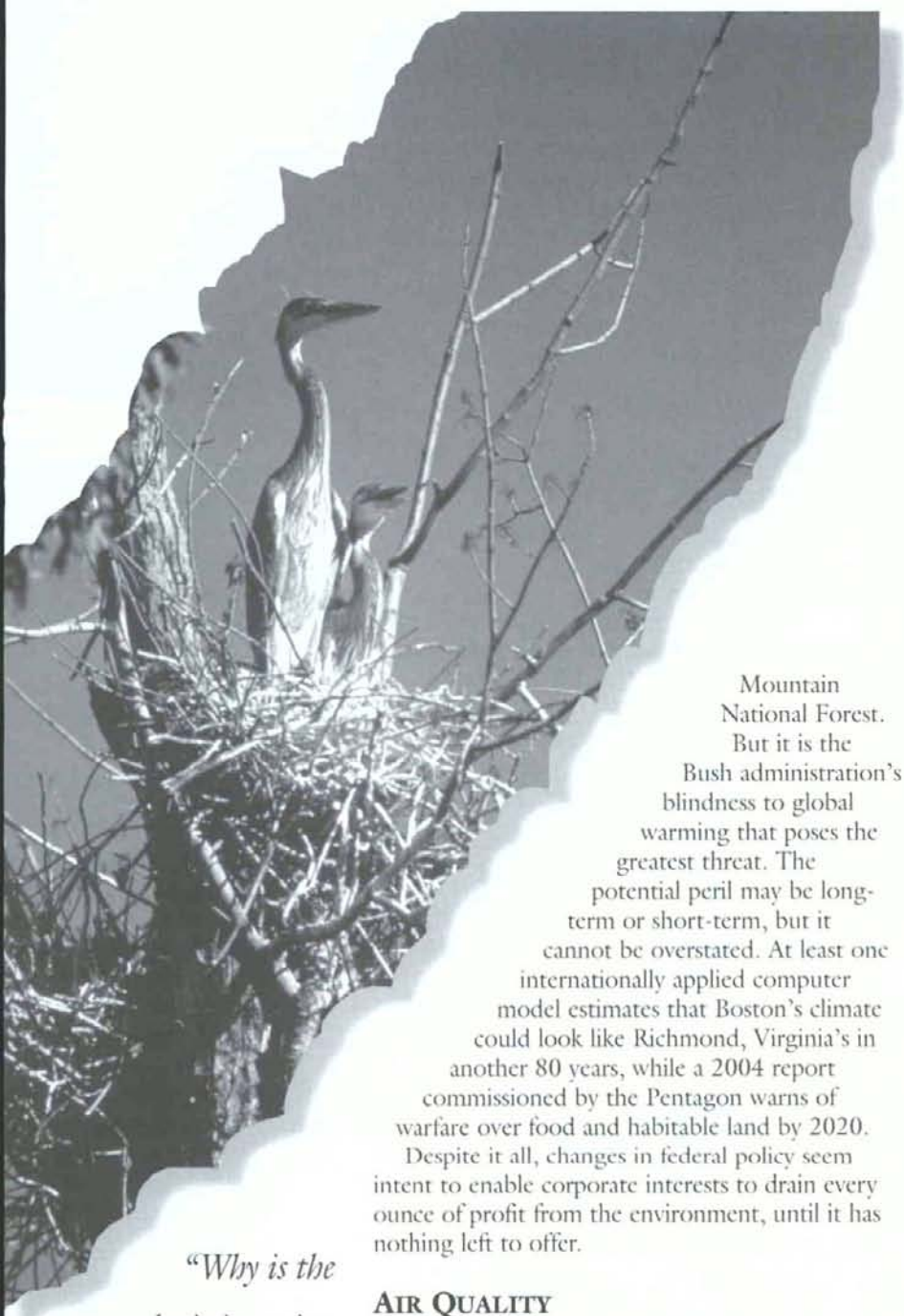
BY WILL LINDNER

Paul Stream rises in a remote mountain bowl northwest of Maidstone Lake, deep in the Northeast Kingdom. It flows south through Ferdinand Bog before joining Granby Stream, where it turns northeast, wending through deep forest to the Connecticut River. The whole drainage is magnificent country: red spruce and balsam fir in the valleys; maple, beech and ash on logged-over ridges; bogs in the low spots, marked by reeds and, here and there, black spruce or cedar.

In mid-winter sculpted ice covers the stream, broken in places by the black gleam of open water. Gathered snow fuses with gray winter light in a silence and stillness that feels timeless.

But if the world has seemed to bypass this distant retreat, the illusion could soon be broken. Like the rest of Vermont, Paul Stream and the landscape that nurtures it are not safe from environmental degradation, for the Bush administration has undertaken the most comprehensive rollback of the environmental safety net painstakingly constructed in the United States over the last three decades. Some argue that the campaign poses a greater threat in the West where the target is larger for mining, timber and grazing interests. Yet Vermont is vulnerable. Critical

changes in the Clean Air Act, proposed or sidled into place through administrative rulemaking (which is done without legislative review), could increase mercury deposition in our waters, ozone concentration in our skies, and acid precipitation on our mountaintops. Shifts in clean water regulation would remove key protections from seasonal intermittent streams and isolated wetlands, which undergird the biological viability of regions like the Northeast Kingdom. Public input and environmental review could play a diminished role in government management of our Green



Mountain
National Forest.

But it is the
Bush administration's
blindness to global
warming that poses the
greatest threat. The
potential peril may be long-
term or short-term, but it
cannot be overstated. At least one
internationally applied computer
model estimates that Boston's climate
could look like Richmond, Virginia's in
another 80 years, while a 2004 report
commissioned by the Pentagon warns of
warfare over food and habitable land by 2020.

Despite it all, changes in federal policy seem
intent to enable corporate interests to drain every
ounce of profit from the environment, until it has
nothing left to offer.

*"Why is the
administration
bragging about a
plan that will
actually result in
more pollution
than if we simply
enforced the
Clean Air Act?"*

—The Sierra Club

AIR QUALITY

"Living downeast means living downwind," says
John Burrows, Maine coordinator for the Atlantic
Salmon Federation.

Vermonters know what he means. Prevailing
southwesterly winds transport pollutants from fossil
fuel-burning power plants in the Ohio valley,
arriving here laden with sulfur dioxide (SO₂),
nitrogen oxide (NO_x) and mercury.

Acid precipitation is Vermont's signature
airborne malady. High-elevation red spruce and fir,
as well as ponds and streams, are directly impacted.
A recent study commissioned by the Conference of
New England Governors and Eastern Canadian
Premiers reveals damage to 31 percent of
Vermont's upland forests – some 1.3 million acres,
concentrated in the Green Mountains and the
Northeast Kingdom. In 2001, the Hubbard Brook

Research Foundation in New Hampshire linked
acid deposition in soils to emerging threats to
other tree species. Our biodiversity is at risk.

State officials are equally concerned about
ozone, visible as haze.

"Power plants emit thousands of tons of NO_x,
which combines with other constituents over time
and chemically converts into ozone," explains
Vermont Environmental Commissioner Jeffrey
Wennberg. "The effect is not in the states where
the plants are located, but in states hundreds of
miles away."

Such as Vermont.

Alone among northeastern states, Vermont has
managed to stay within federal clean air standards,
though Wennberg says, "we've been teetering right
at the brink." Failing to meet the standards triggers
remedial requirements that are costly and
burdensome for both government and industry.

The federal law that pertains to both ozone and
acid precipitation is the Clean Air Act of 1970, and
its 1990 amendments. The Act is not without its
shortcomings – Wennberg notes it gives Vermont
no authority to clamp down on sources of air
pollution that originate in another state – but it is
widely praised for having put the related concerns
of air pollution and human and environmental
health on the map, and forcing emission reductions
through air quality standards.

In his State of the Union message of January
2003, President Bush proposed revised air-
pollution legislation, calling it the Clear Skies Act.
The federal Environmental Protection Agency
(EPA) published Clear Skies' virtues on its website.
Based on Year 2000 emission levels, Clear Skies
would cut SO₂ emissions by eight million tons,
NO_x by 3.3 million tons, and mercury emissions
by 33 tons by 2018. These steps would reduce
respiratory ailments and cardiovascular disease,
acidification of lakes and streams, and ozone, while
protecting wildlife and ecosystems.

These improvements would be accomplished
through a "proven, market-based, flexible approach
... (that would) enable power generators to
continue to provide affordable electricity while
quickly and cost-effectively improving air quality
and the environment." The EPA was referring to
the cap-and-trade system that helped bring down
SO₂ emissions. Clear Skies would extend that
mechanism to NO_x and mercury.

