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**Vermont Agency of Natural Resources**

Office of General Counsel  
One National Life Drive - Davis 2  
Montpelier, VT 05620-3901

June 6, 2024

*Sent Via Email*

Joe Thomas  
Government Accountability & Oversight  
Joe@govoversight.org

*Re: Request for Public Records Re to Certain Correspondence – Climate Superfund*

Dear Mr. Thomas:

The Agency of Natural Resources (Agency) received your correspondence on May 23, 2024 in which you request: *“all electronic correspondence, and any accompanying information (see discussion of SEC Data Delivery Standards, infra), including also any attachments, a) sent to or from or copying (whether as cc: or bcc:) i) Julie S. Moore, ii) Maggie Grendon, and/or iii) Catherine Gjessing, that b) includes, anywhere, whether in the party or subject fields, body of an email, in an email address or otherwise, including also in any attachments, i) Climate Superfund, ii) Climate Change Superfund, iii) Rothschild, and/or iv) climate risk, that is c) dated from January 1, 2024 through May 23, 2024, inclusive and d) includes in the sent, to, from, cc, and or bcc fields any other party whose email address ends with .gov.”*

The Agency extended the production deadline pursuant to 1 V.S.A. § 318(b)(5).

In accordance with 1 V.S.A. § 316, the Agency produced records responsive to your request on June 6, 2024.

The Agency is withholding exempt records pursuant to 1 V.S.A. §§ 317 (c)(4) because they are documents subject to the attorney-client privilege and executive privilege.

Please be advised that you may appeal this decision to deny access to these records to the Secretary of the Agency of Natural Resources pursuant to 1 V.S.A. § 318(c).

Please don't hesitate to contact me with any questions at the email or number below.

Sincerely,

A handwritten signature in blue ink that reads "Kelly Hughes".

Kelly Hughes, Program Coordinator  
Office of General Counsel  
802-828-1295  
[Kelly.Hughes@vermont.gov](mailto:Kelly.Hughes@vermont.gov)

**From:** [Richard Heede](#)  
**To:** [Lazorchak, Jane](#); [Ramirez-Richer, Emma](#); [Moore, Julie](#); [Woods, Brian](#); [Wolz, Marian](#)  
**Cc:** [Rick Heede](#)  
**Subject:** Re: Carbon Majors Database and the InfluenceMap Team  
**Date:** Tuesday, April 30, 2024 6:26:43 PM  
**Attachments:** [image001.png](#)  
[Heede\\_TracingAnthropogenic\\_ClimChWithCover\\_Nov13.pdf](#)  
[MRR 9.1 Apr14R.pdf](#)  
[iMap\\_CarbonMajors\\_Rpt\\_Apr24.pdf](#)

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You don't often get email from [heede@climateaccountability.org](mailto:heede@climateaccountability.org). [Learn why this is important](#)

**EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.**

Hi Jane and Julie and Brian – thanks for your interest and your questions. I look forward to hearing from you again as this legislation moves forward and reaches the implementation stages.

Meanwhile, if you have any other questions, do let me know.

I am attaching my original paper in Climatic Change, as well as the full documentation of Methods & Results, the InfluenceMap Carbon Majors update report, and the preliminary list of companies that are attributed > 1 GtCO<sub>2</sub>e from 1995 to 2022. Note that a few smaller companies are not fully accounted to 2022 (instead 2018 or 2020), which also means that one or more companies that now barely miss the threshold may qualify once we complete the accounting to 2022 and, later, to 2024. Then again, this is just the Carbon Majors methodology, and ANR will follow the legislative language and base emissions on crude oil, natural gas, and coal either produced (and delivered to global consumers), or refined, or sold to consumers. I am more than happy to discuss with you the various methodologies in more detail as needed down the road. We should also be aware of the necessity of avoiding double-counting emissions from, say, production *and* refining.

Respectfully, -Rick

\*\*\*\*\*@\*\*\*\*\*

Richard Heede <[heede@climateaccountability.org](mailto:heede@climateaccountability.org)>  
Climate Accountability Institute  
Snowmass, CO 81654 USA  
+1-970-343-0707 mobile  
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**From:** Lazorchak, Jane <[Jane.Lazorchak@vermont.gov](mailto:Jane.Lazorchak@vermont.gov)>

**Date:** Tuesday, April 30, 2024 at 10:06 AM

**To:** Richard Heede <[heede@climateaccountability.org](mailto:heede@climateaccountability.org)>, Ramirez-Richer, Emma <[Emma.Ramirez-Richer@vermont.gov](mailto:Emma.Ramirez-Richer@vermont.gov)>, Moore, Julie <[Julie.Moore@vermont.gov](mailto:Julie.Moore@vermont.gov)>, Woods, Brian <[Brian.Woods@vermont.gov](mailto:Brian.Woods@vermont.gov)>, Wolz, Marian <[Marian.Wolz@vermont.gov](mailto:Marian.Wolz@vermont.gov)>

**Subject:** RE: Carbon Majors Database and the InfluenceMap Team

Thank you for sending this and again for your time to meet and discuss. I am sure we will be in touch in the coming months.



Best,  
Jane



**Jane Lazorchak (she/her)** | Climate Action Office  
Vermont Agency of Natural Resources  
Davis 2, 1 National Life Drive, Montpelier, VT 05602  
802-505-0561  
[anr.vermont.gov](http://anr.vermont.gov)

---

**From:** Richard Heede <[heede@climateaccountability.org](mailto:heede@climateaccountability.org)>  
**Sent:** Tuesday, April 30, 2024 11:26 AM  
**To:** Lazorchak, Jane <[Jane.Lazorchak@vermont.gov](mailto:Jane.Lazorchak@vermont.gov)>; Ramirez-Richer, Emma <[Emma.Ramirez-Richer@vermont.gov](mailto:Emma.Ramirez-Richer@vermont.gov)>; Moore, Julie <[Julie.Moore@vermont.gov](mailto:Julie.Moore@vermont.gov)>; Woods, Brian <[Brian.Woods@vermont.gov](mailto:Brian.Woods@vermont.gov)>; Wolz, Marian <[Marian.Wolz@vermont.gov](mailto:Marian.Wolz@vermont.gov)>  
**Subject:** Re: Carbon Majors Database and the InfluenceMap Team

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All – here is my testimony to House Judiciary Cmtee 11 April, FYI.

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**From:** Lazorchak, Jane <[Jane.Lazorchak@vermont.gov](mailto:Jane.Lazorchak@vermont.gov)>  
**Date:** Monday, April 29, 2024 at 12:01 PM  
**To:** Ramirez-Richer, Emma <[Emma.Ramirez-Richer@vermont.gov](mailto:Emma.Ramirez-Richer@vermont.gov)>, Richard Heede <[heede@climateaccountability.org](mailto:heede@climateaccountability.org)>, Moore, Julie <[Julie.Moore@vermont.gov](mailto:Julie.Moore@vermont.gov)>, Woods, Brian <[Brian.Woods@vermont.gov](mailto:Brian.Woods@vermont.gov)>, Wolz, Marian <[Marian.Wolz@vermont.gov](mailto:Marian.Wolz@vermont.gov)>  
**Subject:** RE: Carbon Majors Database and the InfluenceMap Team

Done! We met with Rachel this morning on this topic and had briefed her on this meeting.

---

**From:** Ramirez-Richer, Emma <[Emma.Ramirez-Richer@vermont.gov](mailto:Emma.Ramirez-Richer@vermont.gov)>  
**Sent:** Monday, April 29, 2024 1:04 PM  
**To:** Lazorchak, Jane <[Jane.Lazorchak@vermont.gov](mailto:Jane.Lazorchak@vermont.gov)>; Richard Heede <[heede@climateaccountability.org](mailto:heede@climateaccountability.org)>; Moore, Julie <[Julie.Moore@vermont.gov](mailto:Julie.Moore@vermont.gov)>; Woods, Brian <[Brian.Woods@vermont.gov](mailto:Brian.Woods@vermont.gov)>; Wolz, Marian <[Marian.Wolz@vermont.gov](mailto:Marian.Wolz@vermont.gov)>  
**Subject:** Re: Carbon Majors Database and the InfluenceMap Team

Hi Jane and all,

Julie requested that you please invite Rachel Stevens to this meeting.

Thanks!  
Emma

**Emma Ramirez-Richer** | Executive Assistant (she/her)

[Vermont Agency of Natural Resources](#) Secretary's Office

1 National Life Drive, Davis 2, Montpelier, VT 05620

802-828-0316 (o) | 802-261-5920 (c) | [emma.ramirez-richer@vermont.gov](mailto:emma.ramirez-richer@vermont.gov)

Help raise money for Vermonters impacted by flood damage and show your Vermont pride with *Vermont Strong* and *Tough Too* license plates and socks. [Click here to purchase your Vermont Strong gear](#) or visit [DMV.Vermont.gov/VermontStrong23](https://DMV.Vermont.gov/VermontStrong23). Impacted Vermonters can find resources and referrals by visiting [Vermont.Gov/Flood](#).

---

**From:** Lazorchak, Jane

**Sent:** Friday, April 26, 2024 7:20 AM

**To:** Lazorchak, Jane <[Jane.Lazorchak@vermont.gov](mailto:Jane.Lazorchak@vermont.gov)>; Richard Heede <[heede@climateaccountability.org](mailto:heede@climateaccountability.org)>; Moore, Julie <[Julie.Moore@vermont.gov](mailto:Julie.Moore@vermont.gov)>; Woods, Brian <[Brian.Woods@vermont.gov](mailto:Brian.Woods@vermont.gov)>; Wolz, Marian <[Marian.Wolz@vermont.gov](mailto:Marian.Wolz@vermont.gov)>

**Subject:** Carbon Majors Database and the InfluenceMap Team

**When:** Tuesday, April 30, 2024 11:00 AM-11:30 AM.

**Where:** zoom

Updating with a Zoom link at the request of Rick – thanks!

---

Topic: My Meeting

Time: Apr 30, 2024 11:00 AM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us06web.zoom.us/j/82560966752?>

[pwd=EklSiQCqbD9bx4yyMFqupF18u17o67.1](#)

Meeting ID: 825 6096 6752

Passcode: 674805

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One tap mobile

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+16469313860,,82560966752#,,,,\*674805# US

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Dial by your location

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- +1 646 931 3860 US
- +1 301 715 8592 US (Washington DC)
- +1 305 224 1968 US
- +1 309 205 3325 US
- +1 312 626 6799 US (Chicago)
- +1 253 205 0468 US
- +1 253 215 8782 US (Tacoma)
- +1 346 248 7799 US (Houston)
- +1 360 209 5623 US
- +1 386 347 5053 US

- +1 507 473 4847 US
- +1 564 217 2000 US
- +1 669 444 9171 US
- +1 689 278 1000 US
- +1 719 359 4580 US
- +1 720 707 2699 US (Denver)

Meeting ID: 825 6096 6752

Passcode: 674805

Find your local number: <https://us06web.zoom.us/j/kdZdCxPF6n>

**From:** Coster, Billy  
**Sent:** Tuesday, April 2, 2024 3:04 PM  
**To:** Gendron, Maggie; Moore, Julie; Brackin, Stephanie  
**Subject:** RE: Climate: How to make polluters pay

They make it sound oh so simple!

---

**Billy Coster** | Director of Policy and Planning  
Vermont Agency of Natural Resources  
Office of Planning  
1 National Life Dr., Davis 2 | Montpelier, VT 05620-3901  
802-595-0900 cell  
[anr.vermont.gov](http://anr.vermont.gov)

---

**From:** Gendron, Maggie <[Maggie.Gendron@vermont.gov](mailto:Maggie.Gendron@vermont.gov)>  
**Sent:** Tuesday, April 2, 2024 2:53 PM  
**To:** Moore, Julie <[Julie.Moore@vermont.gov](mailto:Julie.Moore@vermont.gov)>; Brackin, Stephanie <[Stephanie.Brackin@vermont.gov](mailto:Stephanie.Brackin@vermont.gov)>; Coster, Billy <[Billy.Coster@vermont.gov](mailto:Billy.Coster@vermont.gov)>  
**Subject:** RE: Climate: How to make polluters pay

Sigh.

---

**From:** Moore, Julie <[Julie.Moore@vermont.gov](mailto:Julie.Moore@vermont.gov)>  
**Sent:** Tuesday, April 2, 2024 2:43 PM  
**To:** Gendron, Maggie <[Maggie.Gendron@vermont.gov](mailto:Maggie.Gendron@vermont.gov)>; Brackin, Stephanie <[Stephanie.Brackin@vermont.gov](mailto:Stephanie.Brackin@vermont.gov)>; Coster, Billy <[Billy.Coster@vermont.gov](mailto:Billy.Coster@vermont.gov)>  
**Subject:** FW: Climate: How to make polluters pay

Oh boy!



**Julia S. Moore, P.E.** | Secretary (she/her)  
Vermont Agency of Natural Resources  
1 National Life Dr, Davis 2 | Montpelier, VT 05620-3901  
802-828-1294 office  
[julie.moore@vermont.gov](mailto:julie.moore@vermont.gov)  
[anr.vermont.gov](http://anr.vermont.gov)

*The Agency of Natural Resources supports telework and there are times when I may be working from another location. I am generally available to connect by phone and email during business hours. I am also available to meet in-person upon request.*

Help raise money for Vermonters impacted by flood damage and show your Vermont pride with *Vermont Strong* and *Tough Too* license plates and socks. [Click here to purchase your Vermont Strong gear](https://DMV.Vermont.gov/VermontStrong23) or visit [DMV.Vermont.gov/VermontStrong23](https://DMV.Vermont.gov/VermontStrong23).

Impacted Vermonters can find resources and referrals by visiting [Vermont.Gov/Flood](https://Vermont.Gov/Flood).

----- Forwarded message -----

**From:** The New York Times <[nytdirect@nytimes.com](mailto:nytdirect@nytimes.com)>  
**Date:** Tue, Apr 2, 2024 at 2:26 PM  
**Subject:** Climate: How to make polluters pay

The New York Times

# Climate Forward

FOR SUBSCRIBERS | APRIL 2, 2024

[SUPPORTED BY SIEMENS](#)



The state of Vermont is one of several states in the Northeast that suffered from devastating floods last summer. Hilary Swift for The New York Times

## How to make polluters pay



By [Manuela Andreoni](#)

Senior Newsletter Writer, Climate

Around the world, governments, nonprofits and even some [everyday people](#) are coming up with strategies to force fossil fuel companies to pay for their contributions to climate change.

The European Union is pushing countries to come up with a [global approach](#), dozens of countries and states have passed taxes on carbon emissions, and a growing number of citizens are filing lawsuits

against the oil and gas industry.

But what if governments could simply charge companies for the costs of climate change? These efforts are often described as “climate superfunds,” a reference to the 1980 U.S. law that forced companies to pay for toxic waste cleanup.

At least four states are considering versions of these bills, and tiny Vermont may soon be the first state to pass one. The idea behind the Vermont bill is simple: the state would calculate the damage caused by climate change and charge companies according to the share of emissions they produced.

Vermont’s Senate passed a measure on Tuesday and it will now head toward a vote in the House, where it has support from at least two thirds of members. You may remember that it was one of several states in the Northeast that suffered [from devastating floods last summer](#), killing at least 10 people and causing [\\$2.2 billion in damages](#).

“Taxpayers alone can’t bear these costs,” said Anthony Iarrapino, a lobbyist who garnered support for the bill for the Conservation Law Foundation. “It’s only fair to look to these immensely profitable corporations whose products and activities are the root causes of the crisis we are in and say, ‘You should pay your fair share and help clean up the mess.’”

## **What the bill does**

We don’t know exactly which companies would be charged under Vermont’s bill, but it would cover companies that produced more than one gigaton of carbon emissions between 1995 and 2024 and have some sort of commercial relationship with the state.

State officials haven’t yet calculated how much money they would raise with the bill, but it’s fair to assume it would be in the hundreds of millions of dollars. A group of U.S. senators calculated a federal climate superfund would raise [\\$500 billion](#), and New York officials said a statewide measure [would collect \\$30 billion](#).

“The underlying goal of this bill is not about reducing carbon emissions,” Senator Nader Hashim said on the Vermont Senate floor last week. “This is about reducing the costs for Vermont taxpayers.”

The original [Superfund law](#) was signed in 1980, two years after a toxic landfill in Love Canal, a neighborhood of Niagara Falls, N.Y., was recognized [as a public threat](#).

The Vermont bill was inspired by [a proposal](#) by a group of U.S. senators, including Sen. Bernie Sanders, in 2021. The national bill did not advance, but it spawned several state-level climate superfund measures. The New York Senate passed a similar [bill last year](#), but because Gov. Kathy Hochul didn’t include it in the budget, it will need to be passed again. Massachusetts and Maryland have also introduced climate superfund bills, and California and Minnesota are expected to do so soon, [according to E&E News](#).

It's unclear whether Vermont Gov. Phil Scott, a Republican, will sign the measure, though it has had [some bipartisan support](#). Four Republican senators voted to pass the bill on to the House, including one lawmaker who had previously voted against it because he simply didn't want Vermont to be the first to face off against multibillion dollar corporations in court, a prospect many deem likely.

The oil and gas industry oppose the bill. According to [Heatmap](#), the American Petroleum Institute, a lobbying group, submitted testimony to the Vermont senate warning about the challenge of accurately attributing climate change to specific damages in the state and that emissions by each company can't be determined accurately enough.

## **The science that makes it possible**

There's an intrinsic challenge in assessing who should pay for fossil fuel pollution: How do you prove who's responsible?

Climate change is both global and gradual. Burning fossil fuels in the United States now will impact communities in, say, Africa for years to come. And it's highly complex — and not always definitive — to link a specific event to climate change.

But attribution science, as the field is known, has made big strides in the last few years.

Scientists have created computer models that contrast our planet to a hypothetical one in which humans [didn't burn fossil fuels](#). That allows them to know, in a matter of weeks, which disasters can be linked climate change. For example, attribution science told us that the drought in the Amazon rainforest last year was [fueled by climate change](#), but the [wildfires in Chile weren't](#).

