



## We made a Promise to this Mountain

**M**OST VERMONTERS and a good many tourists can tell you that this is Camel's Hump viewed from Bolton. It is Vermont's fifth tallest peak and the first choice of many hikers and mountain climbers. What makes it so special is that it is one of the natural beauty marks that have always set this state apart. It is one of the things we like about living here and one of the things visitors like to see, too.

That is why we made a promise to this mountain—a promise that the only changes it will ever undergo are Spring, Summer, Fall and Winter. Perhaps any other possible change to so solid a landmark would seem incredible, but we have seen it happen in other places where mountains have been stripped of trees, terraced, scarred by permanent roads and developed with boringly similar houses. We don't want this to happen here and neither do all our friends who visit us each year.

We have made promises to other mountains, too, and to streams, lakes and open fields, because, though we favor progress and prosperity (and we're getting our share of both), we will not sacrifice the good life Vermonters and visitors have always found and cherished here. We want to conserve and preserve all that is good and to learn from the mistakes made in other places. We promise that you will find Vermont the way you have always remembered or imagined it to be, and we

invite you to share this good life with us whenever you can. You'll find we keep our promises.

We invite you to visit Vermont, and to assist you in your planning we will be pleased to send you free, our Official Vermont Highway and Touring Map.

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# Keeping Our Promises to the Green Mountains

**Testimony of Bruce S. Post**

Submitted January 20, 2020

In the 1950s and 60s, many of Vermont's mountains were falling like dominoes before the bulldozer's blade. With formal environmental groups just being created, scattered coalitions of Vermonters took a stand to defend the mountains. Camels Hump, threatened by a ski area and high altitude chalets, was a symbol of that struggle. Before Act 250 was even a dream, the State of Vermont advertised the promise made to Camels Hump "that the only changes it will ever undergo are Spring, Summer, Fall and Winter." It made promises to other mountains, too, but those promises frequently were not kept: ski areas morphed into year-around amusement parks, complete with water parks and roller coasters, and littered with high-priced, high-altitude real estate. Now, the bulldozers are back, skinning ridgelines so that gargantuan wind towers can be plunged into their spines like daggers. What is your promise to the mountains?

# Which side are you on?

## TWO GENERATIONS OF CHANGING ENVIRONMENTAL VALUES

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*"Humans are indeed an inescapable part of an intricate system of life and growth that begins with air, soil, and water, and includes myriad forms of life and activity upon which we are mutually dependent."*

– Governor Deane C. Davis  
*Environmental Control Message, 1970*

*"Birds, bats, and bears are expendable in the effort to 'keep the planet safe.'"*

– Governor Peter Shumlin  
*quoted in The Commons, July 31, 2013*



### Vermont's ambiguous environmental legacy

As we contemplate the future of Act 250, we should marvel at its past. Environmental historians often refer to the period from the 1950s to the 1970s as our nation's "environmental moment," the crystallization of a nascent environmental consciousness. I call that period Vermont's "environmental spring," which was crowned by the significant environmental legislation passed by the 1969-1970 legislative session. Act 250 was the jewel in the crown.

The late UVM botanist Hub Vogelmann credits Gov. Deane Davis for its passage: "I often think if it hadn't of been for Deane Davis, could Act 250 have come into being? It would have been tough." And, toward the end of his life, Vogelmann expressed doubts that an Act 250 could be done today had it not been done then. "The lobbyists," he told an interviewer, "hadn't got their act together." Once the lobbyists got energized, Vermont's environmental spring was over.

Is my judgment too harsh? Consider this. In 2002, the United Nations established the International Year of the Mountains. A key figure in that movement was the late Lawrence Hamilton of Charlotte. Hamilton described how "communities large and small are celebrating 2002 as the year of the mountain." By contrast, he observed, "there seems to be conspicuous silence here in the Green Mountain State." Indeed. Here in Vermont, we dedicated just one day to honoring our mountains.

Have we gotten any better? I think not.