Opponents quickly charged that the EPA was
telling only half the story about the deceptively
titled "Clear Skies Act."

"Why is the administration bragging about a
plan that will actually result in more pollution than
if we simply enforced the Clean Air Act?"
wondered the Sierra Club. Clear Skies, it said,
would allow 225 percent more SO₂ in the air by

2010 and 68 percent more NOx. As for mercury – increasingly regarded as a public-health menace – the Bush program would allow 26 tons per year in emissions by 2010, while existent Clean Air Act provisions would limit mercury pollution to five tons per year by 2010.

Said Barrows, of the Atlantic Salmon Federation, “Instead of relaxing regulations, administrators should be tightening them to protect the 130 million Americans who breathe unhealthy air produced by facilities that heave these life-threatening poisons into the air with the government’s blessing.”

Vermont environmental officials and policy leaders have not spoken with one voice about Clear Skies. Responses range from cautiously supportive (DEC Commissioner Wennberg), to strongly critical (U.S. Sen. James Jeffords), to down right cynical. “They’re doing everything possible to delay the implementation of controls that would affect power plants and ultimately have a (positive) impact on clean air,” says Richard Valentinetti, director of the state’s Air Quality Program. “Anything that affects the direction of environmental (protections) at the federal level is going downhill.”

Wennberg expresses a different view.

“While the administration may have overstated some of the benefits (of Clear Skies),” he says, “no one can (dispute) that the schedule for emission controls is substantially more aggressive than under the status quo. The approach we have taken is to applaud the fact that the president has attempted to put (Clear Skies) on top of the agenda, but not to accept the specifics – but to propose limits and schedules that are more progressive, to meet our needs.”

Actually, many people dispute that Clear Skies sets forth “aggressive” emission controls – none more bluntly than Vermont’s Sen. Jeffords, the ranking member of the Senate Natural Resources Committee.

“During his State of the Union speech, President Bush said . . . (his) Clear Skies legislation mandates a 70-percent cut in air pollution from power plants over the next 15 years,” Jeffords replied on the Senate floor. “What he did not say is that the Clean Air Act, according to the EPA, will

do a better and faster job of reducing emissions . . . Worse yet, the President’s proposal would contribute to the premature death of tens of thousands of people we could otherwise save by full and faithful implementation of the Clean Air Act.”

Jeffords has sponsored an alternative, the Clean Power Act, which retains elements of the Clean Air Act and in some regards improves upon it. Its controls of NOx, SO2, mercury and CO2 (carbon dioxide) are deeper and more immediate than the so-called Clear Skies.

Vermont Assistant Attorney General Erick Titrud doesn’t worry about the Clear Skies Act. “It’s not going anywhere in Congress,” Titrud says. “But some of the things the EPA is now trying to do arguably represents an attempt to effectuate aspects of Clear Skies by administrative rule-making rather than legislation.”

Exhibit A is “new source review,” the provision of the Clean Air Act that allows thousands of power plants to keep their outmoded, pollution-belching boilers and other equipment by performing only limited repairs and maintenance. Larger plant overhauls requires the use of “best available control technology.”

The EPA proposes to soften these requirements. Protests erupted in August 2003 when the agency announced a change that would allow companies to spend as much as 20 percent of the value of their plants – which are sometimes worth billions of dollars – in replacing equipment without being subject to new source review, even if it increased emissions.

Do that once and you’ve ducked your responsibility to gradually upgrade your power plant. Do it in stages and you’ve got a new plant that has snuck

“(The administration) is doing everything possible to delay the implementation of controls that would affect power plants and ultimately have a (positive) impact on clean air.”

— Richard Valentinetti
Director of the Vermont Air Quality Program





*"The President's
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implementation
of the Clean*

Air Act."
— Senator Jim
Jeffords

under the regulatory fence. (The EPA also dropped Clinton-era pollution lawsuits against 51 coal-fired power plants, leading three agency officials to resign in disgust.)

Nationwide, reaction was swift. Jeffords called the proposed changes "patently illegal." Vermont joined a dozen other

downwind states in filing an emergency motion in the U.S. Court of

Appeals for a stay of the rule. On

December 24, two days before it was to become law, the court granted the stay.

"That meant it did not go into effect as it otherwise would have," says Assistant Attorney General Titrud. "It is not a final determination."

The legal process could be quite protracted — which, Valentinetti believes, may be fine with the administration.

"They don't care if it takes five years to settle the lawsuit. Time is money in the power industry."

WATER QUALITY

When the Court of Appeals granted an emergency stay of the administration's emasculation of new source review, mercury figured prominently, for it poses an immediate and significant threat to human wellbeing. By leaching into Vermont's streams, rivers and lakes it has made its way into our food chain.

"There are fish advisories for every water body in the state," says State Toxicologist Bill Bress. (Similar advisories are found in at least 42 other states.)

Awareness of mercury's hazards was progressing steadily — until recently:

- In 1995, the Vermont Health Department advised pregnant women, breast-feeding mothers and children age six and younger against eating even small quantities of several fish species caught in Vermont waters.
- In 1998, the Conference of New England Governors and Eastern Canadian Premiers issued a Mercury Action Plan, stating that the only acceptable goal was "virtual elimination of anthropogenic (human-caused) mercury releases in the region."

- In 1999, VNRC staff scientist Kim Kendall called mercury "the pollutant of first concern."

Then came 2003, when the Bush Administration ho-hummed that it would permit mercury emissions for the next six years to be reduced almost incidentally, by scrubbers designed to combat smog and acid rain. Specific mercury-control technology could wait until later.

Perhaps of even greater concern, the provision would allow industries to buy and sell pollution credits for mercury. Valentinetti, of Vermont's Air Quality Program, is generally amendable to cap-and-trade systems ... until you get to mercury, he warns. "Mercury should be off the table for trading, period."

One reason is that trading mercury-emission credits could actually increase people's exposure in areas affected by power plants that buy pollution credits rather than meeting emission requirements.

The motivation for a "flexible" approach to mercury appears, again, to be financial benefits for a well-connected few. In January the Washington Post reported that entire passages of the changed rules were lifted from a utility-industry memo to the EPA. Then-presidential candidate Howard Dean accused the administration of "selling our health, our environment ... to its campaign contributors."

Conservationists and outdoor enthusiasts have other concerns, besides mercury, for the nation's waters, though in Vermont they remain mostly speculative. The conservation community had a scare in 2001 when the U.S. Supreme Court ruled that an Illinois gravel pit, which had filled with water and become an annual stop for migratory birds, was not protected under the 1972 Clean Water Act, which covers "navigable waters." By this precedent, thousands of marshes and seasonal intermittent waters could be lost.

"There was panic among environmentalists and glee among developers," says Jim Murphy of the National Wildlife Federation.

Conservationists contained the damage through successful arguments in other legal cases. But our wetlands and seasonal streams aren't out of the woods. In January 2003, the administration issued a notice of proposed rulemaking that portended new, narrower policies toward protecting isolated wetlands.

"The states basically screamed, 'Don't roll back the Clean Water Act!'" says Murphy, "so the administration backed away. But it didn't rescind the memo. Consequently, we've seen Corps of Engineers field offices use the memo as guidance. It has had the practical effect of a rule, even though it never went through the rule-making process."

If this continues, says Murphy, 20 percent of the

wetlands in the lower 48 states could lose their protection.

The administration also weighed in on a Florida case with possible implications for Vermont. There, in a flood-control exercise, a local waste-management district was pumping polluted water from an agricultural canal into pristine waters in the Everglades. Native tribes sued for relief, and won in federal appeals court. The case then went to the U.S. Supreme Court, which heard testimony in January. According to Murphy, the administration filed a brief, arguing that the Clean Water Act did not prevent officials from merely moving water from one place to another.

That, says Murphy, "was a jaw-dropping argument. It would blow a huge hole in the Clean Water Act's ability to regulate dirty water."

The relevance to Vermont?

"As the need for snowmaking grows more acute, you could see ski areas looking downstream where (water) conditions are poorer, and moving the water up to their snowmaking ponds."

The high court is expected to decide the case in June. For Vermonters, it bears watching.

LAND MANAGEMENT

Paul Brewster, Forest Supervisor for the Green Mountain National Forest, is hard at work on a new 15-year management plan for the 400,000-acre tract of forest, rock and ridge that extends from Bennington County northward to the Mad River Valley. The typical process for drafting a new forest-management plan includes preparing an Environmental Impact Statement (a comprehensive analysis of its effect on trees, soils and waters) and soliciting public input.