If the climate superfund bill becomes law in Vermont, the state plans to work with scientists to figure out just how much of the damage was caused by climate change. Then, they will calculate what each oil and gas company contributed to it.

For that, they will very likely use a database called "Carbon Majors." Richard Heede, the climate researcher who created it, told me he has collected thousands of corporate reports from 122 companies across the world detailing how much fossil fuels they have produced in the last decades. Using that, he can calculate a company's share of global heat-trapping gas emissions.

Another key puzzle piece: The work by researchers and journalists to [uncover documents](#) suggesting that fossil fuel companies have known for decades that their activities were harmful to the climate.

Taken together, some Vermont lawmakers believe they have all of the necessary ingredients to make fossil fuel polluters responsible for the damage they've caused.

"We can measure just how much worse storms are now because of climate change," state senator Anne Watson told her colleagues in Vermont. "It's time for us to hold fossil fuel companies accountable for the damage they have caused."



[Continue reading the main story](#)

A MESSAGE FROM SIEMENS

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Siemens microgrid technology is helping New York City's the Javits Center transform into one of the most sustainable buildings in the U.S. We're showing that a clean energy future is possible.

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**SIEMENS**



Mammoth Climeworks in Hellisheidi, Iceland. Francesca Jones for The New York Times

## **Can we engineer our way out of the climate crisis?**

On a windswept Icelandic plateau, an international team of engineers and executives is powering up an innovative machine designed to alter the very composition of Earth's atmosphere.

If all goes as planned, the enormous vacuum will soon be sucking up vast quantities of air, stripping out carbon dioxide and then locking away those greenhouse gases deep underground in ancient stone — greenhouse gases that would otherwise continue heating up the globe.

Just a few years ago, technologies like these, which attempt to re-engineer the natural environment, were on the scientific fringe. They were too expensive, too impractical, too sci-fi. But with the dangers from climate change worsening, and the world failing to meet its goals of slashing greenhouse gas emissions, they are quickly moving to the mainstream among both scientists and investors, despite

questions about their effectiveness and safety.

Researchers are studying ways to block some of the sun's radiation. They are testing whether adding iron to the ocean could carry carbon dioxide to the sea floor. They are hatching plans to build giant parasols in space. And with massive facilities like the one in Iceland, they are seeking to reduce the concentration of carbon dioxide in the air.

As the scale and urgency of the climate crisis has crystallized, “people have woken up and are looking to see if there’s any miraculous deus ex machina that can help,” said Al Gore, the former vice president. — *David Gelles*

[Read the full story here](#), part of a series on the potentially risky ways humans are starting to manipulate nature to fight climate change. More coverage is coming soon.

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## OTHER CLIMATE NEWS



[Mark Abramson for The New York Times](#)

## **New Pollution Rules Aim to Lift Sales of Electric Trucks**

[The latest in a string of ambitious climate regulations aims to clean up the heaviest polluters on the road. But truckers are worried.](#)

**[By Coral Davenport and Jack Ewing](#)**



[Andri Tambunan for The New York Times](#)

## **‘Garbage Lasagna’: Dumps Are a Big Driver of Warming, Study Says**

[Decades of buried trash is releasing methane, a powerful greenhouse gas, at higher rates than previously estimated, the researchers said.](#)

**[By Hiroko Tabuchi](#)**



[Ivor Prickett for The New York Times](#)

## **Angry Farmers Are Reshaping Europe**

[Farm protests are changing not only Europe’s food system but also its politics, as the far right senses an opportunity.](#)

**[By Roger Cohen and Ivor Prickett](#)**



## **India's Silicon Valley Faces a Water Crisis That Software Cannot Solve**

Bengaluru gets plenty of rain. But the city did not properly adapt as its soaring population strained traditional water sources.

**By Damien Cave and Atul Loke**



## **In Move to Protect Whales, Polynesian Indigenous Groups Give Them 'Personhood'**

Indigenous leaders of New Zealand, Tahiti and the Cook Islands signed a treaty that recognizes whales as legal persons. Conservationists hope it will lead to legal protections.

**By Remy Tumin**

Samuel Lam, via Associated Press



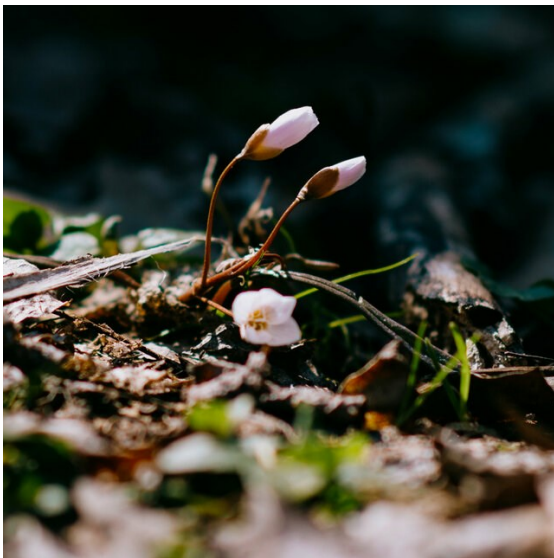


[Miguel Schincariol/Agence France-Presse — Getty Images](#)

## **Heat Waves Are Moving Slower and Staying Longer, Study Finds**

[Climate change is making heat waves linger for longer stretches of time, exacerbating the effects of extreme temperatures.](#)

**[By Delger Erdenesanaa](#)**

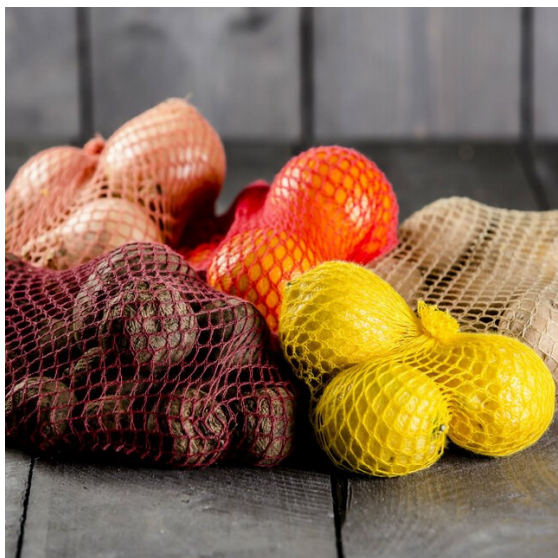


[Kristian Thacker for The New York Times](#)

## **What a Search for the Signs of Spring Reveals**

[A writer wonders whether the wild things around her are out of sync with the season.](#)

**[By Daryln Brewer Hoffstot and Kristian Thacker](#)**



[VPZ Verpackungszentrum GmbH](#)

## **So Much Produce Comes in Plastic. Is There a Better Way?**

As governments impose limits on plastic food packaging, climate-friendlier alternatives are in the works. Here are some that might be coming to a grocery store near you.

**By Kim Severson**

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### More climate news

- 31 countries have surpassed a pivotal E.V. tipping point, when 5 percent of [new car sales are electric](#), Bloomberg reports.
- Solar panels are now so cheap they're being used as garden fences in Germany and the Netherlands, [the Financial Times reports](#).
- Reuters explained how fossil fuels have thrived despite the Biden administration's [efforts to curb climate change](#).
- Civil Eats investigated how Bayer, the agrochemical giant, is pushing for laws to stop pesticide [lawsuits across the United States](#).

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The New York Times Company. 620 Eighth Avenue New York, NY 10018

**From:** Doyon, Ashlynn  
**Sent:** Tuesday, January 9, 2024 5:57 PM  
**To:** Moore, Julie; Lazorchak, Jane; Wolz, Marian; Farnham, Douglas  
**Cc:** Ramirez-Richer, Emma; Pieciak, Mike; Boyles, Gavin  
**Subject:** Draft Climate Infrastructure Financing Report  
**Attachments:** Climate Infrastructure Financing Report and Recommendations.docx; Appendix A - Consolidated Public Input - Final.pdf; Appendix B - Public Comment for AI Query (email) - Final.docx; Appendix C - Public Comment (Formal Letters) for AI Query.docx

Good Evening All,

Thanks very much for a productive meeting this afternoon. As promised, please find attached the working draft of the Climate Infrastructure Financing Report. Note that we are still in the process of making final updates. We would appreciate your review with particular attention to the areas where we mention partnerships between the Treasurer's Office and ANR/the Climate Action Office.

In today's meeting we also mentioned the 2.5% credit facility language in H.586, Rep. Kari Dolan's bill. We will be proposing to her some significant changes to the placeholder language that is currently in the bill, to be in line with recommendation #5 in the report. We are still working on drafting the replacement language and can share with you when it's further developed.

Thanks again,

Ashlynn Doyon  
Director of Policy  
Office of the Vermont State Treasurer

Email: [ashlynn.doyon@vermont.gov](mailto:ashlynn.doyon@vermont.gov)  
Phone: (802) 595-3197 (*cell phone/working remotely*)





# CLIMATE INFRASTRUCTURE FINANCING REPORT

**PREPARED BY :**

Brian Lowe  
Assembly Theory, LLC

**PRESENTED TO :**

Vermont  
Treasurer's Office

(802) 735-3983  [assemblytheory@protonmail.com](mailto:assemblytheory@protonmail.com) 

## **INTRODUCTION: REPORT PURPOSE, SCOPE, AND STRUCTURE**

### **Purpose**

In the Fiscal Year 2024 Appropriations Act, the State Legislature [requested a report with recommendations from the Treasurer by January 15](#) regarding:

- Coordination of the State’s climate infrastructure financing efforts;
- Creating a framework for effective collaboration among Vermont organizations, agencies, and the financial instrumentalities of the State to maximize the amount of federal Greenhouse Gas Reduction funds the State may receive; and
- Coordination of the deployment of these and other greenhouse gas reduction funds.

This report therefore provides a series of recommendations based on Treasurer’s extensive public engagement and conversations with various organizations involved in different aspects of climate infrastructure financing, as well as the insights of the Treasurer’s team.

### **Scope**

This report is not an assessment of climate-related priorities for investment. The prioritization discussion in Vermont is led by the State-designated [Climate Council](#).

This report focuses on the coordination of the State’s climate infrastructure financing efforts – specifically, as requested by the Legislature, creating a framework for effective collaboration and the effective deployment of climate infrastructure financing and other greenhouse gas reduction funds in a way that maximizes the amount of Federal funding secured by Vermont.

Within this report, climate infrastructure is defined as *infrastructure necessary to build, renovate, or otherwise invest in that advances the goals and projects established by the Climate Council*. Different people have different views of what constitutes climate infrastructure. This definition privileges the priorities of the Climate Council and focuses on how to finance the infrastructure elements related to those priorities.

### **Structure of the Report**

After the introduction, the report is structured as follows:

The first section (Section 1) provides an overview of the public input and the extensive engagement conducted by the Treasurer’s Office following the request from the General Assembly.

The second section defines the problem that led to the General Assembly’s request for this report, defines the end goals motivating an effort to better coordinate climate infrastructure financing in Vermont, and describes several alternative models intended to improve coordination put forward by different organizations as part of the public comment.

The third section outlines a series of recommendations resulting from the overall public input as well as insights from the Treasurer's Office.

The fourth section provides a summary of the public input received, broken into categories reflecting the wide range of interests and ideas shared by dozens of participants.

Finally, the report also includes three appendices that are described in the fifth and last section. The first appendix (Appendix A) provides all the public input in one consolidated document for ease of reference, noting that it does not replicate the ~100 form letters focused on finding ways to have big oil companies cover the cost of climate infrastructure financing. This input includes a substantial White Paper advocating for new authorities for an existing institution to act in a way similar to a Green Bank to help advance an effective climate financing strategy. This White Paper has nine co-authors (among them Senator Andrew Perchlik and representatives from VHCB, the Vermont Audubon, the Lyme Timber Co., and Quantified Ventures).

The second and third appendices (Appendix B and Appendix C) take the same information as the Appendix A but reformat, anonymize, and break that information into two parts so that a free artificial intelligence (AI) chatbot can query the data.

This tool to query public input should allow interested parties to learn about the different themes and concepts embedded in the public input in a different way. Because this is a new concept and a new tool, directions and sample prompts are included in the sixth section of this report for those interested in using AI to query these files.

Please note: The same material is available in Appendix A for those that would like to review it without an AI tool with a couple exceptions: First, the White Paper referenced above is too long to be included in Appendix B or Appendix C if it is going to be queried by a free AI chatbot, so that White Paper is only included in Appendix A. Second, pleasantries have been removed. And third, descriptive information about organizations submitting comment has been removed because of space constraints.

Finally, in terms of an AI disclosure, the report was not written with AI tools. While this report leverages an AI tool in Appendix B and Appendix C as described, the author did not use AI to draft any component of this report.

## **SECTION 1 – Overview of Treasurer’s Office Public Engagement**

Following the request from the General Assembly, the Treasurer’s Office completed extensive public engagement to build the foundation of this report about financing climate infrastructure.

First, the Office advertised and ran four separate Zoom sessions framed to respond to interests from four broad sectors across Vermont, using the same questions in each session. Those questions were posted publicly in advance and after the fact on the Treasurer’s website, and advertising for the sessions included print advertising, social media, earned media, personal outreach and invitation from the Treasurer’s Office (which included asking other organizations to share the invitation widely through their networks), and general invitation from the Treasurer in his remarks at events around the state in the weeks leading up to these sessions.

The questions developed by the Treasurer’s team focused on three topics, each of which is included immediately below in italics with the overarching question bolded.

### ***Topic: Why Pursue Federal Funding/Financing? How can we do this in a way that is more inclusive of local and underserved community priorities?***

- *How can Vermont be more effective in considering the needs of underserved or rural communities with respect to making climate infrastructure improvements, such in the areas of clean energy, weatherization, or climate resiliency in Vermont? For example, investments in natural solutions for flood mitigation, sustainable agriculture and forestry, floodplain and wetland restoration and other natural resilience solutions, energy efficiency and renewable energy. Are you aware of any specific projects and programs that need to be expanded or more focused on these communities?*
- *How can we better connect community groups and technical expertise, to mutually identify needs?*
- *What do small, underserved, rural communities need to do to pursue these funds? How do we maximize our ability to do this collectively, without competing with one another?*
- *What do you estimate as the total investment amount required by your industry to support necessary climate infrastructure needs in Vermont? How did you arrive at this estimate? Alternatively, do you have suggestions on approaches/frameworks to estimate this need?*

### ***Topic: Who is proactively engaged and are there any barriers impeding Vermont’s efforts?***

- *Are you aware of any agency or entity that is pursuing or has recently pursued/applied for federal funding/financing, private capital, or philanthropic funds for climate infrastructure improvements, such in the areas of clean energy, weatherization or climate resiliency? If so, what are the entities and how successful are they?*
- *How can we build on these efforts and unlock the door to additional capital import?*
- *How do we integrate various efforts, so we aren’t competing for time, attention, etc.*

- *What are the gaps or barriers in this work?*

***Topic: What does Vermont need to pursue its share of federal, private, or philanthropic funds to conduct climate infrastructure improvements?***

- *How could financing address these barriers experienced by underserved and rural communities? What other barriers exist?*
- *What resources (including technical assistance) does Vermont need to pursue that is currently available through federal funding/financing, private capital or philanthropic funds and be more competitive?*
- *What is needed to improve clean energy and resilience project identification and implementation? How would strategic planning or a focus on coordination among parties and/or financing entities support project implementation? What entities do you currently look to (can include your own) for this strategic coordination?*
- *Are current state agency programs and existing nongovernmental organizations in Vermont sufficient to achieve these goals or does there need to be a new governmental, quasi-governmental, or nonprofit to assist in this? What do you envision its role to be and how would it work with current state agencies and groups?*

Second, the Treasurer and team conducted a series of individual stakeholder meetings. These meetings were driven by either individuals or organizations signaling an interest in the topic, the recommendations of other organizations about groups the Treasurer's team might want to connect with, or the Treasurer's personal interest and outreach to connect with a broad range of leaders and organizations across the State.

Third, the Treasurer's team established a web presence and email that were readily identifiable on the website and widely advertised. This email was an option for those who wanted to submit comment but may not have been able to attend one of the four different online sessions. This was a well-used resource, receiving 39 separate submissions focused on climate infrastructure financing over about a 6-week period. Some of those submissions included recommendations for further follow up or stakeholders to seek out, which the Treasurer's team has made a priority.

These various inputs, the experience of the Treasurer's team, and an irregular discussion group including Representative Kari Dolan of the General Assembly and the Vermont Housing and Conservation Board (VHCB), helped inform the recommendations in Section 3.

## **SECTION 2 – Defining the Goals, Challenge, and Potential Alternative Approaches**

### **Goals**

At a high level, the public comment included multiple future-oriented goals for advancing this effort. The White Paper referenced in the Introduction above articulates five clear goals underlying the broader effort to coordinate climate infrastructure financing in Vermont that echoed much of the other public comment:

- Greenhouse gas emission reductions;
- Adaption and resilience to natural disasters resulting from events like flooding;
- Long-term carbon sequestration and storage;
- Land conservation; and
- Air, water, and soil quality.

A sixth additional goal not included in the White Paper but present in much of the public comment was cost containment or cost reduction – helping make Vermont a more affordable place to live by reducing, for example, heating costs. Please note, some public comment expressed pessimism that these costs would ultimately be reduced through the clean energy transition.

Within the context of these high-level goals, the purpose of this report is to improve coordination of climate infrastructure financing, improve the deployment of funds for that purpose, and maximize the total amount of Federal funding secured by Vermont as a result of this coordination.

### **Challenge**

The challenge leading the General Assembly to request this report on climate infrastructure financing is that various actors involved in climate infrastructure financing could be better organized to effectively:

- Catalogue different funding sources, especially Federal funding, and eligibility in a broadly accessible way;
- Develop a clear financing strategy for securing funds reflective of Climate Council-established priorities;
- Exchange information and potentially coordinating applications for Federal funding across eligible entities or sectors; or
- Deploy that funding in a way that secures the highest possible future value.

There are different approaches to this kind of coordination problem, ranging from the creation of a wholly new institutions to improved coordination mechanisms. Public comment from different organizations helps articulate these different potential approaches.