# Ecology of the Higher Elevations in the Green Mountains of Vermont

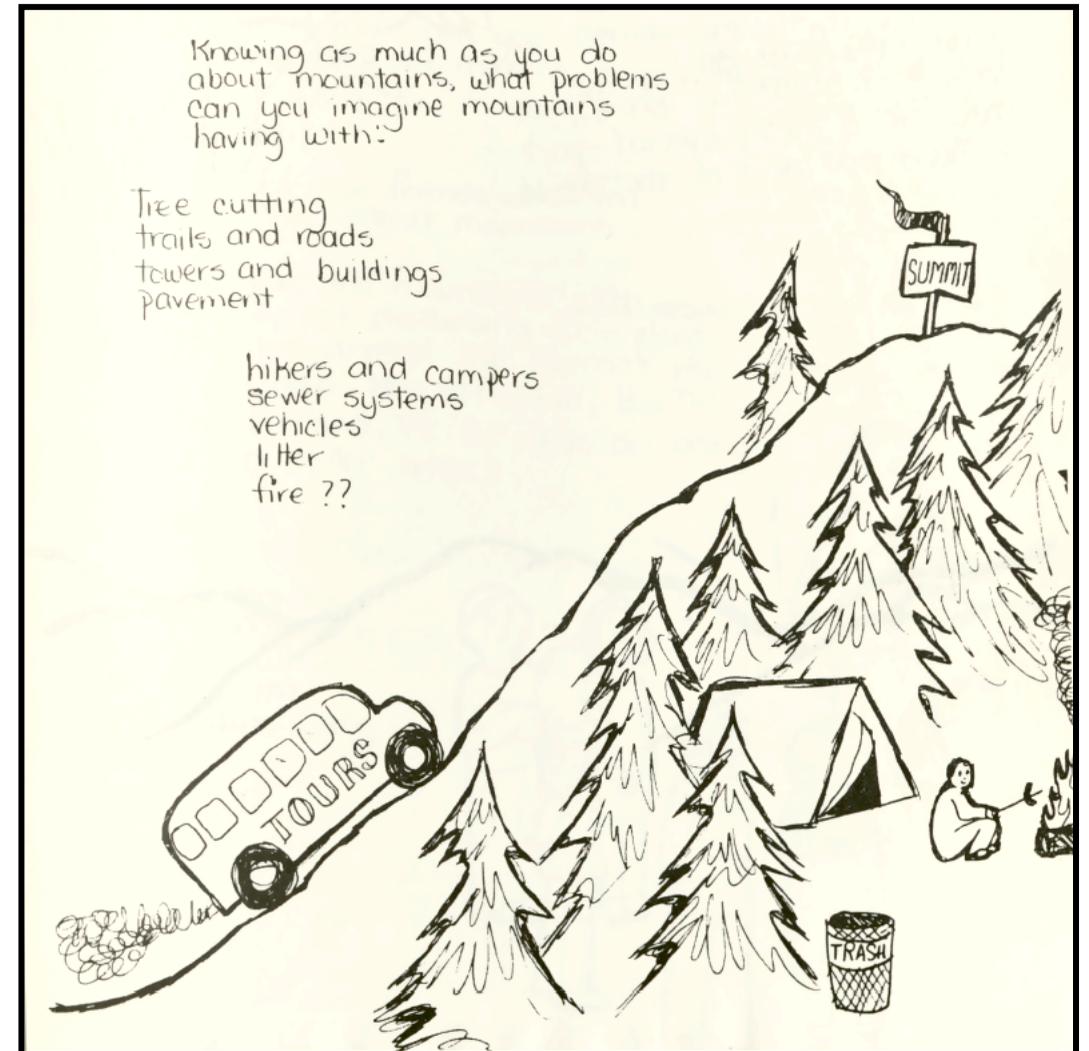
REPORT TO THE GOVERNOR'S COMMISSION ON ENVIRONMENTAL CONTROL - 1969

## Highlights of findings

- The highest land use and greatest benefit of upper mountain land in the Green Mountains is as a source of abundant clean water which supplies our streams and rivers.
- An abundant supply of clean potable water is one of our State's most significant resources and its economic benefits are incalculable.
- In the shallow, ledgy mountain soils, road construction and building foundations are especially detrimental to natural water drainage.
- The severe climatological environment of the upper mountain slopes imposes great physiological stress on plants growing in those areas. Removal or even disturbance of these fragile plant communities opens the soil to severe erosion and irreparable damage.

## Central Recommendation

- Ecological disturbances of any form on the higher elevations should be kept to a minimum. By minimal disturbance we mean well designed and managed hiking and ski trails. These trails should be properly engineered so as to avoid erosion and other harmful effects on the ecosystem. Roads and structures in the higher elevations are incompatible with the best use of these mountain lands.