Fortunately, the Green Mountain National Forest planning process started in the late 1990s. Recently enacted and proposed regulations aim to strip environmental review and public participation from many levels of forest management decisions.

The public may not realize the impact of what is happening because new policies are spun under feel-good monikers, such as the "Healthy Forests Initiative" (HFI). "We need to make our forests healthy by using common sense," the president said upon unveiling HFI in August 2002. "We'll make sure people have their voice, but aren't able to tie it all up."

Purportedly, the purpose of HFI is to eliminate catastrophic forest fires. The Forest Service would do this by fast-tracking the thinning of brush, standing deadwood and, potentially, healthy trees, on large tracts of forestland. Conservationists, noting the prominent role played by Undersecretary for Natural Resources Mark Rey, a former forest products lobbyist, worry that the "thinning" in this case really means commercial

harvesting at a scale that would typically trigger environmental and public review before moving forward.

VNRC and hundreds of other environmental organizations sounded the alarm bell over HFI and policies aimed at expediting timber harvesting. The Forest Service now has new authority to bypass environmental review for many categories of commercial logging projects, especially those aimed at salvaging dead or dying trees and removing insect- or disease-infested trees (and healthy trees adjacent to infested trees).

"We are troubled by this attempt to diminish environmental review for a broad range of harvesting in the national forest," VNRC Forest Program Director Jamey Fidel wrote to the U.S. Department of Agriculture. He amplified his concerns in a separate press release: "While some timber projects may be warranted, there is an ecological role for dead, dying and diseased trees in the forest. Their removal has an impact on wildlife, water quality and natural forest conditions (that) should be understood . . . on a case-by-case basis before harvesting occurs."

On top of all this, stricter guidelines for appeals could mean citizens have no recourse to challenge completed forest plans like the one Brewster is working on, except in court. Fidel called this "a systematic and coordinated plan to limit public participation in critical decisions regarding the management of our public lands."

Furthermore, a comprehensive planning-rule change will soon replace rules published in 2000 by the Clinton Administration, which put the maintenance of ecological integrity at the forefront of forest management planning. Fidel says the Bush Administration quickly decided the Clinton rules weren't "implementable."

"That's code for 'We didn't like them,'" he said. "So they were yanked. They were never given a chance to be 'implementable.'"

With the 2000 rules off the table and the new planning rules not yet in force, Green Mountain National Forest Supervisor Brewster says he and his staff are applying the original 1982 regulations for their new management plan. (Forest-management plans address everything from habitat management to timber management, from recreation to wilderness, from soil protection to water quality.) Brewster acknowledges that new rules have been proposed, but says he has received no instructions to wait for them.

"We've been in the midst of formally revising the plan for two years," he says. "Informally, we began even earlier, gathering (opinion) through public meetings and talking with various interest groups. We've got so much effort and investment in what we're doing that anything that would cause

"We need to make our forests healthy by using common sense. We'll make sure people have their voice, but aren't able to tie it all up."

— President George W. Bush, upon unveiling HFI in August, 2002

"This is a systematic and coordinated plan to limit public participation in critical decisions regarding the management of our public lands."

— VNRC Forest & Biodiversity Program Director Jamey Fidel

"This is the only administration in the history of the ESA to have never listed a single endangered species except under court order."

— NWF Legislative Representative Corry Westbrook

us to stall out or extend our timelines is something that, as a manager, I am not interested in."

Brewster's decision to follow the original planning regulations has VNRC hopeful. At least for the time being.

"Vermont has cherished the role of public participation in management decisions regarding our national forests," says Fidel. "Stripping away this right from the people is not what Congress intended. We can do better here in Vermont."

ENDANGERED SPECIES

Related to forest diversity – one of the values advanced in early forest-planning regulations – is the maintenance of biodiversity. These protections would be weakened under the new revisions, in which Forest Service planners would merely be asked to maintain ecological conditions that would provide a "high likelihood" that species would stay at stable levels.

This weakening of biodiversity attention is similarly reflected in the administration's approach to the Endangered Species Act (ESA). It rests with U.S. presidents to decide whether to add candidate species to the protected list – unless the courts step in. According to the National Wildlife Federation (NWF), that's the only way this president has done it.

"This is the only administration in the history of the ESA to have never listed a single endangered species except under court order," NWF Legislative Representative Corry Westbrook says. "It also has issued the highest percentage of listing denials."

Of recent presidents, Ronald Reagan's track record for adding species to the protected list was an average of 32 per year; George H.W. Bush added 58 per year, and Bill Clinton

averaged 65 new listings per year.

George W. Bush, under court order, has listed eight species per year.

Further indication of diversity's devaluation under the current regime is Bush's exemption of all Department of Defense properties – amounting to 25 million acres – from the habitat-protection requirements of the ESA.

In this arena, however, the picture is not all bad. Vermont's Non-Game & Natural Heritage Program Coordinator Steve Parron says the state's involvement with the federal Endangered Species program is limited, and its small amount of funding has not been affected.

In fact, Parron is enthused, because the federal Wildlife Grant program is so popular in Congress that Parron anticipates an increase in funding, reaching \$700,000-\$1 million for Vermont this year.

"It didn't really matter what administration got in," he says. "They were going to support the wildlife grants because of the level of bipartisan support."

The money goes toward a Comprehensive Wildlife Conservation Strategy for species of concern. Parron mentions another source of support for biodiversity, called Landowner Incentive funds. It will be used for outreach and technical assistance for landowners, and for direct protective measures for threatened species, such as bat-friendly (and spelunker-unfriendly) gates at cave entrances.

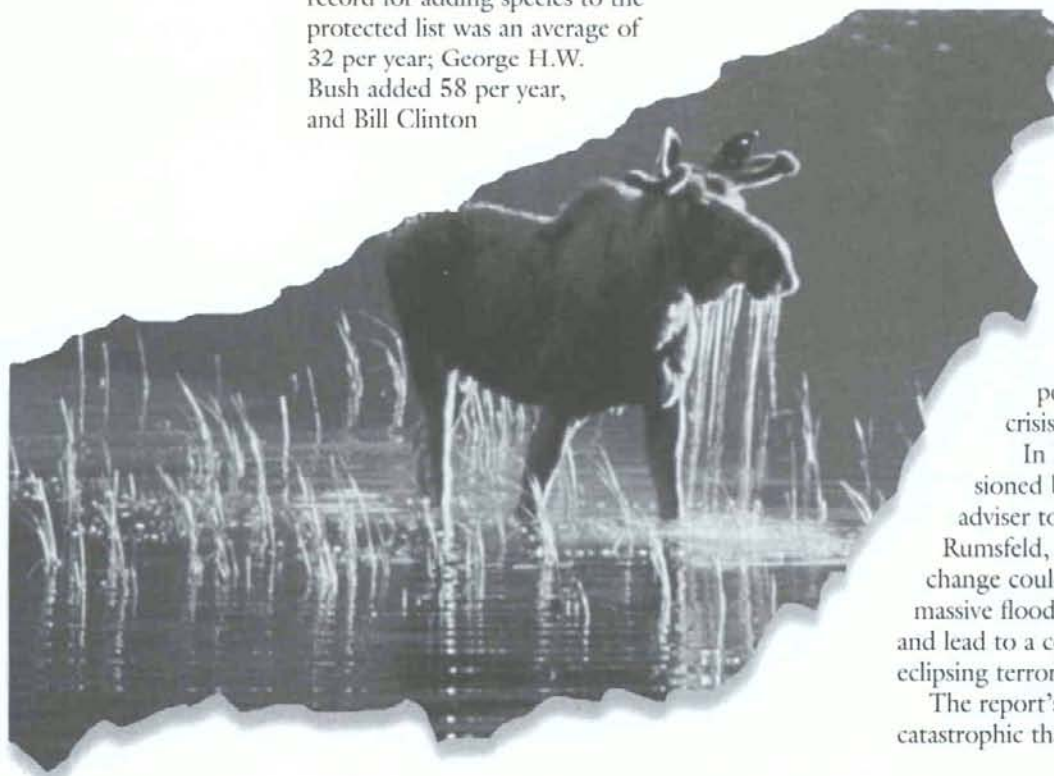
"I recognize that other federal program budgets have been cut," Parron summarizes, "but I am feeling somewhat encouraged to have new federal sources of funding and the opportunity to do some good work."

GLOBAL WARMING

The Bush Administration is notorious for pulling the U.S. out of the 1997 Kyoto agreement on global warming. But at least one branch of our federal government perceives the enormity of this pending crisis: the Pentagon.