### Potential Alternative Approaches to Improving Coordination

At one end of the spectrum, within the public comments a few organizations like Renewable Energy Vermont (REV) advocate for Vermont to follow a path similar to 23 other states and establish a “Green Bank” to coordinate climate infrastructure financing.

A “Green Bank” does not take deposits; rather, “they function like loan or investment funds, using a wide array of financial tools to support investment in clean energy infrastructure.”<sup>1</sup> Green banks have different governance structures across different states – sometimes they are fully public, stand-alone entities. They can also be quasi-public entities with independent governance. They are not profit maximizing – they use different tools to increase the amount of climate infrastructure financing available, sometimes with a focus on underserved markets.<sup>2</sup>

This first type of approach, the “Green Bank Approach,” would create a new institution in Vermont responsible for developing a strategy for climate infrastructure financing, coordinating applications for Federal funding or other funding across sectors, coordinating public and private investment, and funding the priorities outlined by the Climate Council.

There are many ways a “Green Bank” could be structured. In addition to a stand along public entity or quasi-public entity with independent governance, Green Banks could be established within a Governor’s Office, a Treasurer’s Office, or as a stand-alone non-profit “Clean Energy Fund.”

A second alternative focuses on the quasi-public concept. Several public comments, including those from the nine-signatories of the White Paper (Senator Perchlik, representatives from VHCB, the Vermont Audubon, the Lyme Timber Co., Center for Public Enterprise, Trust for Public Land, and Quantified Ventures, Vera Bourg-Meyer, and Robin Jeffers) advocate for this approach. These authors propose “the creation of a comprehensive financing strategy by a new climate financing entity, most likely a restructured existing organization with the authority and capacity to coordinate, prioritize, and guide the state’s efforts to invest in a manner that will achieve meaningful progress in climate mitigation, adaption and resilience, and to ensure that the state’s more rural, marginalized, or underserved communities are also benefiting from these investments.”<sup>3</sup>

The Center for Public Enterprise in an additional, separate submission provides further support for this approach and names VHCB as the entity best suited to assume the responsibilities of a Green Bank in Vermont.

A third alternative focuses on augmenting existing institutions without creating a new Green Bank or Green Bank-like institution. Among the public comment, this approach was

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<sup>1</sup> National Caucus of Environmental Legislators, Issue Brief: Green Banks, January 6, 2023, <http://www.ncelenviro.org/resources/green-banks-issue-brief/>.

<sup>2</sup> Ibid; see also Weiss, Beinecke, and Bunting, “How a Green Bank Can Drive the North Carolina Clean Energy Economy,” Nicholas Institute for Environmental Policy Solutions, Duke University, 2020, pp. 9 – 11.

<sup>3</sup> Report Appendix A, page 30.

advocated for by organizations like the Vermont Bond Bank, the Vermont Economic Development Agency, and the Vermont Housing Finance Agency. These three instrumentalities formed a partnership called the Public Finance Climate Collaborative (PFCC) in 2022 because they saw their role as filling market gaps and accelerating capital deployment in the municipal, commercial, and housing sectors – a responsibility that became more important with the passage of the Inflation Reduction Act and the availability of significant new Federal funding sources. PFCC members, as they note in a joint submission in the public comment, “have already joined the relevant coalitions, submitted project pipelines, and sought financing from the relevant national entities to support greenhouse gas reduction projects in Vermont” across the sectors these organizations serve.<sup>4</sup> Per PFCC members, their national partners see this partnership as already fulfilling the role of a Green Bank in Vermont and they advocate against the creation of such a new entity in Vermont as duplicative.

Also notably, the USDA Rural Development team has provided a \$40 million dollar, zero interest loan to at least one PFCC member already (VBB) and is considering another similar arrangement with a second member (VEDA) for \$10 million.

Rather than create a new Green Bank, the PFCC members advocate “that the Treasurer’s Office play the role of information clearinghouse, helping make sure that new and existing Federal funding opportunities are identified and brought to the attention of entities or state agencies that are the intended recipients.” The PFCC further advocates that the Treasurer’s Office assume responsibility for the evaluation of supply and demand for climate-related funding on an on-going basis. The PFCC will act as a kind of shared “front door” for the state’s climate financing.

Outside the context of the Green Bank discussion itself, other entities like VSECU-NEFCU note that scaling successful programs, rather than creating new programs, can be a more efficient approach – and that Vermont does have some successful programs to build on already.<sup>5</sup>

Finally, while not a concrete approach itself, the balance of the public input was opposed to the creation of a new institution in Vermont. In addition to some comments that saw it as duplicative (like the PFCC), others were simply skeptical that creating a new institution was necessary or that, if created, it would be able to effectively coordinate the many existing organizations involved in climate infrastructure financing already. Two comments also emphasized the idea that creating something new is easy, but reforming institutions to work well together is what is challenging.

With these different potential approaches in mind, as well as proposals like that in H.586, “An act relating to flood protection and climate resilience infrastructure and financing,” the report proposes a different sort of coordination mechanism for improving the coordination and deployment of climate infrastructure financing in the following section.

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<sup>4</sup> Report, Appendix A, p. 53.

<sup>5</sup> Report, Appendix A, p. 51



### **SECTION 3 – Recommendations**

This section outlines recommendations for the General Assembly.

**Recommendation #1: Use the convening ability of the Treasurer’s Office to organize a bi-annual half day “Cross-Sector Climate Finance Coordination Meeting” that is available to the public to watch via livestream.** This meeting has a standing agenda and standing invitations (both of which can always be added to or amended). It would quickly pull together many of the various actors involved in climate infrastructure financing in a way structured to identify overlapping interests, create new partnerships, deconflict duplicative effort, and improve information sharing across sectors.

The fundamental goals of the meeting are to maximize Federal funding applied for and secured by various public and private entities in the state and to improve coordination among those same entities and others. This is the “front-door” meeting integrating public, private, and non-profit entities with each other and Federal funding opportunities. The meeting would be convened and chaired by the Treasurer and co-facilitated by the Treasurer’s Office and the Climate Action Office. The standing agenda of the meeting would include the following:

- **Review priorities and projects established by the Climate Council with an explicit focus on current and potential financing:**
  - Who is taking or has taken the lead on which aspects of these projects?
  - What are the gaps in terms of funding access, need, or clarity needed to inform future action and reports back to the group?
  - Are there opportunities for collaboration that could help reduce future costs?
  - What are we hearing on the implementation side (i.e., “these block grants are unwieldy,” etc.) to inform future action and reports back to the group?
- **Standing CAO Report (and other entities as designated by the Chair):** Update on funding sources are available to support Climate Council priorities and drawdown status of state funding previously allocated to support this work.
- **Report in from all invited parties:** What are the challenges, new ideas, or comments you are hearing that are not covered today but could help inform a future agenda? Who is not participating in the discussion yet that should?

To evaluate the value of this recommendation, the Treasurer’s Office envisions analyzing relevant outcomes over time. This may include measures like the following or others:

- Climate Finance-related Federal funding flowing into the state (overall numbers in collaboration with the CAO)
- New partnerships created as a result of these discussions
- New policy proposals surfaced and discussed
- Cost savings identified or secured through these meetings
- Regular survey of participants: Is this meeting helping clarify roles, highlight opportunities, and share information about Federal funding programs? Can you

point to a new partnership, grant application, deconfliction, or piece of information you learned as a result of this meeting?

- Internal Treasurer team survey: Do the meeting discussions allow new ideas to be shared, particularly across public, private, and non-profit sectors? Are the meetings clarifying who is doing what (and establishing regular communication channels)? Are the meetings helping highlight and deconflict overlapping priorities among participant groups and accelerate new funding for the State?

**Recommendation #2: Coordinate climate infrastructure financing technical assistance discussions to reduce costs and identify barriers to effective implementation in a way that complements Recommendation #1.** This meeting would occur twice a year several weeks in advance of the Cross-Sector Climate Finance Coordination Meeting outlined in Recommendation #1. The meeting is envisioned as a two-hour discussion of TA providers on the ground in communities and working lands sites across Vermont that surfaces implementation hurdles that could impact climate infrastructure financing decisions. The discussion should help inform the agenda for the Cross-Sector Climate Finance Coordination Meeting. There are several reasons for this approach:

- Many Vermont communities do not have the capacity to implement climate infrastructure projects independently, so organizations like the RPCs, PTV, VCRD, VHCB, VNRC, and more help act as connectors with primarily public and non-profit resources and at times private sector actors. This meeting should reveal if that is happening, patterns of problems encountered, and potential solutions for future discussion.
- Beyond some insight into the barriers to accessing finance for climate infrastructure projects, these organizations know some of the available funding options – a regular meeting among this group would help clarify challenges, identify successes, and grow the knowledge base of all parties on potential funding options.
- It would be valuable to include private sector voices in this meeting – for example, why did SunCommon or Bullrock Renewables or other entity run into roadblocks in town X around solar siting, even though the community signaled it was interested in new community solar or EV charging or another related topic?

The agenda would focus on what people are hearing, what is working, what is not working at a community or more granular level, ideas for change, and presentations about different potential funding sources all parties should know about. It should end with an explicit discussion of potential high-level issues that could be raised at the Cross-Sector Climate Finance Coordination Meeting.

**Recommendation #3: Complete further study of potential Green Bank models across the United States and the potential applicability of elements of these models in Vermont.** Valuable public comment advocates for establishing a Green Bank or providing Green Bank-like authorities to existing institutions in the state. Evaluating the pros, cons,

alternative models, and necessary partnerships for the establishment of an effective Green Bank would take some time to sort out.

While moving immediately to improve coordination of the various actors involved in climate infrastructure financing using the convening ability of the Treasurer's Office as described in Recommendations #1 and #2, the Treasurer's Office also recommends further study of Green Bank models across the United States. This study should identify what elements could be most useful and how those elements could best be structured for greatest effectiveness in Vermont. Such an approach could also allow for different impacted organizations and members of the public to weigh in on these elements in the context of a clear and precise definition of what is meant by Green Bank. This report should also highlight the value created, the possible trade-offs, and the potential risks of the creation of a Green Bank in Vermont.

**Recommendation #4: Identifying the CAO as the climate infrastructure financing information clearinghouse.** Multiple stakeholders emphasized that a single entity holding knowledge and information about climate infrastructure funding opportunities would be helpful to end users and technical assistance providers supporting communities across Vermont.

Given the central role of the Climate Council and the Climate Action Office (CAO) within the Agency of Natural Resources (ANR) in leading the prioritization of climate mitigation in activity, the partnership between the Treasurer's Office and ANR on this issue, and the fact that the CAO is already preparing to provide regular reporting on the drawdown of State-supported climate financing programs, this report recommends explicitly identifying the CAO as the climate infrastructure financing clearinghouse.

Further, the central role of the CAO in Recommendation #1 helps ensure that the CAO's efforts to track the spending of programs the Governor's team and Legislature have put in place (i.e., the Municipal Energy Resilience Program (MERP), the Municipal Technical Assistance Program (MTAP), and various Housing-related energy efficiency or weatherization programs) will be regularly shared and help highlight financing opportunities or deployment barriers.

Finally, in the public comment, participants have noted that the scope of climate infrastructure financing is quite broad, particularly when defined to include energy efficiency funding programs related to housing renovation or construction. The range of knowledge required – from Federal programs like the Inflation Reduction Act or the Infrastructure Investment and Jobs Act, to various State programs on weatherization, MERP, MTAP or others, to the roles and capacity of Vermont's implementation architecture like Regional Planning Commissions or Regional Development Corporations – makes the CAO an entity well suited for the role. The CAO currently coordinates within State government through the IABB, though it has fewer formal mechanisms for regular interaction with non-state entities and the private sector.

**Recommendation #5: Establish a credit facility for up to 2.5 percent of the average daily cash balance of the State to augment existing climate infrastructure and resilience lending facilities.** The Treasurer has the authority to leverage up to 10 percent of the average daily cash balance of the State, subject to written guidelines adopted by the Treasurer. This 2.5 percent allocation would come in the form of a low interest loan to an entity or entities well established in providing green-infrastructure lending programs and could enhance loan-loss capacity for this purpose. This approach complements efforts to secure Federal funding, with the low-interest loan readily available to increase the recipient's financial flexibility in the near-term.

## **SECTION 4 – Summary of Public Input**

This section provides a summary and categorization of the public input received by the Treasurer’s Office regarding climate infrastructure financing coordination. The comprehensive compilation of public input is included as Appendix A.

The Treasurer’s Office received 39 distinct public input submissions – 25 email submissions and 14 formal letters – as well as about 100 form letters encouraging the office focus on making Big Oil contribute to the cost of climate infrastructure (rather than, or in addition to, maximizing Federal funding opportunities).

### **Categorization**

The public input can be broken into the following 9 categories of recurring themes.

<b>Increasing Capacity</b>	<ul style="list-style-type: none"> <li>• For the State, instrumentalities, or other entities to apply for, secure, and manage Federal funding in a coherent and coordinated way</li> <li>• For towns or non-profit organizations to apply for funding and advance projects</li> <li>• For towns or other entities to implement new decarbonization regulations (particularly into building codes)</li> <li>• For new cross-municipal supports on a regional level</li> <li>• To take inventory and monitor GHG levels and related Federal grant funding received</li> </ul>
<b>Regarding Various Incentives</b>	<ul style="list-style-type: none"> <li>• Continue or expand solar, EV charging, geothermal heat pump, weatherization labor and materials, eBike purchases at the point of sale, battery backups, sustainable transportation, mixed use transit-oriented development, windows and doors, and sustainable transportation incentives</li> <li>• Restructure incentives away from rebates or credits and toward pre-bates or direct funding up front (if uptake is the goal)</li> <li>• Concern about misaligned incentives, in particular for residential transition to solar – how should utilities be incentivized to respond to such transitions?</li> <li>• Create new Keyline Design incentives or other land use planning incentives</li> </ul>
<b>Use Existing Programs</b>	<ul style="list-style-type: none"> <li>• Many programs work well – i.e., VSECU’s green incentive programs or the Public Financing Climate Collaborative of VHFA, VBB, and VEDA. No need to recreate the wheel.</li> <li>• Some programs could benefit from expanded funding or scope. Named programs include the Municipal</li> </ul>

	<p>Energy Resilience Program (MERP), the Municipal Technical Assistance Program (MTAP), VHCB's energy efficiency, conservation, and rural economic development programs, Payment for Ecosystem Services efforts, weatherization programs.</p> <ul style="list-style-type: none"> <li>○ MERP could be expanded to include schools and non-profits; BGS's revolving loan fund could be expanded to serve municipalities.</li> </ul>
<b>Green Bank Considerations</b>	<ul style="list-style-type: none"> <li>• Many comments focus on using existing institutions – i.e., PFCC or VHCB or in some comments unnamed instrumentalities of the state.</li> <li>• One comment from REV encourages the creation of a new entity as the Green Bank</li> <li>• Comments generally focus on the potential expand public funding sources, rather than looking at integration across sectors or incentives for private investment.</li> <li>• Naming Green Bank responsibilities, even within existing organizations, could open the door for additional designations (i.e., State Energy Finance Institution) that could help drawdown additional funds.</li> <li>• Some comments note the interrelated questions related to a Green Bank, including discerning purpose, benefits, risks, trade-offs, and long-term efficacy and accountability.</li> </ul>
<b>Maximize Federal Funding</b>	<ul style="list-style-type: none"> <li>• Public comment focused on the Inflation Reduction Act (IRA), Infrastructure Investment and Jobs Act (IIJA), and the CHIPS and Science Act</li> <li>• As noted above, multiple comments identified that Vermont (state, instrumentality, non-profit, or otherwise) is not staffed to drawdown new Federal funding effectively or to coordinate that effort across sectors.</li> <li>• One comment noted that resilience funding, particularly from the Disaster Recovery and Resilience Act (DRRA) is also a resource the Treasurer's Office should consider in planning its coordination effort.</li> <li>• One comment noted that some kind of public facing one-pager that explains the various funding sources would be a helpful education tool (in addition to some institutional knowledge of these programs within State government or other entity).</li> </ul>

<b>Look Beyond Federal Funding</b>	<ul style="list-style-type: none"> <li>• In addition to the form letters showing significant interest in seeking funding from Big Oil companies, several of these comments note the ongoing lawsuit run by the Attorney General's Office.</li> <li>• Some methods to make Big Oil pay are outlined in one comment and include fossil fuel subsidy reform, liability lawsuits, a carbon tax, divestment, and public pressure.</li> </ul>
<b>Concerns</b>	<ul style="list-style-type: none"> <li>• Several comments raised significant concerns about investing in climate infrastructure or its particulars, including: <ul style="list-style-type: none"> <li>○ The cost of new incentives, and the general transition costs to green energy, are inflationary and borne often by those not well able to pay for them.</li> <li>○ Perhaps some of those championing the green energy transition would be willing to bear more than their share of the costs?</li> <li>○ Some incentives – like wood burning – carry environmental costs themselves</li> <li>○ Hybrid vehicles are the only realistic option in rural areas where there is no charging infrastructure...can we consider hybrid incentives at the state level?</li> <li>○ Electrifying transportation infrastructure causes massive environmental damages. How are we accounting for that? [<i>speculation – commenter may mean things like lithium mines</i>]</li> <li>○ Electrification is also creating lots of hazardous new waste in battery form. What are we doing about that?</li> </ul> </li> </ul>
<b>Resilience</b>	<ul style="list-style-type: none"> <li>• In thinking about Federal funding, please also consider long-term investments in community resilience. See specifically Vermont H.105 focused on a “Community Resilience and Disaster Mitigation Fund”</li> <li>• Consider the DRRRA, as noted above, as another climate infrastructure funding source</li> </ul>
<b>Coordination Questions</b>	<ul style="list-style-type: none"> <li>• Comments focused on multiple potential coordination challenges: <ul style="list-style-type: none"> <li>○ Within the State (where the CAO and IABB have been established for this reason)</li> <li>○ Among instrumentalities like VHFA, VHCB, VBB, and VEDA.</li> </ul> </li> </ul>

	<ul style="list-style-type: none"><li>○ Among non-profits applying for or managing grants (both Federal and State grants)</li><li>○ To support businesses, places of worship, rural electric coops, towns, or other entities that may be newly eligible to receive funds in the IRA's Direct Pay/Elective Pay program</li><li>○ The potential to coordinate across sectors (all of the above groups + other utilities and private actors)</li><li>• As noted above, the potential role for a Green Bank (like Connecticut) or Clean Energy Fund (like North Carolina) to secure Federal funding and coordinate across entities like those described above.</li><li>• The potential role of the Treasurer's Office or Climate Action Office) as a (i) coordinator; (ii) information clearinghouse; and/or (iii) funder for the entities described above</li></ul>
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## **SECTION 5 – Appendices**

Appendix A contains all the public input in one consolidated document for reference. That Appendix is included as a separate attachment with this report.