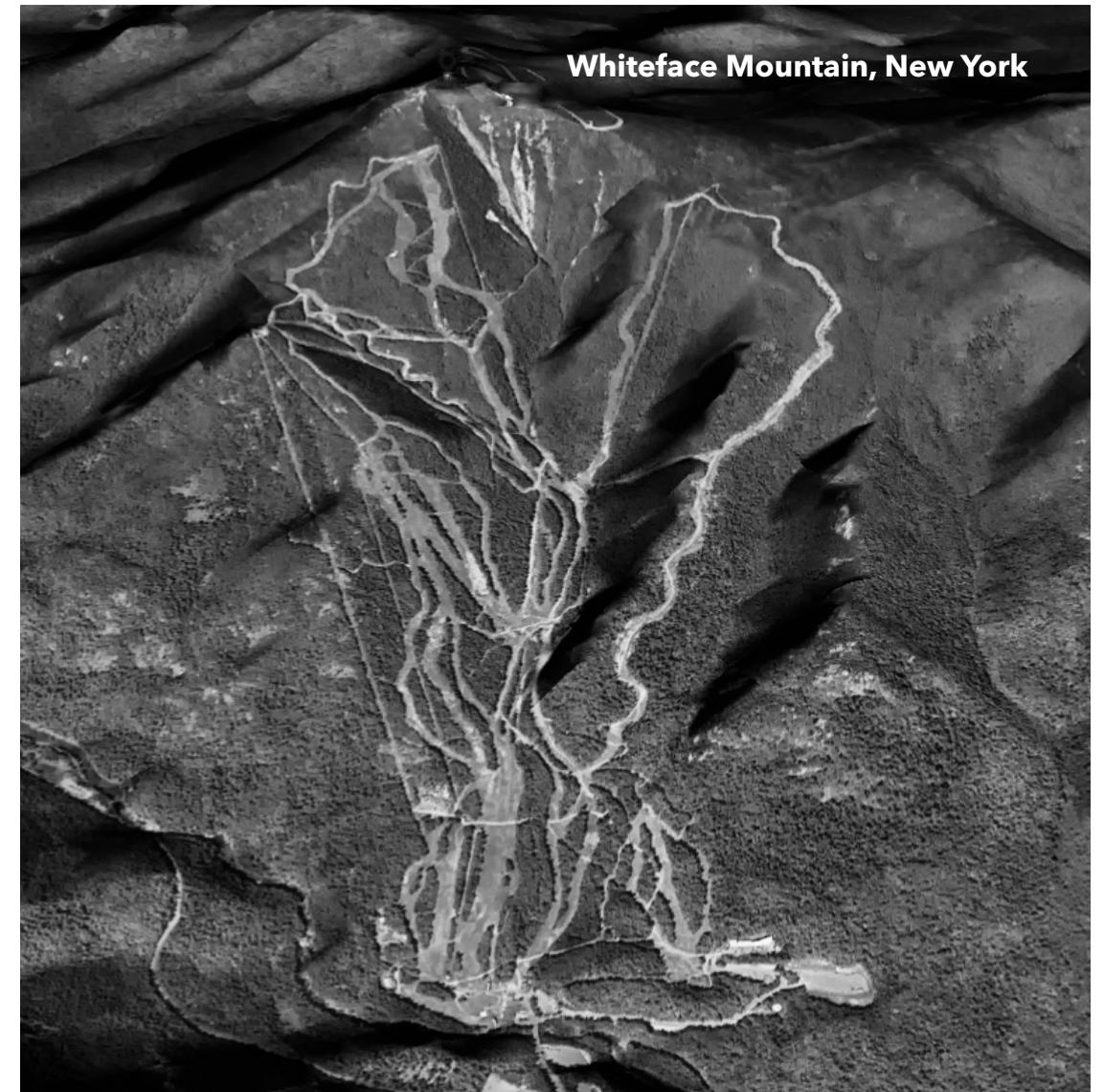


From *The Green Mountains* coloring book (The Green Mountain Profile Committee of the Nature Conservancy of Vermont, 1971)

## WHO'S BETTER AT PROTECTING THEIR MOUNTAINS?



Have you ever looked down your nose at New York State? Yet, when it comes to protecting mountain environments, New York has it all over Vermont. Vermont is a late-comer to mountain protection, but even by our own "highly exalted" standards, we keep going backwards compared to what New York did over one-hundred years ago.



"From the beginning, the Adirondack Park has reflected a concern for the core natural resources of New York state - its forests and its headwaters." – *Mountain Resorts: Ecology and the Law*, p. 267

# RECOMMENDATIONS

## #1- Declare all mountain elevations above 1,500 feet as *Public Trust Resources* subject to more stringent control than the regular Act 250 permitting process. Such control will govern all activity in these zones.

The so-called 2,500-foot rule in Act 250 is widely acclaimed but not well understood. The rule was a compromise between science and politics (what else is new?). Hub Vogelmann, the UVM botanist who did the pioneering research on acid rain on Camels Hump, said this, “We talked about how low can we put the line to protect high elevations. In other words, could we put it down to 2,000 feet, anything above 2,000 feet? And we thought that was pushing too hard, so we settled on 2,500 feet.”

His colleague Steve Young, a specialist in the ecology of northern climates, elaborated, “... almost everybody agreed that 2,000 feet was a much more appropriate figure. I think the reasons were good then, and the reasons are good now. ... These are kind of our reservoir for many of our animal species as well as some of our plants.”