In February 2004, a report commissioned by Andrew Marshall, an intimate adviser to Secretary of Defense Donald Rumsfeld, warned that within 20 years climate change could cause global calamity, including massive flooding and disruption of food supplies, and lead to a constant state of war and tension eclipsing terrorism.

The report's predictions were so dire and catastrophic that readers may react with disbelief.



Disbelief has been the White House's position all along. Despite unctuous pronouncements about encouraging American industry voluntarily to lessen greenhouse gas emissions, this president clearly intends to do nothing about an ecological threat that may well become the defining issue of the 21st century.

Some members of Congress would wrest this issue away from the Executive Branch. Vermont Sen. Patrick Leahy endorsed the Climate Stewardship Act of 2003, which proposed to limit emissions of greenhouse gases.

"I am pleased that the Senate is finally going to have an open and honest discussion about climate change, greenhouse emissions . . . and their effects on the nation and the world," Leahy said on the Senate floor (October 30, 2003). "We can no longer look the other way as the rest of the world moves ahead while the current administration ignores global warming."

Unfortunately, the bill failed its first test, losing that day in a 55-43 vote amid charges by legislators like James Inhofe, R-Okla., that climate change was a "myth and a hoax."

Policy makers like Inhofe and President Bush are at odds with scientific thought. Professor Bill McKibben, Environmental Studies scholar in residence at Middlebury College, author of *The End of Nature* (1989), and guest speaker at VNRC's 2003 Annual Meeting, says, "There is essentially no peer-reviewed scientist in the world anymore who doesn't think we're in for a spell of dramatic climate change. The best guess from the Intergovernmental Panel on Climate Change is that this century will see average temperature increases on the order of five degrees, from a worldwide average of 60 degrees to 65 degrees. That's warmer than it has been for tens of thousands of years. (The result will be) rising sea levels inundating human habitat, the eventual end of winter, foliage season and sugaring season."

If global warming brings "the end of winter," that condition will only be temporary. Paradoxically, global warming may lead to a new ice age.

Worcester meteorologist Roger Hill, known for his morning weather programs for the Radio Vermont group, has a keen interest in climatology. Hill says that when he has spoken out publicly about global warming his comments have met with hostility.

"There are arguments against it," he concedes. "The solar cycle could be heating up the earth. It's not a perfect laboratory. Global warming is a very complex theory, and a lot of people say, because it's complex, we can sit here and pollute to our hearts' content."

If the nay-sayers triumph, the consequences may be grim. Hill explains what might happen.

"The rapid rise of climate temperatures causes the polar ice caps to melt, which causes a freshwater dump that enters the conveyor belt of the Gulf Stream. This decreases the salinity and changes the temperature of the Gulf Stream, causing it to collapse."

Disrupting the complex interactions between the Gulf Stream, global weather patterns and food production, combined with catastrophic flooding and a world population already stretching the limits of the earth's resources, would produce the kind of rampant instability predicted in the Pentagon report.

But there's more.

"Ice core samples collected in the Greenland ice pack and elsewhere indicate that whenever the earth warms up and warms up, it reaches a certain point and then rapidly cools," says Hill. "The northern latitudes would then become much colder. An ice age could re-emerge."

Hill believes he is seeing signs of climate change in Vermont: increasingly volatile weather patterns; lower-elevation adult red spruce dying from drought; lime disease and heartworm in pets ("something you would expect to find in Connecticut"); rattlesnakes; oak trees "marching north"; an erratic season for syrup producers.

Even if the alarms sounded by the Pentagon report turn out to be exaggerated, climate change could undermine the pillars of Vermont's tourism and agricultural economy. Our forests – dominated by maple, beech and ash in the valleys and spruce and fir on the mountains – could be replaced by oak and hickory, the forests that now characterize the Mid-Atlantic region. Foliage would fade, the maple syrup industry would shift toward the north. Cross-country skiing and snowmobiling would vanish. Downhill skiing might survive with extensive snow-making, but the sport would become marginal, as it is in Pennsylvania and West Virginia.

A large research base indicates that warming is underway. From 1950 to 2000, snowfall decreased by 14.6 percent in the region. The annual number of days with snow on the ground dropped by 7.5 days (6.7 percent) from 1953 to 1998.

In the end, a crisis of global warming, followed by floods in European cities and Siberian winters in Great Britain, might obviate our present-day concerns about mercury, acid rain, wetlands preservation and biodiversity. The Pentagon report predicts we could see a world like this by 2020.

But as the storms gather, the Bush Administration chooses, in the words of Vermont Sen. Jeffords, to "whistle past the graveyard" with an "imaginary" environmental agenda, subjugating the planet's survival to priorities of profit and convenience.

"We can no longer look the other way as the rest of the world moves ahead while the current administration ignores global warming."

— Vermont Senator Patrick Leahy

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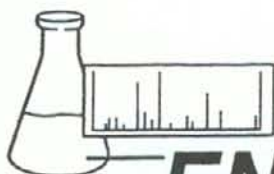
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THE NEW FOREST PLANNING REGULATIONS:

Discretion At Every Turn

BY JAMEY FIDEL

One of the most important laws affecting the management of the national forests is the National Forest Management Act of 1976 (NFMA). At the heart of NFMA is a provision that requires the Secretary of Agriculture to craft regulations for land management planning on national forests and grasslands.

The first forest-wide planning rule was fully completed in 1982. In 1989, the Forest Service initiated a comprehensive review of its planning process, which culminated in a new planning rule being adopted in November 2000.

The 2000 forest planning regulations recast the emphasis of forest management by incorporating two decades of scientific understanding in the fields of conservation biology and ecosystem management. The 2000 regulations boldly stated that the "first priority for stewardship of the national forests and grasslands is to maintain or restore ecological sustainability."

However, just months after the new regulations were adopted, the Bush administration claimed it was not "sufficiently prepared to implement the November 2000 planning rule." The administration decided that it would revamp the planning rules entirely to fit a new mold. Simply put, the new paradigm would be Forest Service discretion at every turn. The anticipated result of the new planning regulations is the Forest Service will minimize its longstanding duties in three categories: (1) environmental review, (2) biodiversity management, and (3) public participation.

ENVIRONMENTAL REVIEW

The NFMA states that planning regulations must specify procedures to insure that management plans are prepared in accordance with the National Environmental Policy Act (NEPA). Under NEPA, major federal actions significantly affecting the quality of the environment require an environmental impact statement (EIS).

The Forest Service has traditionally stated that forest plan revisions (and sometimes forest plan

amendments) require an environmental impact statement. Now, for the first time, the Forest Service is taking the position that it does not have to perform an EIS for the development or revision of forest plans.