Appendix B and Appendix C are also separate attachments. They contain the same information as Appendix A, though the information has been anonymized and reformatted in a way that an AI-enabled chatbot can query. It has also been broken into two parts – all emails received are included in Appendix B and all formal letters received are included in Appendix C. This breakdown is necessary given file size constraints for the free AI service. As noted in the introduction, these appendices does not include the White Paper submitted as part of the public comment for the same reason, and pleasantries and organizational descriptions have been eliminated as well.

The goal of Appendix B and Appendix C is to give interested parties an additional tool to learn about the different themes and concepts embedded in the public’s input. Because this is a new concept and a new tool, this section of the report includes directions for how to use the files in Appendix B and C with a chatbot, some potential prompts to use, and an important technical note are described here. These prompts are meant as possible examples only. Those that want to query the public input should of course decide what they are most interested in learning.

First, the technical note: Because of the large volume of public input the Treasurer’s Office received, different chatbots are better able to absorb that volume of information. For example, the popular ChatGPT (or specifically ChatGPT-3.5), which is free, cannot absorb all the information at one time. A user would therefore need to query many files or have questions specific to different types of input to effectively use that chatbot.

Instead, this report recommends using [Claude2](#), a chatbot produced by the company Anthropic. This chatbot is also free and is designed to absorb larger volumes of information. It can absorb all the public input the Treasurer’s team received from different submitters divided into the two files of Appendix B and Appendix C. While free, use of the Claude2 service does require an email and phone number to register.

Second, to query the chatbot, you will need to upload the file (Appendix B) so the chatbot can review that information, and then “prompt” Claude2 with questions that reflect your interests.

- To do this, go to the Claude2 website and register (you will need to provide an email and phone number)
- Then, ask Claude2 to read the attached file and tell you when it has reviewed (click on the file icon and upload Appendix B before hitting the return key).

Once Claude2 confirms it has read the file, consider one of the prompts below or something of your own. For example, a prompt could be something like any of the following:

- “I am interested in the type of information included in this file. Could you tell me the top ten themes that are reflected in the information that makes up this file?”
- “What concept appears most often in this file?”

Again, it is important to note the information in Appendix B and C is actually less than the information in Appendix A. The use of an AI chatbot here is intended to give those interested in that public input a new tool to learn and understand the different concepts put forward by the public.

Thank you.

## **Climate Infrastructure Financing Report**

### **Appendix A - Consolidated Public Input**

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#### **1. Northeastern VT Development Association (NVDA)**

Treasurer Pieciak,

Funding municipal positions that could be shared between two or three municipalities would help address capacity issues in the Northeast Kingdom (NEK). Those job descriptions should include responsibilities related to advancing climate, energy, resilience, and sustainability goals within their communities and that are aligned with regional and state efforts.

Many thanks for reading this brief and belated feedback.

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Allie Webster (she/her)

Energy Planner

Northeastern Vermont Development Association (NVDA.net)

#### **2. CT River Conservancy**

Mike,

Thanks so much for the time and creating these forums for discussion to finance climate resilience. Here are a few thoughts, reiterating what many people on the call mentioned today:

The Connecticut River Conservancy (CRC) is a nonprofit citizen group established in 1952 to advocate for the protection, restoration, and sustainable use of the Connecticut River and its four-state watershed. As an organization that manages natural resources projects for landowners, CRC has noted that the bottlenecks that we run into generally are focused around lacking organizational capacity to accommodate the already existing funds that we have access to. We have multiple projects lined up based on communication that has already happened with willing landowners, and access to the funding streams to do them, but we don't have the staff to carry them out – basically managing the projects for the landowners, applying for grants, writing the RFPs and contracting with designers and construction crews. As an organization, we are desperately in need of additional funds to increase staff capacity, both in the management of projects, but also in the administrative management of those larger federal funds and the associated reporting and auditing required to accommodate them.

We have also noticed the gap in funding needed to do basic education and outreach to help landowners understand how natural resource projects can create community resilience, and how to access the funding and technical assistance to implement those projects. Many of the NGOs and watershed groups in the state are reaching out to do direct community education that can

result in projects – we need additional funds to support organizational capacity around this type of education and outreach.

An additional very practical gap is that there are not enough nurseries in the state to accommodate the amount of natural resource projects that are currently being done. We need someone to be growing more native trees and bushes to supply for restoration projects.

The natural resource-based climate change resiliency work that we do is done in partnership with the local RPCs, Conservation Districts, watershed groups and other NGOs directly in relationship with local landowners who are willing to have these projects (such as dam removals, floodplain restoration, upsizing of culverts, riparian buffer plantings) done on their land. On the eastern side of the state there is a very collaborative effort to coordinate our work. We often refer a landowner to another partner that may have more expertise on a particular project, or we consolidate projects to bundle them to access funding, or if one organization does not have the capacity to take on a project, we may pass it off to a partner to manage. Information sharing is done through our DEC Tactical Basin Planners and regional check in meetings.

As a four-state watershed organization, we routinely apply for federal funds through the Regional Conservation Partnership Program, the National Fish and Wildlife Foundation, the Long Island Sound Futures Fund, etc., and we are one of the partners working to help stand up the Connecticut River Watershed Partnership Act. We are a large enough organization to cobble together multiple federal, state, and private foundation grants to provide match internally for our work, but we are in a privileged position. Most of the smaller watershed organizations do not have the internal organizational infrastructure to access federal (or sometimes even state) funds. Developing a mechanism to pass through federal and state funding to smaller organizations without too much bureaucracy is key.

Centralizing access to federal and state funds in a way that is easy to access and flexible to use would help move the money into resilience projects more effectively. To be more effective in moving state Clean Water Fund money out, over the past several years the ANR developed block grants that consistently go to the same entities to distribute. This mechanism and the Clean Water Service Providers were put in place to solve the Agency's struggle with trying to get grants out and manage them, without being able to hire additional staff to do that. The process for this is better since the block grants have been established, but it is still complicated and cumbersome given the small amount of funding provided. CRC has consistently turned to relying on larger federal grants for a watershed wide approach to do multiple projects over several years, instead of applying for state funding that has to be focused on one aspect (eg. Design or implementation) of one project at a time. It would be amazing if the State could establish a pathway for block grants to be given to the partners already doing the work to use more flexibly to move multiple projects forward through multiple stages of project development. Could entities such as CRC, the Conservation Districts, and other NGOs be vetted through a preferred vendor process for the pass through of larger lump sums for work over multiple years?

I hope that these comments provide some context from our perspective. I'm glad to provide additional information or have a follow up conversation if that seems useful.

Thank you for this effort!