Governor Deane Davis went further, identifying 1,500 feet as an important demarcation for a healthy mountain environment. He said,

**“It is my water, my air, and I have an interest in these public good resources as a citizen of Vermont.”**

– Rep, David Deen, Act 250  
Commission hearing, October  
25, 2017

“You’ve heard I believe ... that we have taken the public policy position in our administrative agencies which have this responsibility to give as near as complete protection to what we all the pristine streams – those streams that are above 1,500 feet, where the streams are clean and unpolluted and where there is a movement, a very definite movement, toward development.”

Charles Johnson, Vermont’s former State Naturalist, wrote in *The Mountain Manifesto*: “Ironically, the ages-old toughness of our mountains translates not into durability, but just the opposite: fragility. The environment at higher elevations is far more vulnerable to outside disturbances, both natural and human-induced, than at lower altitudes: any damage takes a greater toll on resident life, takes longer to self-repair (if it ever does), and the effects compound downhill (or, if towers and wind turbines are involved, higher, for creatures that fly).

For reasons such as these and because the Act 250 Commission discussed public trust protection for essential resources, I recommend that all mountain elevations above 1,500 feet be designated Public Trust

Resources and made subject to stringent protection beyond what Act 250 now affords.

## #2 - Create a new criterion – Criterion 11, ecosystem protection – that will interrelate and link the other 10 Act 250 criteria in order to ensure comprehensive and cumulative ecological assessments.

There is a fable where a group of blind men examine something called an elephant. Each person feels a different part of the beast. One thinks the trunk is a snake; another thinks the ear is a fan; still another feels a leg and assumes it is a pillar; and the individual who touches the tusks claims they are spears. No one has a sense of the whole and everyone misses the fact they are feeling an elephant.

Scholars who examined Act 250's experience at the Killington ski resort found something similar: Namely, the law's ten criteria often led to a piecemeal review of project applications and failed to yield a true understanding of a project's

effect on local and regional environments.

Given this assessment, contributors to the study *Mountain Resorts: Ecology and the Law* recommended creation of Criterion 11 – ecosystem protection. The authors noted the failure of the Legislature to enact the contemplated statewide land-use plan under Act 250. By enacting this criterion, the Vermont could at last fulfill the promise of ecological planning that was to be the centerpiece of Act 250.



*The piecemeal examination that sometimes happens in reviewing Act 250's ten individual criteria can result in a fractured understanding of a project's overall effect on local and regional environments. Can you guess where this mountain is?*

### #3 - Don't use climate change to rationalize the destruction of valuable ecosystems.



"The factor that will play the most important role in determining the fate of future wild lands will, of course, be us. We're the ones who introduce 'invasive' alien species to their new territories, and people of the future will surely continue to help invaders spread into new territories whether by accident or design. And although strong, strictly enforced laws can keep forested islands like the Adirondacks afloat in a sea of development, not everyone wants to keep them that way, so there's no telling what the next century's legislative decisions might bring. Major reversals of what people can and cannot do with wild areas could easily cause more rapid and devastating changes than Anthropocene climate alone is likely to produce."

– Curt Stager, *Deep Future: The next 100,000 years of life on Earth.*

“One of the penalties of an ecological education is that one lives alone in a world of wounds. Much of the damage inflicted on land is quite invisible to laymen. An ecologist must either harden his shell and make believe that the consequences of science are none of his business, or he must be the doctor who sees the marks of death in a community that believes itself well and does not want to be told otherwise.”

– Aldo Leopold

Bruce S. Post, a 1969 Norwich graduate, has worked for several members of the Vermont and other congressional delegations. He was Chief of Staff for U.S. Rep. John B. Anderson during Anderson’s 1980 presidential campaign and also served as a researcher and speechwriter for U.S. Senator Hubert H. Humphrey in the 1972 Democratic presidential primaries. As Vermont Governor Richard Snelling’s Director of Planning and Research, Bruce developed a comprehensive perspective on multiple issues facing Vermont.

He now writes and lectures on Vermont’s environmental history. He is lead author of the *Mountain Manifesto* -- <http://mountainmanifesto.org> -- and his article “The Road to Paradise, Lost: The Defeat of the Green Mountain Parkway,” appeared in the Bennington Museum’s *Walloomsack Review*. His two-part series “A History of Vermont Environmentalism” was published in the *Review’s* Spring and Autumn, 2017, editions. He also wrote on environmental problems in the former Soviet Union for the Johns Hopkins University’s *SAIS Review*, and the *New York Times* published his letter on the effects of oil extraction in western North Dakota.

Governor Douglas named him to the State Board of Libraries in 2010, and he currently serves as its Chair. He also was on the board of Rokeby Museum and on the Green Mountain Club’s history and archives committee.