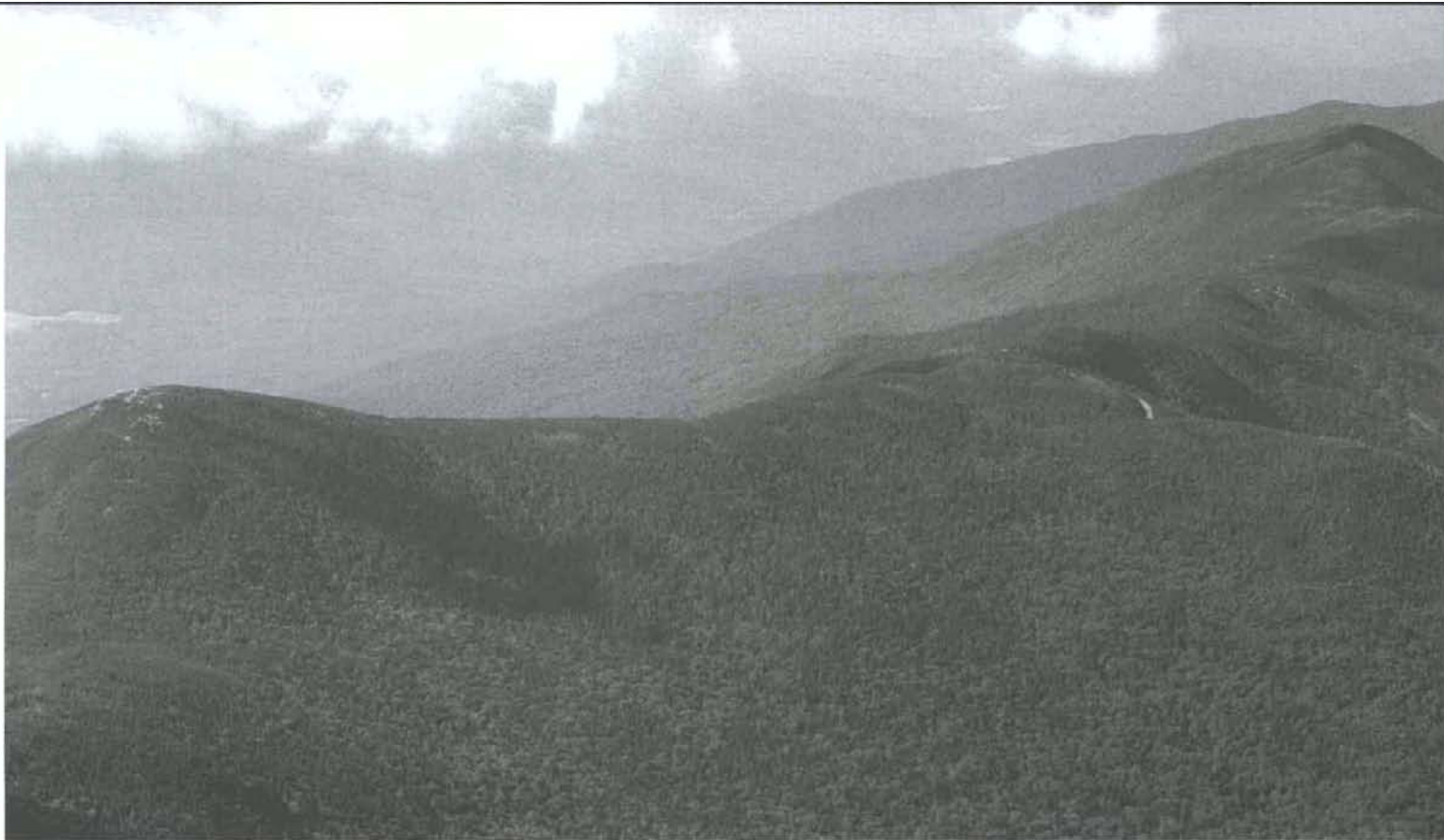
The proposed rule states that it will now be up to the Responsible Official (usually a Forest Supervisor) to determine how NEPA applies to a new plan, plan amendment, or plan revision. However, a leaked draft of the upcoming regulations suggests that the Forest

Service will strip this discretion from local foresters. The leaked regulations do not require any NEPA environmental review. The end result will be the programmatic elimination of environmental review for broad-scale forest planning.

SPECIES VIABILITY AND BIODIVERSITY

The NFMA requires forest planning to provide for diversity of plant and animal communities in the forest planning area. The 1982 regulations clarified that in order to provide for diversity, fish and wildlife habitat would need to be managed to





maintain viable populations of species in the planning area.

The new planning regulations will minimize the Forest Service's longstanding duty to ensure species viability on the forests. For example, the draft rule allows the Forest Service to manage national forests for ecological conditions that would provide for just a high likelihood of species viability over time. The focus of species management will move from quantitative monitoring that verifies that viable populations of species are being maintained on the ground, to a more qualitative assessment of whether forest conditions are capable of supporting species viability.


Furthermore, duties regarding species population trend analysis will no longer be mandatory. For example, language in one of the proposed draft regulations merely suggests that the Forest Service should, where feasible, compile information on species populations in evaluating diversity.

These standards highlight the amount of discretion the Forest Service wishes to capture. The Forest Service has eliminated the mandatory language of past planning regulations and created a model of suggested species management with few enforceable standards.

CITIZEN PARTICIPATION

Traditionally, citizens have been able to appeal final decisions in forest plans. This is an administrative process that is a prerequisite to going to court with grievances about final forest plan decisions. The proposed rule seeks to curtail the ability of citizens to appeal final planning decisions by shifting objections to a period before a final plan decision is made.

The Forest Service proposal also seeks to restrict the type of objections it will accept. "Only original substantive comments that meet objection content requirements" will be accepted, and "[f]orm letters, check-off lists, pre-printed post cards, or similar duplicative materials will not be accepted as objections." Finally, the proposed rule allows the Forest Service to establish plan direction for up to four years without any public notification or citizen comment.

The cumulative effect of these proposed changes is a curtailment of environmental analysis and public participation, and an increased potential for costly litigation. The Forest Service should listen to the 325 scientists and majority of the 195,000 people who have opposed the proposed regulations. 

Jamey Fidel is VNRC's Forest & Biodiversity Program Director.

PRESERVING FEDERAL LAW:

Northeastern Attorneys General Working to Protect the Environment

BY KEVIN O. LESKE

Since taking office, the Bush Administration has come under fire for strategically rolling back many of the laws and regulations that protect the environment. Specifically, the Administration's policies on global warming, regulations of emissions from heavily polluting power plants, and energy efficiency standards for appliances (such as air conditioners) are just a few of the issues that have met with strong criticism. The Attorneys General (AGs) of several Northeastern States moved quickly to counter some of the Administration's efforts to weaken environmental protections. Consequently, courts across the country have been called upon to determine whether many of these new rules and policies are lawful. The courts generally have appeared reluctant to allow many of these changes to stand.

NEW SOURCE REVIEW

The most notable case is the litigation concerning the Administration's changes to the New Source Review (NSR) provisions of the federal Clean Air Act (Act). The Act requires existing industrial sources of air pollution to install modern air pollution control equipment when these plants are upgraded or modified. While Congress intended pollution controls to be installed for any modifications that increase pollution, the Environmental Protection Agency (EPA) has always allowed exemptions for "routine maintenance" - ordinary work that does not increase pollution. Until this year, EPA (and the courts) have interpreted this exemption narrowly, using a common-sense understanding that the



exemption applies to only typical maintenance projects. However, in October 2003, EPA published a rule called the "Equipment Replacement Rule" (Rule) that departed radically from this longstanding interpretation. The new Rule, which was scheduled to go into effect on December 26, 2003, would have allowed any modification to be classified as routine maintenance if it

did not exceed 20 percent of the replacement cost of the industrial facility - even if the change creates more pollution.

Vermont, along with 13 other States (including most of the Northeast States), immediately challenged the Rule as being inconsistent with the Act. In addition to questioning the merits of the Rule, the States asked the U.S. Court of Appeals for the D.C. Circuit to issue an order preventing the Rule from going into effect while the matter was pending. In seeking the "stay" from the court, the States argued that the additional air pollution permitted by the new Rule would contribute to higher rates of premature mortality, respiratory disease, asthma attacks, acid rain, smog and other public health and environmental damages. On December 24, 2003, the court found that the States had "demonstrated ... irreparable harm and likelihood of success on the merits" and it suspended the effective date of the Rule until the entire case is resolved. A final ruling in the case (entitled *New York v. EPA*) is not expected for many months.

APPLIANCE ENERGY EFFICIENCY

On January 21, 2004, a different federal appeals court rejected a rule change sought by the

Administration. In that ruling, the U.S. Court of Appeals for the Second Circuit agreed with environmental groups and several Northeastern States (including Vermont) that the attempt by the Department of Energy (DOE) to roll back energy efficiency standards for air conditioners and other consumer appliances was not permissible. Under federal law, DOE must set efficiency standards for major appliances, including central air conditioners and heat pumps. The law provides that once new efficiency standards are published, they may not be weakened or rolled back. In the final days of the Clinton Administration, DOE had finalized and issued efficiency standards that would result in at least a 30 percent energy saving on such appliances. In early 2001, however, shortly after the change of administrations, DOE summarily suspended and then withdrew these standards and attempted to adopt significantly weaker standards in their place. According to DOE's own numbers, these lower standards would have necessitated the production of at least 3.9 more gigawatts of energy over 20 years, which is the equivalent to the output of 10 power plants. The decision in *NRDC v. Abraham* nullified these less stringent standards and was hailed as a major victory for the environment and for public health.


CLIMATE CHANGE

In yet another suit, many of the Northeastern AGs formally challenged the Administration on its failure to regulate greenhouse gas emissions, which are regarded as the leading cause of global warming. The action, filed in October 2003 and entitled *Massachusetts v. EPA*, is the largest effort to date to compel EPA to address the ever-increasing problem of global warming. While acknowledging the negative impacts of global warming, EPA has yet to take any concrete action on the issue. Instead, EPA has issued two rulings that conclude that it does not have statutory authority to regulate greenhouse gas emissions under the Act and that carbon dioxide is not a "pollutant" as defined in the Act. These rulings, issued in August 2003, contradict earlier testimony and statements made by EPA to Congress in 1998, 1999 and 2000, which had concluded that EPA does, in fact, have the legal power to regulate such pollutants. A decision by the U.S. Court of Appeals for the D.C. Circuit is not expected until the late summer or fall of 2004.