Best,  
Kathy Urffer

~~~~~

Kathy Urffer

*She/Her/Hers*

River Steward, VT

**Connecticut River Conservancy**, formerly *Connecticut River Watershed Council*

PO Box 6219 | Brattleboro, VT 05302 | [www.ctriver.org](http://www.ctriver.org)

### **3. Jack Hanson, Burlington**

Hi there,

Thank you for the opportunity to give input on how the state can best spend money to address the climate crisis. I'd be more than happy to elaborate on any of my suggestions below if you'd like. These are some of my ideas.

#### **1. Green Workforce Development**

-Including bonus pay for weatherization workers to ensure that weatherization work pays more than other home contracting work. (This is important because folks skilled in weatherization are choosing to use their overall skillset to do easier work for the same pay. Similarly, folks skilled in home contracting see no need to gain skills in weatherization as they already have as much work as they want, at the same pay as weatherization, that is more pleasant to do than weatherization)

#### **2. Sustainable transportation infrastructure, including bus only lanes on major corridors**

#### **3. Fare-free, expanded, electric public transportation**

#### **4. Larger subsidies at the point of sale for ebikes, as well as greater ebike marketing/advertising**

#### **5. Major expansion of EV charging infrastructure**

#### **6. Incentives for sustainable, mixed use, transit-oriented development, particularly when that development occurs on top of existing parking lots**

#### **7. Regulatory assistance for communities that adopt stronger building codes/decarbonization requirements than the state**

Thank you for reading!

Sincerely,  
Jack Hanson, Burlington resident and former City Councilor

#### **4. Jamie Feehan, Primmer Piper**

Hi, Ashlynn,

I am one of those who read of these outreach meetings and signed-up for the business sector meeting. I work with a number of local and national property and casualty insurance companies on legislative and regulatory matters that are very interested in climate impact, both in terms of the impact on their own infrastructure (such as downtown Montpelier) but also mitigation efforts or incentives that help states, municipalities and residents invest in readiness for and resilience from climate impacts. I also work with municipalities (including the City of Burlington) and electric utilities that are interested in this issue.

Can you please add me and my colleague, Michelle Farnham (copied here), to your email distribution list going forward? Please let me know if you need anything further from me related to this request.

Finally, I noticed the slide that identified certain, federal avenues for financing. It may have been referenced but I nevertheless wanted to bring to your attention the following:

In February 2018, Congress enacted key provisions of the Disaster Recovery Reform Act (DRRA), comprehensive legislation that created a national strategy for investing in disaster mitigation and response. The DRRA was part of a larger \$81 billion emergency supplemental disaster relief package. Specifically:

- the provisions amended the Robert T. Stafford Disaster Relief and Emergency Assistance Act to allow the federal government's share of the eligible cost of repair, restoration, reconstruction, or replacement assistance to be increased from a minimum of 75% to 85%.
- The increase in funding is based on incentivizing states to invest in measures that improve the states' "readiness for and resilience from, a major disaster." Most importantly in the suggested listing of measures, states are encouraged to adopt and enforce the latest codes and standards for design and construction of residential structures and facilities.
- Other incentive measures for the states include: 1) the adoption of a mitigation plan; 2) investments in disaster relief, insurance, and emergency management programs; 3) facilitating participation in the Community Rating System; and 4) funding mitigation projects or giving tax incentives to projects that reduce risk.
- Remaining provisions of the DRRA were signed into law in October 2018. These provisions focused the federal government's efforts on proactively preparing communities before the next catastrophe while freeing up new resources for states and localities to implement and enforce resilient building codes.
  - o A key provision allows the President to place an amount equal to 6 percent of annual disaster spending into a new national pre-disaster mitigation account,

providing new resources for states and communities to invest in preventive measures.

- o This fund, called the Building Resilient Infrastructure and Communities (BRIC) Program, provides resources to assist states, tribal governments, territories, and local communities in their efforts to implement a sustained pre-disaster natural hazard mitigation program. For Fiscal Year 2022, FEMA will distribute \$2.295 billion in pre-disaster assistance. Enactment of the DRRA represents a major shift in the disaster mitigation landscape and lays the groundwork for potentially even larger reforms going forward including forestry management, statewide building codes, enforcement, education, and certification.

The Community Disaster Resilience Zones (CDRZs) Act of 2022 (S. 3875) requires FEMA to use data from its National Risk Index to establish CDRZs and designate communities across the country most in need of mitigation projects. These communities would be assisted in accessing federal funding for mitigation and resiliency purposes.

Thanks again, and please let me know if you have any questions or comments.

Jamie Feehan

**James F. Feehan** | Government Relations Director  
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## 5. Paul Perry, W. Newbury

Thank you for requesting input from Vermonters.

1) burning wood for heat has a larger net carbon footprint than propane or fuel oil (not to mention the particulate matter pollution from burning wood) so why provide incentives for wood burning appliances? Wood should be used for construction where it will store carbon for at least another century. Discourage burning wood for heat.

2) a) if reducing greenhouse gases is Vermont's priority why are the incentives income sensitive? If the incentives were not income sensitive more people that can actually afford to buy energy efficient appliances or electric vehicles may choose to do so. We would reach our carbon reduction goals faster if the incentives were not based on income.

b) what are the current lower income ev purchasers going to do when they need to replace the battery pack or purchase a replacement vehicle? They won't be able to do either without more assistance or they will purchase a used gasoline powered vehicle that they can afford. And then we will be back to square one : producing more greenhouse gases.

c) why phase out the incentives as the the vehicles become more expensive? Incentives should be available to all no matter how expensive the electric vehicle is.

d) greater incentives to purchase hybrid vehicles would be more valuable to owners living in cold rural regions like Vermont.

3) Food for thought: I'm not sure offering incentives for heat pumps is reducing our greenhouse gases because the heat pumps are installed to reduce carbon produced from our heating systems but now more electricity is used to also cool houses, a comfort benefit yes, when those houses did not have air cooling prior to the heat pump installation and may never have installed air condition if not for the heat pump. ( this happened within my household).

Hopefully this will be helpful in tweaking Vermont's incentive program aimed at decreasing our greenhouse gas output as quickly as possible.

Thanks again,

Paul Perry  
West Newbury, VT

## **6. Carl Bayer, Ryegate Energy Committee**

Good morning Commissioner - I wanted to be sure that you knew that Global Partners owns P/H in Newbury on route 302. They have now purchased the Jiffy Marts in Vermont and New Hampshire and now are Vermont's version big oil in our state. Our committee tried twice to engage them in getting Phase 3 EV chargers and Patrick Murphy at AOT has also tried twice. In his last email to me, Patrick said he was making no progress.

I wanted you to know that his fortune 500 company is taking a lot of money out of our state and is committed to fossil fuels. They won't talk to the Governor's office. What do you think? Carl

Carl Bayer, Ryegate Energy Committee  
Ryegate and Climate Change

## **7. Sylvie Desautels, Tunbridge**

Hello,

Here are my thoughts on how to finance climate change infrastructure. The Utilities in Vermont have been the winners with huge financial profits AND have largely contributed to the emissions causing climate warming. It's time to tax those profits and penalise the damage they have contributed to.

It's kind of a no brainer.  
Sylvie Desautels  
Tunbridge, Vt



## **8. Amy Ludwin, Bolton**

Dear Treasurer Pieciak, and the VT Climate Finance Team,

Thank you for your coordination of the State's climate infrastructure financing effort; we need all the ideas and strategies we can get for financing this crisis in Vermont's climate infrastructure; and thanks for gathering public input!

I hope you and your team will take a serious look at what responsibility Big Oil has for the damage they've caused to our state. How will you consider what they knew about, and when, and what their legal liabilities are now here in Vermont?

While I understand that most of the focus is on maximizing federal funding, this is a great opportunity for policymakers to be aware that it shouldn't just be taxpayers who pay to repair the damage caused by the changing climate – those Big companies that knowingly had an active hand in creation of this mess while making billions in profits should pay, too.

Sincerely,  
Amy Ludwin. Bolton, VT

## **9. John Snell, Montpelier**

Mr. Pieciak,

With regard to strategies for financing climate infrastructure, I would strongly recommend the following worthy of investment:

- supporting roof top solar with more incentives, ideally installed in local networks
- continue to support installation of heat pumps and induction stoves
- FULL support of the Weatherization program. I have worked extensively with these programs all over the country and the one here in Vermont is among the very best anywhere. They need to be able to count on long term support of both personnel and training funds.

I'd be happy to discuss these thoughts further.

Thank you,

John Snell

Montpelier

## **10. Deborah Messing, Montpelier**

Dear Treasurer Picciak,

I have been researching just this topic since my town of Montpelier was flooded on July 11, so I am grateful for the invitation to express my opinions to you

Soon after the “adrenaline phase” of the flood receded, I began to think how this was not a “natural disaster” but largely a product of deception and greed on the part of the fossil fuel companies. Although Vermonters have been incredibly generous in contributing personal money toward rebuilding, it has become obvious that the monies needed to both recover in the short term and to plan for the long term far exceed the ability of individuals to cover, and for a state of our small size and limited resources, to finance.

We must hold these companies accountable and require that they pay their fair share. While all the profits (\$220 billion last year) have accrued to the companies, all of the costs have been paid by the taxpayers, including, by the way, FEMA.

Different states have followed different routes to finance their climate mitigation efforts.

New York State has decided to amend their state finance law to include a special revolving fund to be known as the “Climate Change Adaptation Fund.” The bill,

[nysenate.gov/legislation/bills/2023/S2129](https://nysenate.gov/legislation/bills/2023/S2129)

has passed the Senate and is making its way through the Assembly. They have used the standard of “strict liability”; that is, that the use of their products was responsible for damages to the environment.

Companies would be required to contribute to the fund according to formulas assessed by the state. Advances in “attribution science” using computer technology have allowed accurate determination of the extent to which the industry, and even individual companies, have caused the damages that now need to be addressed, and for the future, mitigated.

Penalties for non-compliance would be charged, including liquidating or selling assets.

California has taken a different route, filing a civil case which would create such a fund. A precedent for that route was established when several California cities sued makers of lead paint on similar grounds in order to create an abatement fund. In their version of a climate fund, the state of Maryland has determined that it has the authority to mandate that companies that do business within the state contribute. It is anticipating that many companies would sue but that the courts would most likely hold up the authority of the state:

<https://www.wmdt.com/2023/03/md-bill-would-create-superfund-for-companies-that-contribute-climate-change-with-mandated-contributions/>

And here in Vermont, a bill to create a Climate Superfund is being introduced to the Legislature. I hope that you support this and that we can join the other states in this endeavor.

As you must be aware, Vermont already has a lawsuit in the State court, Vt. vs. Exxon submitted by T.J. Donovan in 2021 and currently stewarded by Charity Clark. If successful, the settlement could be large; either fines for individual violations of the Vermont Consumer Protection law, and/or “disgorgement” of any profits realized over the years from the deceptive practices employed by the fossil fuel companies being sued. Although lawsuits take time, this one is already 2 years into the process.

Another option is filing a separate suit, based on the specific event of the July 11th flood. Precedents here include the Oregon suit around the “Heat Dome “ event and the suit by 16 Puerto Rican municipalities around the damages from Hurricane Maria.

I realize that Vermont has few resources that can be devoted to litigation, especially compared to the deep pockets of the oil/gas companies, BUT possibilities exist to overcome this hurdle:

for example, contingency lawyers, pro-bono or “low-bono” lawyers, and climate philanthropists who underwrite climate lawsuits brought by states or municipalities. A great source of information about these options is the Center for Climate Integrity:

[climateintegrity.org](https://climateintegrity.org).

They also have a pdf on their site which tracks the status of climate lawsuits nationally. [climateintegrity.org/cases](https://climateintegrity.org/cases).

As these initiatives proliferate, whether in the form of legislative acts or lawsuits, Vermont can learn from other states and, as we move forward, can be a model for other states to follow.

As in the case of the tobacco industry, fossil fuel companies knew about the damage their products caused; they lied, and they now must be held accountable.

Regards,  
Deborah Messing

Montpelier, Vt.

## **11. Kathy Bizzoco, Vermont**

Dear Treasurer Picciak,

Absolutely, bad long-term planning on the part of the Wrightsville Damn players caused the flood in Montpelier this summer.

My question to you is, were they naive by failing to anticipate that the United States government would allow consumers to use a product that not only causes a range of health diseases (placing an immense strain on our healthcare system),(1) but also causes a range of "climate disease/disasters?"(2)

No one back in the 1920s could have anticipated all world governments allowing the sale of such a product. No one could have anticipated the ensuing consumer products created from the initial toxic product—plastic,(3) and how that plastic would poison and kill a major source of our food supply(4) further burdening our healthcare system.(5)

The producers of this product knew about its toxic effects at least forty years ago.(6) As far back as 1943, smog from fossil fuels was so thick in Los Angeles that residents thought they had been under attack.(7) Not until thirty years later did President Richard Nixon form the Environmental Protection Agency, which the Supreme Court gutted in 2022.(8)

America needs heroes, now more than ever, to speak for America, our infrastructure and food supply, to stop the use of this product for the sake of humanity. Do you have the courage to demand fossil fuels pay for the damage their products have caused Americans, our infrastructure, and our climate?

I understand the problem is Wall Street. Fossil fuel stocks pay some of the highest dividends, and are in everyone's IRAs, ETFs, Mutual Funds, and stock portfolios. Everyone holding these stocks made financial decisions that were not only harmful to themselves but to humanity and our infrastructure.

When Americans make bad financial decisions, we accept the results—it's called Capitalism. I am constantly baffled by people concerned about climate change while holding fossil fuel stock. The disconnect is a bit surreal.

Thank you for your time and consideration.

Kathy Bizzoco

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## 12. Scott Garren, Cuttingsville

Here are some suggestions.

- Carbon tax: A carbon tax is a tax on the carbon content of fossil fuels. It would make fossil fuels more expensive, which would encourage people to use less of them and invest in cleaner energy sources. The revenue from a carbon tax could be used to fund climate infrastructure and other climate change mitigation and adaptation efforts.
- Fossil fuel subsidy reform: Governments around the world subsidize fossil fuels to the tune of hundreds of billions of dollars each year. This taxpayer money could be used

instead to fund climate infrastructure and other climate change mitigation and adaptation efforts.

- Liability lawsuits: Fossil fuel companies are facing a number of lawsuits from communities and governments that are seeking compensation for climate change damages. These lawsuits could force fossil fuel companies to pay for some of the costs of climate change.
- Divestment: Divestment is the process of selling off investments in fossil fuel companies. Divestment campaigns have been successful in putting pressure on fossil fuel companies to change their behavior and to invest in clean energy.
- Public pressure: Public pressure can also be used to convince fossil fuel companies to help pay for climate change. For example, people can write to their elected officials, attend protests, and boycott fossil fuel companies.

Scott Garren  
Cuttingsville, VT

### **13. Rev. Kim Hornung-Marcy, Burlington**

Dear VT State Treasurer Picciak:

1. Please come up with loans for green solutions to UVM MED center's need for more energy and heat THAT DO NOT involve BURNING ANYTHING. Or just keep the focus on housing per the Seven Days article on McNeil.

2. There is no excuse for allowing the continued burning of wood in Vermont at this scale at McNeil, our single largest greenhouse gas emitter in Vermont. How are we going to meet our emission reductions in Global Warming Solutions act when strange use of words like renewable and sustainable don't apply to anything that burns. Calling them something else and not counting these emissions does not slow climate change.

3. Wood is worse than coal.

It is the MOST toxic for human health and emits huge amounts of toxic fine particulate matter and other chemicals in the low income neighborhoods of Old North End and Winooski. See attached excel spread sheet from McNeil. This is what is dumped in our air even with the Electrostatic Precipitator taking out some of the pollution on their stack. Figures on pollutants are most accurate for 2020 and 2021 before that they are too low. I ran the numbers by the State employees who monitor McNeil. The 2020 and 2021 figures for fine particulate matter are the most accurate because they started counting condensate fine particulate matter—which counts. In 2020-5.6 tons, in 2021 3.5 tons. Medical science recognizes no amount of fine particulate matter as healthy. That our top Medical Center is ignoring its own scientists is disgusting.

3. Also do the math on the CO<sub>2</sub>— 2021 (last full year of emissions) is  
906,941,600 lbs = divide by 2,000 to get tons = 453,470.8 tons of CO<sub>2</sub>!

Wood emits the most green house gasses per kilowatt hour of energy produced of ANY burned fuel.

CO2 is CO2 the atmosphere does not care where that CO2 comes from. It is driving the climate crisis. Which brought us all the suffering this summer of wild fire smoke and flooding and non-stop rain. We are in a crisis, time to stop burning anything.

4.The best sequester of carbon is a mature tree. Vt native trees take 200-300 years to reach maturity to call wood “renewable” makes NO SENSE.

Climate Scientists say we only have 5-10 years to turn things around and prevent the worst of climate change.

5.Time to say and act on "the emperor has no clothes" when it comes to burning anything. It makes NO sense to replace fossil fuels with renewable gas or biomass (wood) when they emit the same or worse toxic stuff and green house gasses. And green solutions that are cheaper in the long run, healthier and reduce green house gasses already exist.

Green solutions exist, IRA has huge pay back and point of sale for non-profits.

If Jay ski resort can put in a green system so can a hospital.

Sincerely

Rev. Kim Hornung-Marcy

She/her/hers

Chair New England United Methodist Conference Board of Church and Society

Member NEAC Climate Care Task Force

Member 350Vt Clean Heat Task force

Member Burlington node 350Vt

#### **14. Joseph Wutzbacher, Waterbury Center**

Treasurer Pieciak,

With all the tax increases we have seen and will continue to see, this is just more wasteful spending. When Vermont legislators get a grip on spending, solving its current problems (taxing Social Security and retirement benefits, crime, reasons for increasing homelessness, increased drug abuse, overdoses and so much more) then maybe we can have the conversation about climate change. In the meantime, let's be more fiscally responsible and address infrastructure issues related to severe weather events.

Thank you,

Joseph Wurtzbacher

Waterbury Center, VT

## **15. Tom Nelson, Putney**

Another thing you should do with the IRA money for green tech is purchase battery backup systems. Like Tesla powerwalls. Then give them to whoever wants one. Doing this would be a win win win for Vermont as we already generate too much solar electricity to be used as it is collected. Giving battery backups to people would mean that we can continue to collect more solar power, convert more homes to electric heat and hot water AND not have to upgrade the grid to do so! (So I guess that is a win win win win)

As I've said before, just give this tech to people. Don't thwart efforts by trying to create rebates and tax credits. Just give it to people who will use it. Or at least scale discounts starting with 100% for people who have household incomes below the median.

Vermont is a bit off our goals because program designs lose sight of their purpose. We don't have enough republicans in legislature to worry about what anyone thinks about spending. Just use the money in the most efficient and effective way. Which is to implement the technology NOW! :)

Thank you for your consideration.

Tom Nelson - Putney, Vermont

## **16. Rep. Katherine Sims, Craftsbury**

Hi Folks -

As you dig into long-term financing strategies for funding the climate action plan, I hope that you'll consider the mechanism outlined in H.105 An act relating to the Community Resilience and Disaster Mitigation Fund.

[The purpose of the H.105](#) is to create the Community Resilience and Disaster Mitigation Fund to provide funding to municipalities for disaster mitigation and community resilient infrastructure. The bill is modeled after [legislation passed by Colorado](#).

As we all know, over the last 40 years, there have been large-scale shifts in weather patterns. Our state has become both warmer and wetter. Escalating weather extremes have resulted and will continue to result in increased residential and commercial property losses. From 2010 to 2019, extreme weather caused \$67M in insured losses across Vermont from approximately 12 percent of all policyholders.

Although State and federal funding is routinely made available to help local communities rebuild after a disaster, there is no long-term, consistent source of funds to support the investments needed to prevent disasters from happening and to make local communities more resilient against future disasters.