ALASKA V. EPA

Despite the presence of these several suits against the federal government, the Northeastern AGs (and the courts) are not always aligned against the Administration and EPA. For example, in July 2003, the AGs from all the Northeastern States supported EPA in the U.S. Supreme Court case of *Alaska v. EPA*. In a "friend of the court" brief authored by the Vermont Attorney General's Office, Vermont and 12 other States (including Maine, New Hampshire, Massachusetts, New Jersey, Rhode Island, Connecticut and New York) argued that EPA should have limited oversight authority under the Clean Air Act to require that factories and power plants use the "best available" anti-pollution technology (BACT) when state regulators have made unsupported decisions that allow more lax pollution control equipment. The brief stated that this oversight authority "provides a necessary backstop" to clean air enforcement that will ensure that "every State can feel more confident about maintaining stringent standards without fear of losing its current industry or alienating prospective industry." On January 21, 2004, the Supreme Court ruled in favor of EPA (in a 5-4 decision) and found that EPA does indeed have a limited authority to enforce the BACT requirement. Environmental groups and other States across the country applauded the decision.

CONCLUSION

In sum, the Attorneys General of the Northeastern States have been active and largely successful in protecting their States from many of the Administration's attempted rule changes and policy shifts. It also goes without saying that environmental groups have been working alongside the States on these challenges. And, to date, the courts have seemed reluctant to allow the Administration to reverse or even scale back many of these environmental protection regulations that date back more than 30 years. 

Kevin Leske is an Assistant Attorney General in the Environmental Unit of the Vermont Attorneys General Office. Questions and/or comments about this article can be directed to him at KLeske@atg.state.vt.us.



TAKE ACTION!



We all know that the Internet has rapidly become one of the most useful tools for environmental activists. Yet one difficulty with the web is that sometimes there is too much information available. If you type in "environment" on the search engine Google, you'll get over 58 million entries. Narrow your search to "environmental organizations" and you'll find over 5 million webpages. The query "Vermont environmental organizations" has 410,000 matches.

VNRC's staff has put together a list of our favorite web sites. These sites help us find information to get the up-to-date information we depend on.

We hope the following list will help to guide you around the various pages associated with the State of Vermont:

Office of Governor

Douglas: Keep up to date with the Governor's press conferences, calendar of events and positions at www.vermont.gov/governor/

Department of Forests

Parks and Recreation:

Whether you are planning a weekend outing to a State Park or looking to find a consulting forester to help manage your timberlands, the Department of Forests Park and Recreation page has a great deal of information about

Vermont's beautiful forests and how to enjoy and utilize them.

www.state.vt.us/anr/fpr/forestry/index.htm

Public Service Board: If you are looking for information regarding dockets before the Public Service Board, this page is for you.

www.state.vt.us/psb/

Department of Environmental Conservation:

The DEC handles many environmental regulatory programs plus several voluntary pollution and waste reduction programs.

www.anr.state.vt.us/dec/dec.htm

Department of Fish and Wildlife:

Find out more about Vermont's hunting, fishing and trapping regulations, buy your license online, and keep up-to-date with Vermont's wildlife news at www.vtfishandwildlife.com/

Department of Public Service Environmental Board:

Keep up to date with Act 250 proceedings at www.state.vt.us/envboard/

Water Resources Board:

The Water Resources Board handles the rules and regulations which ensure that Vermont's water quality standards are met. Along with other water quality issues, you'll find

information about VNRC's efforts regarding stormwater pollution, our Outstanding National Resource Waters petition, VNRC's wetland reclassification efforts, and more.

www.state.vt.us/wtrboard/

Vermont Legislature: Use this website to track bills, find committee schedules, look up past legislative actions and more.

www.leg.state.vt.us/

Water Quality Information:

Learn more about Vermont's water quality at www.vtwaterquality.org/

Green Mountain National Forest:

Learn more about the Green Mountain National Forest and ways you can influence the management of Vermont's only National Forest.

www.fs.fed.us/r9/gmfl/

Stormwater Issues: Help to change your household activities that cause water quality problems.

www.smartwaterways.org.

Senator Jim Jeffords:

www.senate.gov/~jeffords/

Senator Patrick Leahy:

leahy.senate.gov/

Representative Bernie Sanders

:bernie.house.gov/

Now that we've steered you through some of the important government web pages, here are the favorite web pages used by our VNRC's program staff:

- **Hubbard Brook Ecosystem Study:** VNRC staff use the Hubbard Brook page to find out the latest information about the impacts of acid rain, nitrogen and mercury pollution and other long-range impacts on the forests of Northern New England. www.hubbardbrook.org/
- **Pew Center for Global Climate Change:** This page takes an in-depth look at the research and solutions of global climate change. www.pewclimate.org/
- **Union of Concerned Scientists:** This is one of the best sources for science based environmental research. www.ucsusa.org/
- **New England Regional Assessment:** This page provides the scientific study on the potential impacts of climate change to the Northeast www.necci.sr.unh.edu/reports.html

- **Yes2Wind, World Wildlife Fund, Greenpeace and Friends of the Earth:** have sponsored this web page which debunks common myths associated with wind energy. www.yes2wind.com/

The following are some great environmental media sources that VNRC's staff often enjoy.

- **Orion Magazine:** This magazine provides thoughtful environmental

commentary from around the world. www.orionsociety.org/index2.html

- **Grist Magazine:** Don't miss this online environmental magazine. www.gristmagazine.org
- **Environmental Media Service:** This online source for journalists helps them find the latest environmental information. www.ems.org/
- **Bush Greenwatch:** The online resource keeps track

of national legislative threats to America's environment. www.bushgreenwatch.org/

NOW GO AND TAKE ACTION!

Save Our Environment

Action Center: A collaborative effort between national environmental organizations harnessing the power of the Internet to increase public awareness and activism on today's most important environmental issues. www.saveourenvironment.net/

Vermont Voice: Write a letter to the editor to publications across Vermont through one single web page at www.vermontvoice.com/subjectform.html

And don't forget to go to VNRC's web page at www.vnrc.org, where you can find information and direct links to many of the other great organizations working to protect Vermont's environment.

VNRC ACROSS VERMONT



Please join us for any of the following summer events.

Enjoy and learn more about Vermont's waters, mountains and forests!

- July 8 – Somerset Reservoir Paddle.** 3:30PM- 8:30PM. Learn more about the exciting conservation opportunities in and around the Green Mountain National Forest.
- July 10 Noyes Pond Fishing Trip.** Noon-4PM. Seyon Ranch State Park, Groton State Forest. Join VNRC Policy Director Patrick Berry for one of Vermont's best kept fishing secrets.
- July 13 – Vermont Environment Benefit** at The Waiting Room, Burlington. 7PM-Closing. Come down to this classy Burlington bar for fantastic food, good company, beautiful art, and music all night! Free admission.
- July 13, 14 & 15 – The Wal-Mart Roadshow.** 7PM-8:30PM. A decade ago VNRC fought Wal-Mart all the way to the Supreme Court and won. Now, Wal-Mart is back! 13 – St. Albans, St. Luke's Episcopal Church, 14 – Morrisville, Hillary's Restaurant 15 – St. Johnsbury, Fairbanks Museum Lecture Hall
- July 17th Red Rocks Snorkeling.** Noon-4PM. South Burlington. Join VNRC staff scientist Kim Kendall where striking red cliffs meet the spectacular shore of Lake Champlain to observe aquatic plants and creatures.
- August 4 – Medicine Trail with Rosemary Gladstar.** 4PM-7PM. Sage Mountain Retreat Center & Native Plant Preserve, East Barre. Join this world-renowned herbalist and author for a special private hike to learn about Vermont's healing forest.
- August 8 – The Edible Forest.** Randolph. 10AM-5PM. Join Nova Kim of Wild Organics and the Northeast Kingdom Mushroom Society for a daylong workshop on collecting wild edibles in Vermont's woodland habitat.
- August 10, 11 & 12 – Clean Energy's Economic Imperative.** 7PM-9PM. Join this panel discussion on renewable energy and Vermont's economy. 10 – Burlington Fletcher Free Library Community Room; 11 – Brattleboro River Garden; 12 – Montpelier City Hall
- August 14 – Northeast Kingdom Moose Country Paddle.** 1:00PM- 7:00PM. Norton. Join guide Ross Stevens on a canoe trip along Norton Pond where we'll learn more about Vermont's largest animal and hopefully see one as well.
- August 14- In Celebration of Sacred Earth.** 1:00PM-2:30PM. Rock Point, Burlington. An interfaith dialogue on how people of environmental conscience live out our faith within various traditions.
- August 21 – Clyde River Canoe Trek.** 11AM-5PM. VNRC's Policy Director Patrick Berry will lead this member favorite journey on the Clyde.
- Sept 12 – Owl's Head Mountain Hike.** 3PM-7PM. Learn about the long-range management plans and enjoy the spectacular view.
- September 23 - VNRC's Environmental Gubernatorial Debate & 41st Annual Meeting.** 7PM-10PM. Capital Plaza, Montpelier.
- September 18 – Little River Reservoir Forest Walk.** 10AM-3PM. Little River State Park, Waterbury. Explore with forest ecologist Charlie Cogbill and learn about how natural and cultural systems created a rich and interesting land use history worthy of protection from development.
- Sept 29 - Sojourns in the Wild.** 7pm Dikken Center for Performing Arts, Johnson. Nationally acclaimed nature photographer Gustav W. Verderber and a live performance by noted Celtic composer William Jackson.