What this bill does is establish the Community Resilience and Disaster Mitigation Fund to award grants to municipalities to provide support for disaster mitigation activities. Those disaster mitigation measures could include things like grid hardening, slope stabilization, watershed restoration, drought mitigation, construction of emergency shelters, and similar activities that directly reduce risks to communities, lives, and property and decrease costs associated with disaster recovery. Revenue for the fund is generated by increasing the assessment on certain casualty insurance company premiums. Funding would be awarded to municipalities with priority for projects that use funding as a match for other grants, projects that are in hazard mitigation plans, and projects that are in communities identified as high on the municipal vulnerability index.

Many of our communities are not prepared for the impact of extreme weather. This bill will provide critical support that ALL municipalities, especially our most vulnerable, can access to be more resilient against future disasters and climate change. Making these upfront investments will decrease losses that would otherwise be largely paid by insurers.

best, ks

Katherine Sims (she/her)  
State Representative, Orl-4  
Serving Albany, Craftsbury, Glover, Greensboro  
[KatherineSimsforHouse.com](http://KatherineSimsforHouse.com)

## **17. Robert S. Childs, Tunbridge**

While currently available resources, time and need will ultimately determine our future with regard to energy it should be up to the inventors, and users of trending technology to pay for it. It should not be placed on the backs of those that work hard, live within their means and pay their own bills.

The climate alarmists have duped Vermonters into paying for their attempt to reduce climate change. Since the beginning of time earth has had continuous changes to its climate. While some of the most recent changes have been influenced by the increased human population and their actions, much of the proposed energy changes will contribute just as much if not more to climate change and negatively impact our environment.

While the current proposals of these alarmists creates a financial cost to Vermonters that is unsustainable, the climate and environmental impacts of the many changes proposed are astronomical.

The mining of the materials needed for the production of solar panels and batteries is destroying thousands of acres of the earth's outer crust penetrating hundreds of feet into the surface. Dust

and the massive amounts of toxic fumes emitted into the atmosphere during the mining and refining of these raw products alone out ways the current carbon emissions. Say nothing about the labor atrocities occurring in the countries that produce these raw materials.

The waste products of the current proposed electrification of everything are not recyclable and hazardous to dispose of. Solar farms are creating micro climates contributing much to climate change within our state and destroying our once beautiful vistas. Current battery design is a fire hazard that is killing and injuring hundreds as well as creating additional financial burdens on all.

Without a doubt there will come a time that an alternate energy source will be developed that will meet the needs of Vermonters without the climate and environmental impacts of the current and proposed energy.

Just as in the 1920's when there were more electric cars than gas, it was the inventors and users that ultimately determined the most effective means of utilizing the energy available and where to apply it. So, too it should be, that the same process be utilized today to meet the future needs of our citizens.

Robert S. Childs  
Tunbridge, VT

## **18. Kevin Downey, Wilmington**

Mr. Treasurer, Mike,

My name is Kevin Downey retired Union Millwright from Wilmington. I'm excited to finally see an effort to take the Energy Transition seriously. You asked, so here are my ideas for an energy transition plan.

1. As someone who began his personal transition in '08 by installing a geothermal heat pump system to replace my propane furnace, I strongly urge some sort of State subsidy or tax credit formula for homes to tackle such aa project. It's not cheap, but a State assist will bring a larger number of converts than without the help. As to new construction of homes AND businesses, it seems some sort of "green mandate" would push those too stubborn to change or hesitant and uncertain about new green technologies. With new construction, it should be suggested that by pairing any geothermal system with solar designed into the roof, the owner will save additional money by buying less energy off the grid. Over a 5 or 10 year period, the savings of \$\$\$ and cutting greenhouse gases out of the equation will show impressive results in personal pocketbook savings AND a significant reduction in the State's climate goals of greening the Green Mountain State.

2. Routes 7, 100, and 5/10, our N/S routes, and 9, 4 and 2, our E/W routes, should be prioritized to installing strategically placed EV charging stations in preparation for EV adoption here in Vermont. Perhaps team with the Feds and come up with a plan to do the same thing on I-91, a

true artery of Vermont travelers. Perhaps contracting with cafe' type businesses to occupy these charging areas to make EV stops to recharge much more relaxing and convenient for their time.

3. There are numerous Vermont roads that have significant acreage on their sides for applying solar panels for GMPC to tap into for electricity. My 1st thought in this regard is Route 7 out of Bennington going North. I dare say the miles of wide clearings along 7 would likely generate several megawatts of power if utilized. I believe the formula for solar is roughly 2 acres /megawatt, meaning, the hundreds of acres on both sides of Route 7 would generate at least 50 Mw, maybe even more than that. Now that takes a bite out of our State's carbon footprint, doesn't it?! As it is currently, this fallow land just sits there having to be mowed once or twice costing the State \$\$\$; why not employ these acres to offset these expenditures, even add \$\$\$ to State coffers. No brainer to me.

4. While the technology hasn't fully matured yet, thin layer solar is an up and coming technology that will apply solar to many latent surfaces around us in our everyday lives. Perhaps Vermont could start a pilot program employing these products and over a years time to determine if it is indeed something worth investing in. The potential of applying this product to building wall faces and bridge structure and any inanimate structure with square footage to exploit is vast.

5. Every parking lot in Vermont should have solar canopies over them. My 1st thought on this is Hospitals. With their enormous use of energy 24/7, and their very large parking lots, building parking lot canopies would bring major savings to their bottom line. But my design envisions these canopies as multi purpose, not just solar generation. With these large 'roofs over the area, You'll have large amounts of runoff during rainstorms. Instead of the rain being directed into the gutter and eventually the sewer system, the rain water is diverted into a cistern system that would supplement the Hospital's water use, thereby saving on their water bill's with their host city or town. This diversion would also have a positive effect of the city's water infrastructure and supply. Additionally, these canopies would also host EV chargers that could generate more monies for the Hospital. These canopies would also, by shading the parking areas, lower the reflective albedo effect of asphalt parking lots "reflecting" heat into the atmosphere raising ambient air temps that make our summer days that much hotter and uncomfortable. Therefore, this canopy idea is a multiple pronged positive asset; money generator/saver, water saver, EV charger, and greenhouse gas reducer. Not just Hospitals; municipal parking lots abound throughout Vermont. By installing canopies over these as well, I dare say Vermont could possibly avoid the import of power, certainly importing far less than sans canopy.

Thank-you for a piece of your valuable time, Mike, I appreciate what you're doing by putting out this request. Someone should have done this long before you. I've formulated these ideas over the last decade, believe it or not. I've shared them with the likes of Bernie, Leahy, GMPC, and the Feds too regarding I-91, all to no avail. As a grandfather of 3 precious children, my purpose here is to make every effort to save what I can for them and their generational peers. We've dragged our feet for far too long in regard to climate change, and there is nothing I'd rather do than to stick it to Big Oil and Big Business in general for their blinders-on attitudes towards those of us who follow the TRUTH!! If you'd like to further discuss my ideas I'd be more than welcoming to your emails and/or calls, as I'm an idle retiree. Do have a good Wednesday; hope to here from you soon.

Sincerely,  
Kevin Downey  
Wilmington, Vt

PS: I have no scientific background, but I think the simultaneous solar panel absorption/shading of the pavement thus reducing reflected heat into the atmosphere could be a very big deal. I'd love someone with number crunching skills to see if this is correct. KD

### **19. Ed Bonnyman, South Burlington**

States can have their own banks. Start a state bank, get nh to start their own bank, loan each other money at 0.15% or whatever, and you just fractional reserve printed a crapton of money for yourselves. It is what large private universities do, and the balance sheets cancel basically. This is how you float bonds essentially, without having to pay usurious rates. It only really works like this if you issue the loans between entities that have the power to tax, and are large. Dont do this for municipalities. The catch with this is that constitutionally, for a state, it has to be backed by gold or silver. Not a big deal though, because youre only loaning between states, in equal amounts from one state to the other. If you write the loans correctly, if one is callable, the other is callable, and they cancel.

Separately, you want to build this so that the legislature isnt doing dumb crap with the money and blowing up the whole system. Idk how you do that without creating a different monster, but you could probably do some sort of underwriting requirement thing in an agreement with the other state such that you cant finance dumb things, or things which dont have x return in real dollars within x years, or something, with no substitutions of arbitrary or semiarbitrary values for nonmonetary results of projects. While there are a bunch of projects that are good and just and wise etc etc for the government to undertake, it would be better if they were financed the normal way so that the infinite free money button isnt an option for them by current or future legislatures that may decide to be irresponsible. Ie, fund weatherization/efficiency/infra repair etc that has measurable fuel savings results rather than carbon capture or something. Cant put a true value on that reliably, even within two orders of magnitude. People have pretended to make such calculations, but if you dig into them, theyre functionally arbitrary. Given that vt is so small, this is not something for us to lead on.

Instead, could fund other things like keyline design which have other extremely valuable returns and which also sequester a stupid amount of carbon. In Vermont, current keyline design results add about an inch of topsoil per year, more or less depending on location. Would boost ag yields, lower or eliminate fertilizer use, and reduce runoff sharply from farms, restoring our waters and making farms more productive, and restore lost ecosystems if patches of hill farming were added to existing stock of farms. Keyline design makes that viable, and is pretty low cost. Wouldnt expand ecosystems if most hills were completely farmed, as they were 100 years ago, but some farms on on some of most hills utilizing keyline design would do that, and considerably faster

than letting beavers go wild (the process before colonization) would do. We're not going to let beavers run rampant anyway though because it would trash most of our roads and lots of people's property, but some increase of them is desirable, and keyline design would facilitate that.

Thank you for considering my comments. I will close with the thought that any infrastructure work that yields 2% or even 1%, or better, \*in real terms\* indefinitely, is an excellent project. Consider all of the beautiful Roman infrastructure built 1900 years ago that is still being used today, or which was still being used 500 years ago. Build things that people will always appreciate, and build them to last.

Sincerely,  
Ed Bonnyman  
South Burlington

## **20. Matthew LeFluer, Alburgh**

Greetings

My Name is Matthew LeFluer From Alburgh Vermont and I was suggest an idea when making climate change funding messaging easy to understand read documentation materials curriculums one pager / glossary or summary of the individual ask or the Statewide ask of stakeholders advocates community Partnership climate partnership etc moving forward so accessibility and accommodation would be helpful for individuals with disabilities and other specific learning needs.

I think this is very exciting and the perfect opportunity to design programs that work. What I mean by that is that many programs miss their goals by attempting to make participants liable for some of the cost of the products and services. In my opinion, that is a foolish way to design programs. Programs, instead, should focus on function and meeting goals. If those goals are decarbonization and efficiency, then apply the money directly to those efforts. Give everyone the opportunity to participate by making products available to them directly, without discounts, rebates, tax credits... etc..

So, if working with VT companies is important. Then give money directly to those companies in exchange for their services. For example, you could give \$1 million to a local HVAC company to install 200 heat pumps. Then the company just says to the public "hey we have free heat pumps, who wants one?" Do the same with solar installers, power storage, e bikes, electric cars, weatherization... just use the money and get it done!

## **21. Isaac Evans-Frantz, Vermont**

Hi Mike,

Hope you're doing well. Thanks for asking for ideas about climate finance. I'd like to ask you to recommend creation of a climate superfund. We need large-scale action to protect people who are most vulnerable.

Thanks for thinking ahead on this,  
Isaac

Isaac Evans-Frantz  
[isaacforvermont.com](http://isaacforvermont.com)

## **22. Catherine M. Nelson, Vermont**

My husband and I couldn't have purchased solar panels without the special financing available, now some years ago. I advocate more of the same and even more help for low-income families who can benefit more from lower electric bills.

Without those solar panels, I can't be sure that I would have installed mini-split heat pumps this year. I'm counting on a lower propane bill this winter and an overall lower energy bill because of solar panels.

We also had a lot of new insulation installed, and I've replaced windows and doors. For some people, these costs would be overwhelming, yet they are money-savers over time. Assistance with such expense needs to be another route to ameliorate climate change and help people live more cheaply.

Ultimately, I think all the things I've mentioned will benefit Vermonters and the state of Vermont.

Sincerely,  
Catherine M. Nelson

## **23. Phil Harrington, Bolton**

Hello,

It should be noted that not all households currently have electrical service to their house. I recently built a small house in Bolton but Green Mountain Power was going to charge an exorbitant price of \$20,000 to install the power service, compounded by the fact there is a 30% state tax on new power services. This made it too expensive to do. I instead use a few solar panels to charge a couple batteries but mostly a fossil-fuel generator for my electricity.

The State should instead give a 30% tax CREDIT for new power service so my family can enjoy reliable electricity and can participate in the green energy movement, rather than using a fossil fuel generator.

Thank you,  
Phil Harrington

#### **24. Jeanne and Kurt Norris, East Berkshire**

Mr Pieciak,

The best thing Vermont can do to help VERMONTERS, is not to make our fuels so expensive! Last year we paid more for heating our house then we have Ever paid!! We have been here since 1992!!

We are not rich, and are trying to get by as best we can. Both my husband and I have fixed incomes we have tried our best to scale back so we can afford to live in Vermont, but we are getting down to the wire! There is not much left to cut!! Please please do whatever you can to help VERMONTERS like us!! Everything has gone up ! But not the amount of money we have to get by! I am all for green energy, but Sensibly spaced out so people don't get hit in the face over and over again!!

Thanks for your time

Jeanne and Kurt Norris  
East Berkshire, Vt.

#### **25. Sara Boucher, Williston**

I read the article on [WCAX.com](http://WCAX.com) about this office getting green energy ideas from Vermonters. We have solar energy at our house, and could not be happier. We have not had an electric bill in 10 years, and use electric heaters, and our wood stove in the winter to keep our oil usage to a minimum.

Here are some of my ideas that I preach to my husband constantly:

1. All new buildings should be required to be solar. Particularly industrial or public buildings. I think it is an outrage that the new State Police building in Williston has no solar panels. And the parking lots at 'park and rides' could have awnings of solar panels (what a great thing to have covered parking!).
2. We live in Williston (luckily on the Vermont side, not the New Jersey side), and I find it such a wasteland of flat roofed buildings that could all be used to hold solar panels that would generate more than enough electricity for their own buildings and more.

3. There was such attention to the new development in South Burlington that will be designed as energy efficient/solar. However that is only one of probably 5 new developments going up in South Burlington. And many of the apartment buildings going up are flat-roofed- and could support solar panels on the roofs. Lost opportunity and wasted space.

Thanks for listening,  
Sarah Boucher  
Williston VT





Putting the public sector back to work.

November 3, 2023

**State of Vermont, Office of the State Treasurer**

**Attn: Treasurer Picciak**

Office of the State Treasurer

109 State Street

Montpelier, VT 05609

**Green Finance Recommendations to the Vermont State Treasurer**

Dear Treasurer Picciak,

The Center for Public Enterprise is grateful for the chance to submit comments in the stakeholders' process launched to comply with the legislature's mandate to coordinate the State of Vermont's climate infrastructure financing efforts with a view to submit recommendations to the Vermont legislature before January 15, 2024.

The Center for Public Enterprise is a non-profit think tank based in Vermont and New York that specializes in building the capacity to accelerate publicly financed housing and energy development. The authors of this letter are experts in energy project financing and in Inflation Reduction Act implementation, particularly with regards to the Act's elective pay provisions.

We wholly endorse the creation of a statewide green finance entity to meet Vermont's mitigation, adaptation, and resilience needs by mobilizing sources of private, philanthropic, and public funding at scale and in a coordinated manner. To that end, our letter focuses on two topics: **(1) the need for Vermont's climate financing entity to be housed within an existing state financial institution and (2) the kinds of functionalities and capabilities this entity should have in order to meet the state's climate, equity, and community development missions.** Our Appendix provides more detail into our arguments on both these topics.

## **(1) Deploying an Existing State Financial Institution**

Vermont's climate financing entity should be more than just a financial institution. It must be an entity that can balance complex public goals, empowered to coordinate among state, nonprofit, private, and community actors to achieve those goals. To that end, this entity must be a public entity housed within an existing state instrumentality like the Vermont Housing & Conservation Board.

A public financing entity with a public mission, accountable governance structure, and sufficient financial and technical capacities can avoid excluding vulnerable, particularly rural, communities and displaced workers. Direct affiliation with and accountability to state leaders ensures that it can internalize legislative mandates and prioritize equity goals.

A public financing entity can coordinate among Vermont state institutions, federal financing programs (*e.g.*, Solar For All), nonprofits, and philanthropies to meet economic development goals, provide technical assistance, and target financial support toward vulnerable communities. As a central coordinator of both financing and administrative programming, the entity can more easily integrate and balance climate, development, equity, and justice goals by aligning the missions of its partners to Vermont's climate planning and goals. And as a state instrumentality, it can be designated as a SEFI, or state energy financing institution, making it eligible for federal loan guarantees from the LPO.

This central coordinator function allows the public financing entity to build administrative capacity within Vermont's state government to plan and execute the kinds of complex legal, procurement, and financial activities needed to prepare clean energy and nature-based resilience projects, mobilize investment toward them, and provide support to vulnerable communities.

A public financing entity can already take on more risk and undertake longer-term investment plans than its private and nonprofit counterparts could, especially by making use of the existing creditworthiness of the Vermont state government when issuing bonds and providing credit enhancements. As a centrally coordinated institution for raising public finance for green investment, this entity avoids the transaction costs associated with raising funds for state investment needs outside state financial instrumentalities. It may also be eligible for particular federal benefits or programs geared toward state instrumentalities, such as SEFI lending, the elective pay credits, and Solar for All.

A nonprofit housed outside the Vermont state government apparatus will have a harder time executing these functions because it would lack the convening authorities and public mandates necessary to work with the many instrumentalities that currently undertake lending or investment programs. It would be less accountable to the state, legislature, and communities; less able to coordinate the expertise and financing sources required to meet these goals; and would place the administrative capacity needed to manage a complex green transition process outside the state government. It is also likely that a nonprofit would be less able to utilize certain financial tools or would eventually have to be empowered by state legislation to use those tools anyway. Empowering an existing entity that already has experience with some of these tools will save valuable time.

## **(2) Potential Capabilities and Functionalities for a Climate Financial Institution**

We believe a public green financing entity must be able to exercise certain capabilities and functionalities in order to deliver on climate and community development goals. Below, we describe some of the most necessary capabilities and functionalities. This list is not exhaustive—see our Appendix for a more detailed list—but we believe it allows stakeholders like your office to better understand what a green financing entity is capable of doing and why empowering one with these functionalities can serve public goals.

This public green financing entity should seek not simply to access funds, but to design and deploy innovative financing tools to leverage all available forms of capital to meet the state’s climate and just transition goals. Such tools include but should not be limited to: co-financing alongside other investors; issuing concessional loans; building loan underwriting capacity; providing short-term construction bridge financing; deploying revolving funds; offering credit enhancements like loan guarantees, loan loss reserves, first-loss guarantees, and interest rate buydowns; buying out private developers’ stranded projects; making equity instruments and swaps (debt-to-equity and debt-to-grant swaps); warehousing assets and securitizing them; monetizing tax credits through the Inflation Reduction Act’s elective pay provisions; centrally procuring key project inputs through bulk orders; allocating grants; and developing partnerships with state universities.