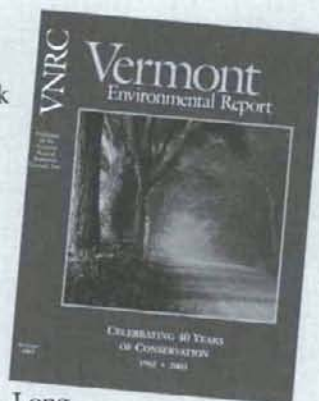
For more information contact VNRC at 802.223.2328, info@vnrc.org, or visit us on the web for full workshop descriptions at www.vnrc.org.



NEWS & NOTES

SPECIAL THANKS

VNRC would like to thank the Grace Jones Richardson Trust, and Jane Watson and Bill Stetson for underwriting VNRC's 40th anniversary edition of the *Vermont Environmental Report*. Their generous support helped us to reflect on Vermont's environmental history, and lay out a vision for the future. Long-term supporters of VNRC such as these folks are the backbone to VNRC's ongoing success. Thank you!



VNRC—CELEBRATING 40 YEARS

"VNRC is an integral tool in keeping citizens informed of what the government is doing and not doing environmentally... Organizations like you are very, very important because you help us spread the voice... As a Vermonter, I'm so thankful you are here."

— U.S. Senator Patrick Leahy
VNRC Annual Meeting
August 14, 2003

In 2003, VNRC hosted three successful celebrations of our 40th anniversary across the state.

In April, over 250 people celebrated at Landmark College in Putney with Governor Jim Douglas and Amory Lovins, co-author of *Natural Capitalism, Creating the Next Industrial Revolution*. Amory stressed that capitalism

could accommodate both successful businesses and a healthy environment.

In August, over 100 people celebrated at historic Hildene in Manchester. Special guests included Senator Patrick Leahy, Francis Moore Lappe, author of *Hope's Edge: The Next Diet for a Small Planet*, and Bill McKibben, author of *Enough, Staying Human in an Engineered Age*.

In October, VNRC hosted our final celebration at Shelburne Farms' Coach Barn with over 150 people in attendance. A full day of workshops included a face to face meeting with wolves from the Mission: Wolf sanctuary in Colorado. Special guests included: the Woodstock High School Speak Chorus, State Poets Galway Kinnell, Grace Paley, Jay Parini & Ellen Bryant Voigt, Senator Jim Jeffords, film maker Jon Carol and musician Jon Gailmor. A wine and cheese reception on



VNRC Membership Coordinator Erin Lee Tittel is greeted by a wolf at VNRC's 40th anniversary celebration.

Lake Champlain at sunset capped off the celebration.

Thanks to everyone who joined us in celebrating our 40th year preserving and protecting Vermont's environment!

MARK YOUR CALENDAR!

Join VNRC for our third Gubernatorial Debate on Thursday, September 23, 2004 at the Capital Plaza in Montpelier. Join us and find out more about the candidates, and their opinions on the issues you care about.

VNRC will also be holding our annual meeting at the Plaza before the event. For more information, please visit our website at www.vnrc.org or email us at info@vnrc.org in the upcoming weeks.

45 MPG ON WASTE VEGETABLE OIL

Angie Barger, VNRC volunteer and Joe Astick's 1998 Volkswagen Jetta Turbo Diesel is fueled by straight waste vegetable oil (SVO). It's not a diesel mechanic fantasy, but the reality of an estimated

5000 people across the United States. The diesel engine, originally invented to run on peanut oil, was co-opted by the petroleum industry in the early 1900s. Today's diesel engine can still run on vegetable oil, even though the U.S. government does not subsidize this fuel, fight wars to secure it or provide it at your local convenience store.

Once a month, Joe and Angie don their greasiest Carhartts and flannel shirts and head to Sarducci's Restaurant in Montpelier to pump waste soybean oil from their 55-gallon drums into their 5-gallon fuel cans. The fuel cans are then transported to the boiler room at Joe's school where the oil settles and becomes warm and viscous enough to be filtered through a 5-micron filter. Chunks of calamari breading are separated from the final product. Voila! The oil is now ready to be used for fuel.

Any diesel engine can be fueled by bio-diesel (manufactured by Global-E industries, Cavendish, VT), no conversions necessary. For the diesel engine to accept SVO as fuel, it first must undergo a minor conversion to send coolant through a copper tube



Angie Barger posing with her waste vegetable oil fueled Volkswagen.

to the auxiliary SVO tank in the car's trunk. The car is started using fuel from the diesel tank — diesel, biodiesel, or a combination of the two. When the car's running temperature has reached about 190 degrees F, a switch is flipped to replace the flow from the diesel tank with a flow of SVO from the auxiliary tank. The SVO is now warmed and viscous enough to be used as fuel in the diesel compression engine.

SUCCESSFUL CITIZEN ACTION DAY!

The second annual Citizen Action Day brought over 130 people from across Vermont to the State House to lobby their legislators about the environmental issues they cared most about. There was no doubt that the large influx of citizen activists in the halls of the State House made a

tremendous difference. Legislators from all three parties heard from their constituents to support clean water, renewable energy and safe agriculture.

VNRC is in the State House every day advocating for you as our members. Legislators know our names and faces. Unfortunately, they don't know the many wonderful people we represent. Participation in Citizen Action Day helps to show VNRC's strength, which is our 5,000 members!

We look forward to the third annual Citizen Action Day next February and to working with our Citizen Action Day Coalition partners — Rural Vermont, GE Free Vermont, Vermont Public Interest Research Group, Vermont Alliance of Conservation Voters and the Sierra Club. Please join us next year and help us double our effectiveness. Thanks to all of you who participated, and a

special thanks to Ben & Jerry's for their sponsorship!

A FAITH BASED RESPONSE TO GLOBAL WARMING

VNRC has worked with faith groups from around the state to develop the Vermont Interfaith Power and Light. Vermont Interfaith Power and Light seeks to educate faith communities and individuals about the threat that global warming presents to creation and earth and to engage communities of faith in promoting energy conservation, efficiency and renewable energy as a solution. The goal of the organization is to move Vermont's faith communities towards sustainable energy use and reduction of greenhouse gas emissions.

They will do so by:

1. Reaching out to representatives of all faiths present in Vermont, and

strengthening collaboration among Vermont faith communities by encouraging a dialogue on these issues.

2. Developing and creating a model in several faith communities and celebrating success stories including an introductory leaflet, a speakers bureau, and handbook.
3. Creating a model program in several buildings (some of which may already be in the process or have completed energy audits and implemented changes) and celebrating success stories.
4. Encouraging renewable energy supply.
5. Assisting and providing information resources to faith communities to become more energy efficient.
6. Facilitating the sale of green power.

If you're interested in becoming involved with Vermont Interfaith Power and Light, please contact Betsy Wackernagel at info@vecbs.org or Matteo Burani at mburani@vnrc.org.

THANK YOU CHANTAL

Chantal Simonpietri has been working with VNRC staff since July, 2003. Chantal has a Bachelor of Arts in Geology from Western State College of Colorado in Gunnison, Colorado, where she spent several years making her way through college while skiing



NEWS & NOTES



Chantal Simonpietri

often at Crested Butte. Chantal also has a Juris Doctor degree from Vermont Law School. After college, she worked as a hydrologist with the USGS in Denver, and then as a researcher with the Environmental and Societal Impacts Group at the National Center for Atmospheric Research in Boulder. Before moving to Vermont to attend law school, Chantal worked as a mountain bike and river-rafting guide in Patagonian Chile and Bryson City, North Carolina.