Tools like concessional loans and credit enhancements, enable the entity to mobilize and complement private investment. And other tools such as providing short-term construction bridge financing, perhaps through a revolving fund, and executing bulk orders for key input materials empower the entity to do what the private and nonprofit sectors cannot do at reasonable cost. Ensuring that the

entity can securitize and warehouse assets, deploy revolving funds, and buy out stranded projects also allows it to become a financial backstop and central counterparty institution for green investment across the state. And loan underwriting capacity is absolutely essential for building the entity's capacity to develop close working relationships with borrowers, particularly to assess their creditworthiness.

And partnerships with state universities can serve a key capacity-building function: close collaboration builds a pipeline of interested students, researchers, professors, and workers whose scientific, business, policy, and technical expertise can be directed toward state climate investment goals.

On top of the above functionalities, such a public green financing entity should support project preparation and pre-development activities, including site identification, contract structuring, tax credit and elective pay advisory work, project labor agreement and community benefit agreement advisory, and other forms of technical assistance as necessary to meet Vermont's needs. This kind of coordination work is not easily executed by private or nonprofit stakeholders; undertaking it allows the public green financing entity to build key technical assistance and political coordination expertise.

Building these capabilities is critical given today's market conditions and private investor hesitance to commit to large capital expenditures. These capabilities also generate positive externalities. For example, by creating steady demand for construction work, a public green financing entity will decrease volatility of construction costs and supply chains for *all* capital investment statewide while backstopping the work of civil engineering firms, which stakeholders are worried will leave Vermont.

Our Appendix has a more detailed explanation of how these functionalities work and how empowering a state financial institution to deploy them will serve Vermont's climate and just transition goals.

Thank you for taking the time to read our letter, and thank you for your leadership in driving this process forward to ensure that Vermont becomes a leader in nationwide efforts to establish high-quality, transformative green financial institutions.

Yours truly,  
The Center for Public Enterprise

**Contact:**

Advait Arun, Energy Policy Associate

[advait.arun@publicenterprise.org](mailto:advait.arun@publicenterprise.org)

Chirag Lala, Energy Policy Director

[chirag.lala@publicenterprise.org](mailto:chirag.lala@publicenterprise.org)

**Appendix: Additional Resources**

1. [Potential Functionalities and Structural Goals for a Vermont Green Bank | Center for Public Enterprise](#)
2. [State and Local Government and the Formation of Green Banks | David Wood & Jordan Haedtler](#)
3. [Letter to VT Treasurer's Office | Vero Bourg-Meyer](#)
4. [Letter to VT Treasurer's Office | Authors of July 2023 whitepaper](#)

# Overview of the Vermont Soil Health Trust

The **goal** of the Vermont Soil Health Trust (the Trust) is to support the transformation of farming in Vermont toward **dramatically improved environmental and financial performance**. The trust will achieve this goal by helping farmers transform their operations to build soil health and pay farmers for the environmental benefits that their healthy soil creates. Initially, the Trust is focused on dairy farms because they are in a financial crisis and they are facing pressure to reduce their environmental impact. However, other types of farms could and should also be included.

There are many ways to improve soil health. Although **not prescriptive** on specific practices, the Trust is focused on the concept of **“all-in soil health”** which is achieved by **stacking multiple agronomic practices in appropriate combinations**, such as cover crops, no-till, and soil-conserving crop rotations, or through well-managed grazing systems. This approach is known as **“regenerative agriculture.”** Regenerative agriculture can **generate several crucial ecosystem services (ES)**, such as mitigating global climate change, improving water quality, and reducing the severity of flooding events. Regenerative agriculture can improve soil productivity and reduce costs of production, which will improve farm financial performance and resilience. As more farmers realize the benefits, regenerative agriculture will become an on-going and permanent approach and adoption will increase.

Regenerative agriculture produces improved water quality, carbon sequestration and flood resilience. These ESs are of great and increasing value to society and paying farmers is a very cost-effective way to secure them, as well as the rural community benefits that a healthy farm sector provides. Many farms will need to transform their production system to deliver these ESs. Transformation can be risky and/or expensive and farms are likely to need financial and technical support.

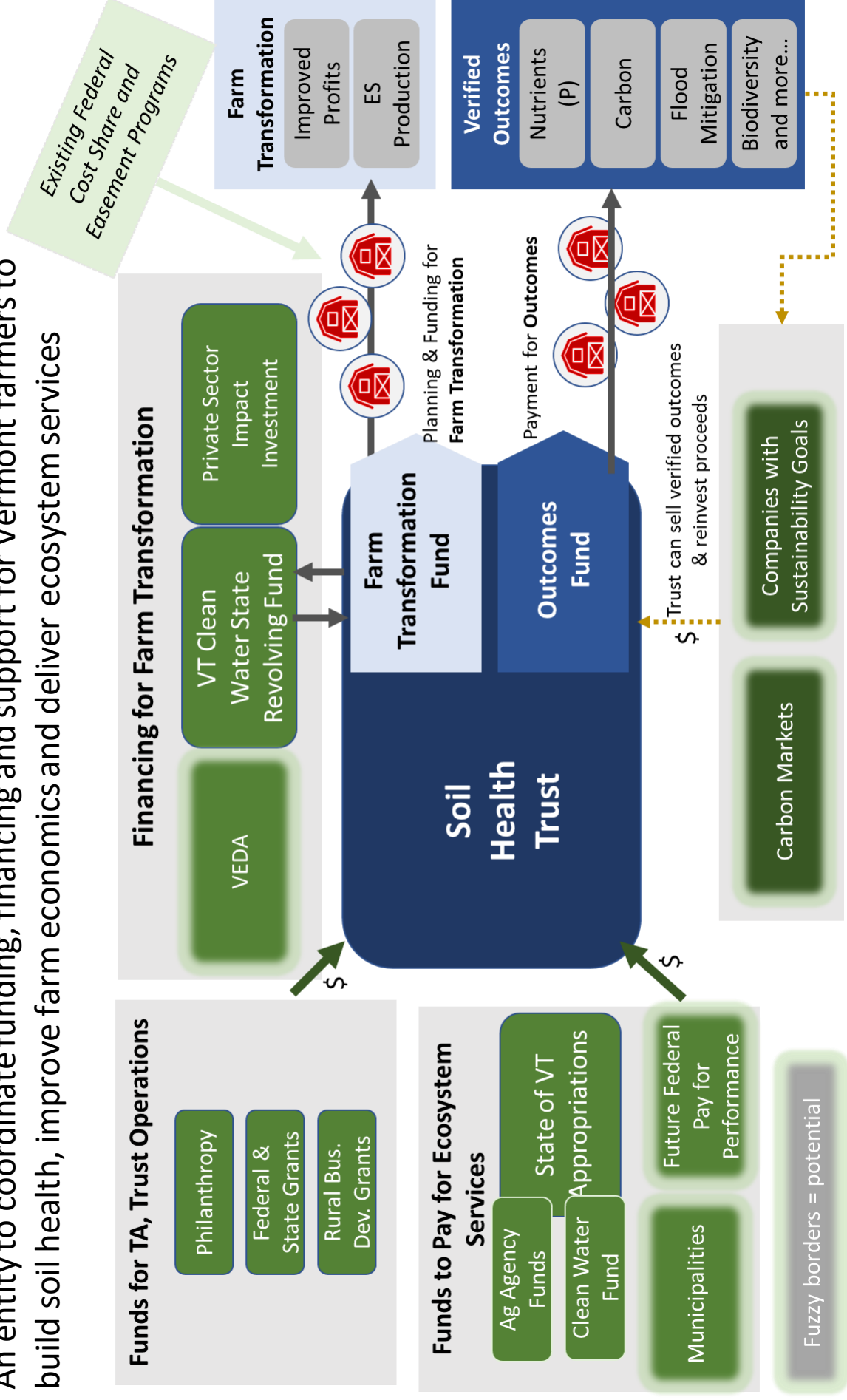
To help build and maintain a healthy farm sector in Vermont, **the Trust would provide coordinated financing and technical assistance (TA)** to farmers interested in transformation, **as well as ES payments** to any interested farmer based on quantified outcomes. For maximum effect, the Trust would operate two related funds:

- **The Outcomes Fund** would implement one or more pay-for-performance (PFP) programs that provide the framework, metrics and tools to quantify the relevant ESs and pay farmers for what they produce. The Outcomes Fund would aggregate carbon and water quality credits and market them through all available channels. Revenue from credit sales would be used to reward more farmers for environmental outcomes.
- **The Farm Transformation Fund** would provide interested farmers with the financial and TA resources necessary to achieve all-in soil health. A TA team of agronomy, dairy/livestock, and farm finance experts would work with each farmer to develop a farm transformation plan. Each farm-specific plan would contain estimates of productivity and financial performance, as well as ES generation. Improved profitability and divestment of unnecessary equipment would free up cash for new investment. Debt restructuring may be necessary for some farms. The projected flow of ES could inform financing terms and justify public investment in the transformation.

The environmental, rural community, and farm financial benefits produced by the Trust could generate significant interest from the private sector. Based on its success, the Trust will also seek to harness funding and financing from impact investors, as well as companies in the supply chain.

# Framework for the Vermont Soil Health Trust

An entity to coordinate funding, financing and support for Vermont farmers to build soil health, improve farm economics and deliver ecosystem services



October 27, 2023

**State of Vermont Office of the State Treasurer**

**Attn: Treasurer Pieciak**

Office of the State Treasurer

109 State Street

Montpelier, Vermont 05609

**Re: Comments pertaining to Vermont's climate infrastructure coordination efforts**

Treasurer Pieciak,

It is our great pleasure to offer these comments in the stakeholders' process launched to comply with the legislature's mandate to coordinate the State's climate infrastructure financing efforts with a view to submit recommendations to the Vermont legislature before January 15, 2024.

The authors, a group of individuals with experience across a range of disciplines relating to green finance, forest conservation and watershed protection, regenerative agriculture, and ecosystem protection, drafted a white paper in July 2023 proposing **the creation of a comprehensive financing strategy by a new climate financing entity, most likely a restructured existing organization with the authority and capacity to coordinate, prioritize, and guide the state's efforts to invest in a manner that will achieve meaningful progress in climate mitigation, adaptation and resilience, and to ensure that the state's more rural, marginalized or underserved communities are also benefiting from these investments.**

The paper is summarized below for your consideration during the stakeholders' process, along with additional thoughts on the type of activities that could be investigated by the State team as part of the development activities of a comprehensive and unified climate finance strategy. The white paper is available in Appendix 1 below.

Vermont needs a comprehensive climate financing strategy developed and implemented by a broad group of stakeholders to enable the state to achieve related and overlapping climate, energy, and environment-related goals. A climate finance strategy is immediately needed because we are missing opportunities to leverage available public, private, and philanthropic funding sources, including financing, to support the coordinated and targeted deployment of climate mitigation, adaptation, and resilience solutions.

To successfully leverage the myriad existing sources of federal, state, local, private and philanthropic funds, and support the implementation of climate mitigation, adaptation and resilience projects to the measure of our ambitions, the state of Vermont must provide the state infrastructure with adequate and sustainable funding sources and the human resources to seek and deploy funds.



This is particularly necessary to help the rural, marginalized, and underserved communities benefit from once-in-a-generation levels of investments in climate mitigation, adaptation and resilience from the federal government, a fact made all the more visible as we witness the recovery from the 7/11 flooding.

In addition to the obvious benefits of bringing a maximum amount of funding to Vermonters in need, growing in-state climate financing would support a vibrant workforce, and economic and job opportunities for all Vermonters.

Investing in both mitigation (e.g., low-carbon energy generation, weatherization, or conservation) and adaptation and resilience activities (e.g., watershed management, ecosystem restoration) is a necessity for the state to meet our climate goals, and to improve community resilience to future flooding and other hazards, contributing to public safety, and the health and wellbeing of our communities.

Multiple gaps need to be addressed in our current approach. First and foremost, the state lacks a comprehensive strategy and no institution has clear authority, agency, and staffing to lead the development of such strategy. Progress does not happen in a vacuum; what the state needs now is clear vision, and the leadership to confer that authority and agency to a dedicated team. That team would:

- Coordinate existing state agencies and instrumentalities, funds, and initiatives to achieve broad strategic goals;
- Develop comprehensive, transparent, and iterative investment plans;
- Make use of federal financing programs and technical assistance, avoiding missed opportunities to secure financial support and achieve complementarity with other public, private, and philanthropic partners; and
- Respond quickly to the needs of the market, and of Vermonters, including underserved communities, to urgently address the climate crisis.

The quasi-public agency or fund that is reorganized to define such strategy along with stakeholders, and proactively and forcefully organize Vermont's climate finance programs for mitigation, adaptation and resilience actions should meet project developers' specific financing needs with creativity and flexibility. It should seek to develop its own administrative capacity as well as that of all of its in-state partners, and offer a range of new programs and products or seek additional funding for existing successful programs that could be made more impactful with adequate funding sources.

The organization should seek not simply to access funds, but to use innovative financing tools to leverage all forms of available capital to meet the state's climate and economic goals. Such tools include but should not be limited to: co-financing alongside other investors; issuing concessional loans; building loan underwriting capacity; providing short-term construction bridge financing; deploying revolving funds; offering credit enhancements like loan guarantees, loan loss reserves, first-loss guarantees, and interest rate buydowns; buying out private developers' stranded

projects; making equity instruments and swaps (debt-to-equity and debt-to-grant swaps); warehousing assets and securitizing them; monetizing tax credits; allocating grants; and developing partnerships with state universities.

In addition, such an organization should support project preparation and pre-development activities, including site identification, contract structuring, tax credit and elective pay advisory work, project labor agreement and community benefit agreement advisory, and other forms of technical assistance as necessary to meet Vermont's needs.

Areas in need of investment are plenty. Most urgently, the state has a duty to mitigate greenhouse gas emissions through increased adoption of efficiency measures and renewable energy, but also to reduce the substantial costs associated with the damages and economic disruption that follow natural disasters through nature-based solutions. Long-term carbon sequestration and storage, land conservation, air and water quality, soil health, and working landscapes are all areas dear and near to Vermonters' hearts that tax funding alone will not be sufficient to address.

Lastly, we urge the state to accelerate priority projects in rural, underserved, and disadvantaged communities and empower communities to take action to achieve a more climate resilient future through a climate-oriented economic development and redevelopment.

Thank you for your leadership.

Warmly,

Vero Bourg-Meyer, resident of Montpelier, VT

Robin Jeffers, independent Consultant, BOD- VT Regenerative Agriculture Ctr

Chirag Lala, Energy Policy, Center for Public Enterprise

Trey Martin and Katie Michels, Vermont Housing and Conservation Board

David K. Mears, Executive Director, Audubon Vermont

Andrew Perchlik, State Senator, Washington District

Shelby Semmes, Vice President New England, Trust for Public Land

Peter Stein, Managing Director, the Lyme Timber Company and resident of Norwich, VT

Tee Thomas, Vice President, Quantified Ventures

# Appendix 1: Establishing a Comprehensive Climate Financing Strategy for Vermont - July 21, 2023

## Authors

The list of undersigned individuals have experience across a range of disciplines relating to green finance, forest conservation and watershed protection, regenerative agriculture, and ecosystem protection. We share a common interest in helping the State of Vermont achieve its climate and environmental goals through a coordinated investment strategy supported by public, private and philanthropic sources. This white paper provides background and summary of our conclusions formed over the course of discussions, research and partner engagement over the past six months. We offer the following information in support of the State of Vermont Treasurer’s Climate Infrastructure Financing recommendations, due to the General Assembly in 2024.<sup>1</sup>

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<sup>1</sup> Language from the Fiscal Year 2024 State of Vermont Budget: Sec. E.131 TREASURER CLIMATE INFRASTRUCTURE FINANCING 10 COORDINATION 11 (a) The Treasurer may use funds appropriated in fiscal year 2024 to coordinate the State’s climate infrastructure financing efforts. Use of funds can include administrative costs and third-party consultation. The Treasurer shall collaborate with, among others, the Vermont Climate Council, the Agency of Natural Resources – Climate Action Office, the Public Service Department, Vermont members of the Coalition for Green Capital, and the three financial instrumentalities of the State to create a framework for effective collaboration among Vermont organizations, agencies, and the financial instrumentalities of the State to maximize the amount of federal Greenhouse Gas Reduction Funds the State may receive and effectively coordinate the deployment of these and other greenhouse gas reduction funds. The Treasurer shall submit recommendations to the General Assembly regarding legislation for Vermont’s climate infrastructure financing on or before January 15, 2024.

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## Overview

A comprehensive climate financing strategy developed and implemented by a Vermont climate center<sup>2</sup> with input from stakeholders will enable Vermont to achieve a broad range of related and overlapping climate and environment-related goals including the following:

- Greenhouse gas emissions reductions;
- Adaptation and resilience to natural disasters resulting from climate change such as flooding;
- Long-term carbon sequestration and storage;
- Land conservation; and
- Air and water quality, and soil health.

A climate finance strategy is needed immediately because we are missing opportunities to leverage public, private and philanthropic funding sources available to support coordinated and targeted financing and deployment of climate mitigation, adaptation and resilience solutions.

Further, Vermont is already experiencing the impacts of a changing climate, such as the severity and frequency of severe weather events, heat waves and droughts, economic hardship in managing our working lands - our farms and forests - public health risks, and impacts to the health of our ecosystems. These impacts are disproportionately affecting rural and underserved communities and, as the recent impacts of severe flooding on our roads and downtowns reminds us, our community and economic infrastructure is also at risk. As we invest in carbon mitigation efforts to curb emissions, we must also invest in actions to help our human and ecological communities adapt in order to become more resilient.

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<sup>2</sup> For short-hand purposes, our group frequently references such a climate finance center as a “Green Bank”. We use the term “green bank” in this case to refer to the type of quasi-public entity created by the State of Connecticut, not a commercial “bank” in the common use of that term. Vermont may decide on a different type of entity, or a different name. This entity could be a new entity, or result from a restructuring or enhancement of an existing entity.

# Background

## State of Vermont Plans and Strategies

Vermont’s climate mitigation, adaptation and resilience commitments require greenhouse gas emission reductions across all major sectors, as well as improvements in adaptation and resilience statewide. Relevant to this need, Vermont already has the following plans and strategies in place or under development:

- Statutorily required greenhouse gas emission reduction goals along with a Climate Action Plan to achieve those goals (Vermont Global Warming Solutions Act of 2020 -- Act 152)
  - o Climate Council of stakeholders to offer on-going public engagement in support of this work
  - o Climate Action Office within the Vermont Agency of Natural Resources supports monitoring, assessing and tracking climate-related activities
- 2022 Comprehensive Energy Plan to ensure that, among other goals, Vermont meets its energy needs in manner that will meet greenhouse gas emission reduction goals;
- State Hazard Mitigation Plan that identifies strategies to help build more resilient communities
- Vermont Agriculture & Food System Strategic Plan, 2021-2030 to revitalize Vermont’s agricultural economy in the face of climate change
- Community Resilience and Biodiversity Protection Act of 2023 (Act 59) creating a statutory framework and mandated public process to oversee conservation and land protection goals
- Public Financing Climate Collaborative made up of the state’s financing instrumentalities to help support the financing as projects develop.

What is missing, and what we propose, is the creation of a comprehensive financing strategy by a new climate financing entity, which could be a new or restructured organization to function in the same manner as the State of Connecticut’s Green Bank. This new or restructured organization would have the authority and capacity to coordinate, prioritize and guide the state’s efforts to invest in a manner that will achieve meaningful progress in climate mitigation, adaptation and resilience, and ensure that the state’s more rural, marginalized or under-served communities are also benefiting from these investments.

## Vermont’s Landscape

Vermont is a rural state with a working landscape of farms and forests, surrounding compact town centers and villages largely built along or at the confluence of major waterways. Over 75% of the state is in forest cover, and nearly 20% is in agriculture (crop and pastureland). The economic, social, carbon storage and sequestering capacity, and ecological importance of Vermont forests cannot be overstated. In fact, Vermont’s forests sequester four times the amount

of greenhouse gas emissions that vehicles emit in Vermont, and our forests, floodplains, and wetlands, where they have been protected, provide critical protection to our built landscape. Vermont has a tremendous opportunity and obligation to invest in both emissions-reducing solutions and practices that improve long-term carbon sequestration and storage in the agriculture and forestry sectors, as well as prioritizing investments in conservation and land protection that achieve the multiple goals of flood resilience, water quality, and ecosystem functions and services (including habitat protection, species passage and connectivity).

## Nature Based Solutions

The 2021 Vermont Climate Assessment recommends nature-based solutions as proven, low-cost strategies for climate adaptation and resilience. For this reason, the Vermont “Initial Climate Action Plan” issued in 2022 includes recommendations for nature based solutions. Such investments in our farms, forests, and natural-based solutions are not only cost-effective in helping Vermont make progress in meeting its climate mitigation, adaptation and resilience objectives, but these investments support a whole host of other benefits such as economic vitality, enhancement of local food systems, improvements in clean water and clean air, improvements in ecosystem functions, and access to recreational and open spaces.

Finally, as noted above, Vermont has just enacted Act 59 of 2023 (aka H.126 or 30x30), an act relating to community resilience and biodiversity protection. This first-in-the-nation legislation mandates a comprehensive, multi-year strategic planning process to prioritize investments that support carbon sequestration and storage, enhance climate resilience, sustain working lands, conserve biodiversity and maintain ecosystem functions. A comprehensive climate financing strategy is a necessary component of this process, and will enhance the state commitment to maximize these important public benefits.

## Funding Opportunities

Establishing a comprehensive strategy will help Vermont pursue its share of the substantial amount of federal funding that is available now and over the next four to six years, including:

- Federal Inflation Reduction Act (IRA): Includes a Greenhouse Gas Reduction Fund that provides \$27 billion in direct or financing support to reduce greenhouse gas emissions, with 40% of those funds dedicated to low-income and disadvantaged communities. Includes increased funds for climate mitigation (through carbon sequestration and storage) and to achieve greater climate resilience of our working lands.
- Tax Credit Features and Adders in the IRA, including Elective pay: Broadens the range of actors that can benefit from tax credits such as Vermont state and municipal governments, nonprofits, and tribal governments to claim payments from the IRS on decarbonizing investments that they own, and operate, and provides additional funding for projects that

meet certain additional requirements, e.g., domestic content or location in disadvantaged communities.

- IRA and Farm Bill: Contains an additional \$1.4 billion for the Farm Bill’s Agricultural Conservation Easement Program.
- Federal Land and Water Conservation Fund, Forest Legacy Program: Is now permanent, containing \$1 billion annually for working forests.