Chantal has been busy helping out the water program as it tackles the state's stormwater permitting program. During the 2004 legislative session Chantal has been working closely with VNRC's Pat Berry at the State House, lobbying legislators and tracking legislation important to VNRC's legislative agenda on such issues as the Right to Farm, Large Farm Operations,

stormwater and septic systems. Prior to helping VNRC, Chantal worked as a law clerk for the state Water Resources Board while in law school.

VNRC VOLUNTEER

Will Lambek is a sixteen year old Junior at Montpelier High School. He is volunteering at VNRC from February to June.

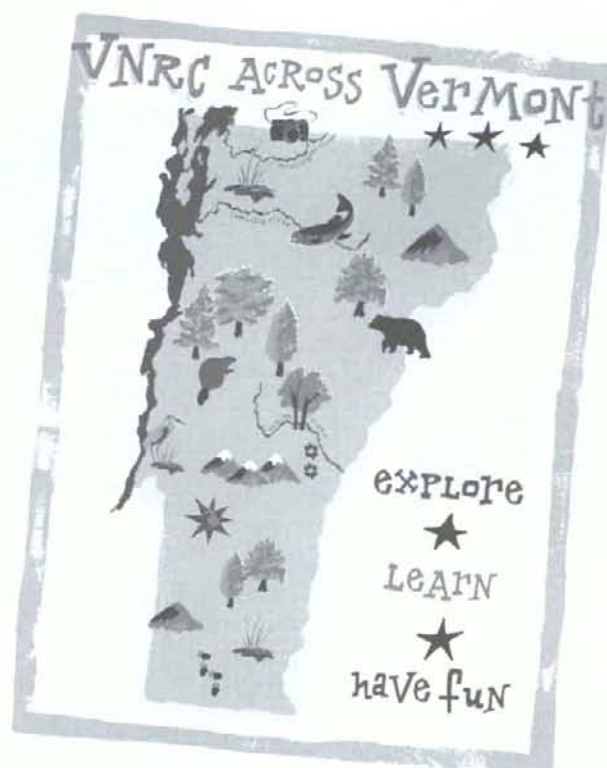
Will has been interested in environmental matters for several years and currently participates in MHS Earth Group. Earth Group is an organization devoted to raising environmental awareness in the High School and reducing the impact that the school makes on the community.

With the group, Will has been involved in getting compost and recycling implemented in the school district, and introducing legislation into the State House that would call for a redeemable tire deposit.

If you are interested in volunteering for VNRC, please call Jimmy Fordham at 802-223-2328. Thank you Will!

VNRC ACROSS VERMONT

This summer you can once again look forward to fun and informative *VNRC Across Vermont* events. Expect a combination of paddling trips, hikes, panels and forums to explore Vermont's most



beautiful places. Go to www.vnrc.org or page 27 of this issue for more information.

SAVE \$ AND ENERGY!

Now is the time to buy that solar hot water, PV or wind system.

In addition to the rebate program offered by the State (www.RERC-VT.org), Chittenden Bank has extended their special renewable energy home equity promotion for another six months through September of 2004.

There is a 1% discount on the loan rate and the customer needs to provide some documentation of the renewable energy product purchased. The term is five years, minimum loan amount of \$5,000 and maximum is \$50,000. You can call their Loan-By-Phone Center at 1-800-642-5181 for more information.

GREEN PAGES

Co-op America's Green Mountain Green Pages, a directory of Vermont's socially and environmentally responsible businesses is now available. A local version of the National Green Pages, it is the first local green pages produced by Co-op America. For a free copy call 800-58GREEN.

WELCOME ERIN

Erin Lee Tittel is responsible for maintaining and helping to increase VNRC's membership. She came to VNRC with experience from several local nonprofits working on environmental, ecological, health and political issues.

With Erin's experience in event planning, database development and membership services, she is working to increase VNRC's capacity through fundraising events, new memberships and



Erin Lee Tittel

increased communication with members via the Internet. If you have any questions about your membership renewal, would like to plan an event in your area or make a special gift to VNRC, please contact her.

Before arriving at VNRC in July, Erin received her Bachelor's Degree in Transdisciplinary Liberal Arts from Goddard College, where her senior thesis focused on sustainable agriculture, health and politics. Erin enjoys snowshoeing, swimming, photography, and cooking. She currently resides in the Montpelier area with her partner Erik and a pair of dogs.

WELCOME LUCY

Lucy Morini has been a weekend Vermonter for the past 25 years until she made Vermont her permanent residence some five years ago. Responsible for all the financial aspects of VNRC, Lucy received her MBA degree with a major in accounting from Western New England College. She was involved in corporate finance until joining VNRC almost a year ago.

DON'T TRASH LIGHTBULBS!

Vermonters will soon be seeing the symbol Hg on fluorescent bulbs—including compact fluorescents, fluorescent tubes and HID (High Intensity Discharge) lamps—indicating they contain mercury. While fluorescents are up to 75% more energy efficient than incandescent light bulbs, and can last 10 times as long, throwing them in the trash can be harmful to the environment and human health. This is because mercury-containing products in the trash usually end up in a landfill or incinerator where mercury is emitted into the air or can leach into the soil and groundwater, making its way into the tissues of fish. People can be exposed to mercury

through eating mercury-contaminated fish. It is important to safely store (without breaking) and properly dispose of spent fluorescent bulbs. For a list of disposal options, including solid waste districts and private lamp recyclers, visit www.mercvt.org or call 1-800-974-9559.

THANK YOU PAIGE

Paige Tomaselli came to VNRC as part of the Vermont Law School's Semester in Practice Internship program, which allows students to work full time for a semester as a law clerk to get a taste of their new careers.

Paige is finishing her third year at VLS. She is originally from California. At VNRC, Paige worked closely with

Kelly Lowry and Jamey Fidel on a number of environmental legal projects including: drafting motions and memoranda of law to further the protection of Vermont's rich natural resources and attending the investigative docket on Vermont's Stormwater reform. This summer, Paige will be relocating to Oregon, taking the bar exam and beginning a new environmental adventure. She looks forward to taking the knowledge and skills she acquired at VNRC with her. She wants to thank everyone at VNRC, as well as the great activists she came in contact with and had a chance to learn from, for teaching her many of the principles she will use throughout her career.

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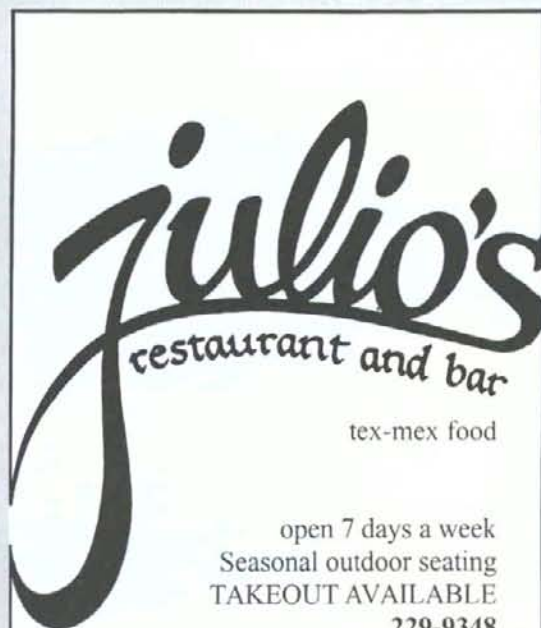
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PROTECTING VERMONT'S WATERS

With statistics from the Vermont Agency of Natural Resources citing that hydropower projects now impact 307 miles of stream in Vermont, and impoundments created by dams impair an additional 296 miles, the need to protect Vermont's remaining free-flowing rivers becomes increasingly important.

A designation of ORW and ONRW provides assurance that the existing high quality of the waters will be protected and

maintained. Indeed, such an assurance guarantees that the traditional uses such as hunting, fishing and trapping that currently take place will continue to take place with a well-balanced and healthy aquatic ecosystem. Other management practices would also be allowed to continue as long as water quality is maintained over the long term.

In short, ORW and ONRW designation is a victory for everyone.



On December 19, 2003, VNRC filed a petition with the Water Resources Board to have many of the high quality waters in the Green Mountain National Forest designated as Outstanding Resource Waters (ORW) and Outstanding National Resource Waters (ONRW) under state and federal law. If successful, the petition will ensure the long term protection of these pristine wetlands, streams, and lakes.

The waters discussed in these petitions are some of the most ecologically significant in the state. They are uncumbered by impoundments and remain in their natural, free flowing condition. In addition, many of the waters are located in the headwaters of the Green Mountain National Forest. The waters provide many important functions, including:

- sources for municipal drinking water;
- habitat for wildlife, including rare and threatened species;
- rare and irreplaceable natural areas; and
- valuable fish habitat.