- Federal Infrastructure Investment Jobs Act (or the Bipartisan Infrastructure Framework, BIF): Adds \$2.34 billion annually for each water infrastructure state revolving fund (SRF) to support both gray and green infrastructure.
- Federal Emergency Management Agency (FEMA) Building Resilient Infrastructure and Communities (BRIC) program: Contains a greater focus on improving climate resilience.

In addition to direct investment into climate mitigation, adaptation and resilience solutions, greater access to these public financial resources will help Vermont leverage those funds to attract private investment and innovative financing structures, while also augmenting the state’s ability to serve as a partner in decarbonization. Pooling these resources together can reduce risk facing private investors and mobilize more capital to achieve strategic, targeted outcomes. It would also enable Vermont to drive advancement in carbon sequestration and storage, and climate resilience, including flood resilience, such as establishing various incentives to deploy climate-smart practices across all sectors or through direct investments that the private sector cannot.

**For these reasons, we the undersigned, propose the following:**

## Vision

- A climate finance center coordinates and targets financing and deployment of climate mitigation, adaptation and resilience solutions according to a climate finance strategy developed with broad public and stakeholder support and input.
- Strategic investments support and sustain Vermont’s working farms and forests, rural enterprise, and our burgeoning outdoor recreation economy.
- Natural solutions sequester and store carbon as well as enhance connected and functioning ecosystems that support biodiversity, species passage, and provide valuable ecosystem services.
- Innovative water financing achieves multiple benefits including climate mitigation, adaptation and resilience including flood resilience, and clean water.
- Rural, marginalized or underserved communities benefit from Vermont’s investments in climate mitigation, adaptation and resilience.
- Climate financing supports a vibrant workforce and economic opportunities.

## What: Providing a Big Opportunity for a Small State

Public (especially Federal), private and philanthropic funding opportunities provide Vermont with a once-in-a-generation opportunity to promote initiatives that will provide environmental and economic benefits for generations to come. It is imperative and urgent that state leadership build a comprehensive climate financing strategy, accompanied by a new climate finance entity, that accesses all of these sources of funding, optimizes the ability of Vermont state government to leverage those funds with state funding and bonding authority, and taps into the broad and varied mix of private, philanthropic and local dollars in a coordinated and strategic manner.

- Statewide Coordination: Vermont would benefit from statewide coordination to cultivate, compete for, leverage, and deploy funding opportunities for climate change mitigation, adaptation and resilience.
  - o Sources of funding include federal, private, and philanthropic sources.
  - o Vermont has a number of state agencies, a climate council and state financing instrumentalities involved in climate mitigation, adaptation and resilience but with limited resources to support strategic planning and coordination.
  - o Vermont's wealth in natural rural and working land resources presents a tremendous opportunity for the State to promote and maximize forest and agricultural carbon sequestration and storage. For this reason, Vermont would benefit from an increased and better coordinated effort to establish and expand markets that create value for carbon sequestration and storage, as well as innovating markets for other environmental outcomes.
  - o Vermont has well-established stakeholder supported networks, creating a ready platform for coordination, collaboration and major investment for climate-based outcomes.
  - o With a more coordinated approach, Vermont can be a magnet for climate funding, especially in sustainable forestry and agricultural investments for carbon sequestration and storage.
- Expanding potential for decarbonization, climate mitigation, adaptation, and resilience: Pursuing this strategy would increase the federal dollars flowing to public and private actors in Vermont and increase the number and diversity of actors participating in climate mitigation, adaptation, and resilience efforts in the state.
  - o Elective pay eligible projects in Vermont can stack tax credit financing with additional sources of federal, state, private, and philanthropic money.
  - o Diverse sources of financing must be paired with technical assistance and cohort building to ensure it is used effectively or that opportunities can be made known.
  - o Builds capacity to proactively pursue resources including private investment. Meeting our climate mitigation, adaptation and resilience needs with taxpayer funds alone is neither effective nor efficient. Mobilizing more resources will help the state achieve its targeted climate mitigation, adaptation and resilience outcomes.



- Statewide Accountability:
  - Investing in a climate finance strategy and climate finance entity to implement that strategy would ensure that dollars invested help to meet statutory objectives and deliver public benefits, including support for rural, marginalized or underserved communities.
  - Meeting Vermont’s climate ambitions, as set in Act 153, the Global Warming Solutions Act (GWSA), will require extensive funding for clean energy, efficiency, and nature-based solutions to climate change.
  - Investing in climate resilience efforts requires funding to help communities adapt and be more resilient to the impacts from a changing climate that are already underway.
  - As part of Act 59, the act relating to community resilience and biodiversity protection, on-going funding is necessary to build upon the planning process, continue to engage the public, employ the state’s Conservation Design framework, and conduct strategic investments to meet the land conservation targets to further communities’ resilience objectives and ensure landscape scale ecosystem functions.

## Why - Overcoming Barriers

The reasons for pursuing a comprehensive climate finance strategy and a new climate finance entity include the following:

- Avoid “Missing Out:” Federal funding opportunities for climate mitigation, adaptation and resilience have brought on a once-in-a-generation opportunity for the state. Given our small size and relative lack of capacity compared to larger states, Vermont runs the risk of leaving resources “on the table” and missing this opportunity to secure its share of available federal, private, and philanthropic sources. Federal funding and the private investment it spurs often go to states with more climate financing infrastructure and clear investment pipelines.
- Provide a State Strategy and Coordination: Vermont does not have in place a coordinating body to cultivate, compete for, leverage, and deploy funding opportunities (some of federal funds listed above).
  - Individual agencies or quasi-public agencies focus on building and deploying individual programs that answer a small portion of the universe of climate needs and solutions. These programs can be pooled or partnered with for greater effectiveness.
  - Vermont’s well-established stakeholder driven networks require capital, capacity and coordination to employ their planning processes and networks to meet outcomes.

- Creative solutions require policy coordination at the highest level of the state, a broad view, and a clear measure of Vermont’s funding needs against Vermont’s statutory greenhouse gas emission reduction goals.
- Establish a State Level Climate Financing Team: Vermont is endowed with outstanding agencies, programs, and organizations deeply experienced in one or more topical areas of climate mitigation, adaptation and resilience. However, these entities typically work within their jurisdictions, and the state lacks a team dedicated to strategic statewide climate financing solutions.
- Bolster Existing Staff Resources: Agencies, programs, and organizations have limited staff and capacity to take on the additional work that will be required to deploy funding at scale.
- Accommodate as Climate Policy and Technology Continues to Evolve: As climate finance grows, the policy and the technological landscape is becoming increasingly complex, technical and specialized. A Vermont statewide strategy is an opportunity to clarify which avenues the state is investigating and developing and to assign responsibilities to new or existing state or partner entities.
- Utilizing a Broad Set of Climate-Focused Financial Tools: Lending is but one type of financial tool. An effective strategy establishes the state’s approach to raising, deploying, and recycling capital, in addition to marketing and technical assistance (described below).
  - Raising Capital: Currently, our approach to raising capital is not centrally coordinated. Ideally, a Vermont green bank or similar entity would bring visibility, transparency, and leverage in all aspects of climate finance program design and project structuring, including proactive coordination with federal, state and market actors.
  - Deploying Capital: Capital deployment tools at our disposal for investment (e.g., direct equity investment, working capital loans, subordinated loans within a project finance structure, on-lending structures) and investment support (e.g., grants and credit enhancement tools such as guarantees, loan loss reserves, interest rate buydowns) are distributed across multiple organizations. A statewide climate financing strategy promotes exploration into a broader array of financial tools and a greater sharing of experiences.
  - Recycling Capital: Vermont does not currently have a statewide strategy to approach capital recycling for its investments across the climate space. A Vermont green bank, for example, could manage the revenue from investments and facilitate program designs that leverage accelerated repayments through securitization.
  - Standardizing capital: A Vermont green bank could create pro-forma portfolios of loans, grants and tax equity as models for future projects and also purchase assets from other lenders in the state. This would decrease capital costs, simplify the financing process, and allow the state to set standards on financing.

- Focus on Market Development: The state wide adoption of solar in Vermont showcases the impact of effective market development. The same level of coordinated market development is needed to active investors, operators, producers, and other actors relevant to other climate mitigation, adaptation and resilience actions, such as in nature-based solutions, sustainable forestry, green infrastructure, weatherization, and food system infrastructure.
- Help Vermonters Access Resources Via Education, Outreach, and Technical Assistance: Federal funding is complex, shaped by extensive regulation and sometimes contradictory precedents. Applications are released on short timeframes while requiring extensive documentation and compliance with often murky, ambiguous terms. Existing technical assistance networks are already at capacity.

## How - Next Steps

In the past, targeting and implementing climate mitigation, adaptation and resilience solutions, including nature-based solutions, have been siloed and targeted to address local opportunities. Vermont needs a comprehensive strategy led within the state infrastructure by a coordinated team sharing deep expertise across sectors which will help the state to:

- Take advantage of federal resources that are available now.
- Improve Vermont's competitiveness in seeking federal and private resources.
- Pool and leverage available federal, state, local, philanthropic and private resources.
- Pursue large scale solutions.
- Target priority investments to maximize public benefits.
- Sustain the state's farms and forests.

### Proposed Strategy: Scale Through Alignment

In keeping with the successful models of the Connecticut Green Bank (CGB) and the Rhode Island Infrastructure Bank (RIIB), a Vermont coordinated entity (green bank) can accelerate and leverage all-sector investments in climate mitigation, adaptation and resilience needs. Vermont's small size, comprehensive climate planning, and public support for climate investments makes it an ideal candidate to create a model for rural states across the country.

A Vermont green bank can be a quasi-governmental centralized entity with a holistic plan to match investments to necessary greenhouse gas reductions and resilience measures across the state. Beyond setting standards for outcome measurements, reporting, and bringing expertise in financial offerings to achieve these outcomes, a green bank will spur significant private co-investment (surrounding state green banks have shown that every \$1 a state invests in this mechanism equates to \$6 of private capital investment).

Governance for a Vermont green bank can capitalize on a partnership with a number of state institutions including Vermont Economic Development Authority, Vermont Bond Bank,

Vermont Treasurer, and Vermont Housing and Finance Authority. Representatives of these organizations would serve on a deployment committee that would approve and help shape all offerings of the Vermont green bank.

#### Preliminary List of Organizations to Involve in Planning Discussions

- Center for Public Enterprise
- Council of Development Finance Agencies (CDFAs), Vermont Community Loan Fund, Sustainable Jobs Fund, others?)
- Energy Action Network Vermont
- Environmental Organizations (Vermont Natural Resources Council (VNRC), Audubon Vermont, Vermont Public Interest Research Group (VPIRG), The Nature Conservancy Vermont (TNC), Conservation Law Foundation (CLF), Trust for Public Land Vermont (TPL), etc.)
- Gund Institute for the Environment / The University of Vermont
- Renewable Energy Vermont
- Vermont Agency of Agriculture Food and Markets
- Vermont Agency of Natural Resources (ANR) - Climate Office
- Vermont Bankers Association
- Vermont Climate Council
- Vermont General Assembly Climate Solutions Caucus
- Vermont General Assembly, House Agriculture, Food Resiliency and Forestry Committee, House Environment and Energy Committee, Senate Agriculture Committee, Natural Resources and Energy Committee
- Vermont Housing and Conservation Board (VHCB)
- Vermont Instrumentalities of the State: Vermont Economic Development Authority (VEDA), Vermont Housing Finance Agency (VHFA), Vermont Bond Bank
- Vermont Public Service Department (PSD)
- Vermont State Employees Credit Union (VSECU) & other interested credit unions

## Case Studies

The case studies below are examples of models, both policies and programs, that a Vermont green bank could adapt to the Vermont context. They are offered here to demonstrate the breadth of activities that an organization with an ambitious climate finance strategy could undertake.

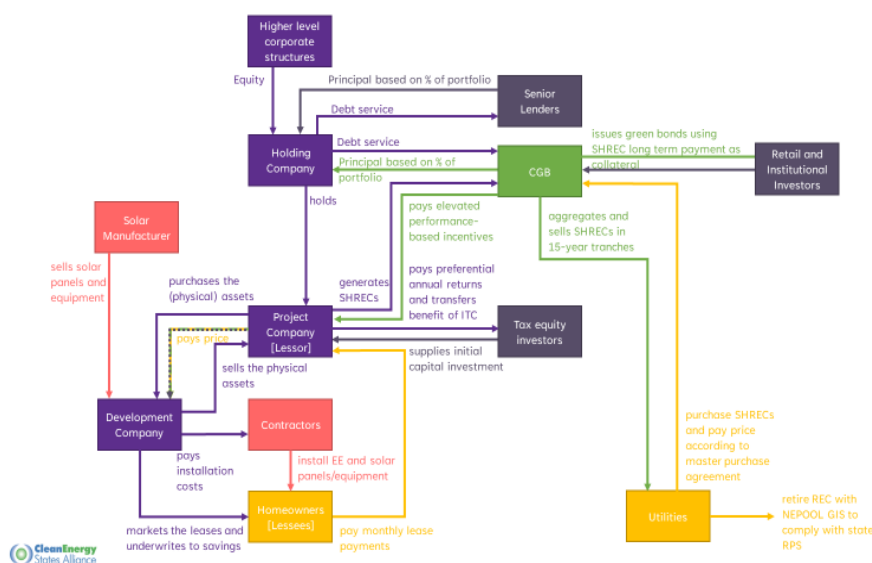
### 1. Low- and Moderate-Income Solar and Solar+Storage

The Inflation Reduction Act (IRA) offers opportunities to fund clean energy projects focused on serving disadvantaged communities and low-income customers. The Connecticut and Rhode Island approach to low- and moderate-income (LMI) solar is a public private partnership where a

state via a competitive process selects a third-party developer to finance, deploy, and own solar (and related assets as relevant) for the benefit of LMI consumers. The no-money down cash flow positive from day one model allows the monetization of the investment tax credit (ITC) to flow down to consumers and uses community-based marketing techniques that are appropriate and effective with low-income populations. The model led to the adoption of more than 3,000 solar projects for LMI homeowners in Connecticut in just a few years. Under the Rhode Island model, developers compete to set a level of incentives that will achieve a specific savings target. Vermont has a burgeoning solar industry, which would greatly benefit, along with LMI customers, from a dedicated support from the state using federal funds such as the Greenhouse Gas Reduction Fund (GGRF).

Additional resources are available about the program model on the Clean Energy States Alliance’s website, which includes a template RFP and a guidance document designed to comply with the GGRF NOFO requirements as well as work in tandem with the program administration proposed by the U.S. Treasury for the low-income tax credit bonus program. Among other things, it includes “enabling upgrades,” such as efficiency measures and roof repairs by default. It also proposes a flexible approach to customer eligibility using both geographic and income criteria.

- Request for Proposals (RFP) Template for States: <https://www.cesa.org/resource-library/resource/single-family-home-lmi-solar-program-request-for-proposals-template/>
- Clean Energy States Alliance (CESA) Program Design Guidance: <https://www.cesa.org/resource-library/resource/single-family-home-lmi-solar-program-design-guidance/>
- Notice of Funding Opportunity (NOFO): <https://www.grants.gov/web/grants/view-opportunity.html?oppId=348957>



### *CT Program Financial Structure*

Additional models exist to support solar and solar+storage, in tandem with efficiency, for LMI customers, including for multifamily affordable housing residents and manufactured homes.

- Solar for manufactured homes: <https://www.cesa.org/resource-library/resource/solar-for-manufactured-homes/>

## 2. Leveraging Tax Credits in the Inflation Reduction Act

The Inflation Reduction Act allows tax-exempt entities (state, local, and tribal government agencies and instrumentalities and nonprofits) to receive certain tax credits for applicable projects they own and operate—even if those entities do not owe or file federal income taxes. This significantly reduces public and nonprofit weighted average cost of capital on energy projects - a measure of financing costs accounting for the total mix of tax credits, loans, subsidies, and grants (see the figure below for illustrative capital stacks). Elective pay in conjunction with green bank financing would lower project costs even further.

- Elective Pay and Transferability (IRS): <https://www.irs.gov/credits-deductions/elective-pay-and-transferability>
- Elective pay one-pager: <https://www.irs.gov/pub/irs-pdf/p5817.pdf>
- List of elective pay tax credits: <https://www.irs.gov/pub/irs-pdf/p5817g.pdf>
- Relevant application information for [state and local governments](#), [tribal governments](#), and [tax-exempt organizations](#)
- Center for Public Enterprise Elective Pay (Direct Pay) Report: <https://www.publicenterprise.org/reports/direct-pay-uncapped-ira>
- Update on Elective Pay Rulemaking (implementation details): <https://www.publicenterprise.org/blog/june-update-elective-pay>
- Clean Energy States Alliance FAQs on the Low-Income Adder to the ITC: <https://www.cesa.org/resource-library/resource/low-income-communities-bonus-energy-investment-credit-program-faqs/>

## 3. Climate Investment Using Water Infrastructure Financing

Clean Water State Revolving Fund (CWSRF): The CWSRF is a federal and state partnership to deliver low-cost financing for water quality infrastructure projects. As money is paid back, states then make new loans. The program is flexible, allowing states to use innovative approaches to address priority needs. Eligible projects include wastewater treatment, stormwater mitigation, green infrastructure and runoff-related pollution control projects. For example, New York created a Storm Mitigation Loan Program as part of its SRF Program to implement storm resilience and mitigation projects. New York also established a Green innovation Grant Program to support grey and green infrastructure, an example of which is the restoration of floodplains

and wetlands in the Upper Susquehanna Watershed. Some states are using the SRF’s Green Project Reserve (GPR) to finance green infrastructure projects. The City of El Cerrito in California, for example, used the GPR to implement a green streets project to improve water quality, reduce the risk of sewer overflows, and improve the livability of the urban community.

- Case Studies: [https://www.epa.gov/sites/default/files/2018-09/documents/srf\\_gpr\\_case\\_studies.pdf](https://www.epa.gov/sites/default/files/2018-09/documents/srf_gpr_case_studies.pdf)
- Green Project Reserve: [https://www.epa.gov/sites/default/files/2015-04/documents/integrating\\_green\\_infrastructure\\_with\\_community\\_needs-california.pdf](https://www.epa.gov/sites/default/files/2015-04/documents/integrating_green_infrastructure_with_community_needs-california.pdf).

## 4. Conservation Financing for Climate Mitigation

Over 75% of Vermont’s landscape is in forest cover. Vermont’s forests sequester 4 times the amount of GHG emissions that vehicles emit in Vermont, making forest conservation a crucial part of our climate mitigation, adaptation and resilience strategy. However, Vermont forests are under threat from conversion to non-forest uses such as real estate development, poor management practices and fragmentation. The U.S. Forest Service estimates that Vermont is losing upwards of 12,000 acres of forestland every year. If this rate continues, more than 300,000 acres of Vermont’s forestland may be lost by 2050 with significant negative consequences for ecosystem health, habitat for wildlife species, the ecological viability of natural lands, and our working lands economy.<sup>3</sup>

The Trust for Public Land (TPL) received interim financing under the Vermont Clean Water State Resolving Fund (CWSRF) to fund three natural solutions-based projects to improve water quality and flood resilience and avoid more costly gray infrastructure stormwater and flood resilience solutions. These projects involved financing of \$6.2 million to permanently conserve and restore over 10,000 acres of forested headwaters, focused on the headwaters of the North Branch of the Winooski River in Worcester and Middlesex (Hunger Mountain Project), the Huntington River in Huntington and the headwaters of tributaries to the Connecticut River and Lake Champlain in Chittenden, Killington and Mendon – all regions highly vulnerable to flooding. The latter project helped to connect and insulate 140 thousand acres of adjacent and existing conserved public lands. Both projects offer added benefits of water quality protection and public access.

This Conservation Finance Case Study above demonstrates the tremendous opportunity for Vermont to continue to bring together non-governmental organizations (NGOs), state and Federal agencies and private investment firms to address the challenges facing Vermont’s forests

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<sup>3</sup> USDA Forest Service. 2021. Forests of Vermont, 2020. Resource Update FS-337. Madison, WI: U.S. Department of Agriculture, Forest Service. 2p. <https://doi.org/10.2737/FS-RU-337>.)

in order to maximize carbon storage/sequestration, water quality, economic, recreational and ecological benefits that our forests can provide.

- Hunger Mountain Headwaters <https://www.tpl.org/our-work/hunger-mountain-headwaters>
- Rolston Rest: <https://www.tpl.org/our-work/rolston-rest>



*Headwaters Resilience Projects (left to right): (a) Huntington River; (b) Rolston Rest; (c) Hunger Mountain*

## 5. Climate Investment Using Nature-Based Solutions: Forestland Conservation

The ability to monitor and measure forest carbon sequestration and storage have led to the creation of forest carbon markets. Selling forest carbon credits to companies and individuals working to reduce their carbon footprints provides a new source of income for individual forest landowners which helps them protect their forests. However, forming a carbon market can be costly, creating a barrier for smaller forest parcel owners to participate in them.

The Vermont Land Trust formed Vermont Forest Carbon LLC and teamed up with The Nature Conservancy, the Carbon Dynamics Lab at the University of Vermont, and Cold Hollow to Canada, a local land stewardship and conservation organization. The Vermont Forest Carbon LLC helps landowners overcome the cost barrier by working together as a single carbon project. This is the first large-scale aggregated forest carbon project in the country, with fifteen neighbors teaming up to sell carbon credits from their land. Together the landowners and organizations proved that not only can forest carbon offsets be a viable revenue stream for Vermont forestland owners, but through improved management practices, that they can provide enhanced water quality, flood mitigation, and ecological functions.

- <https://familyforestcarbon.org>.

## 6. Commercial Property Assessed Clean Energy

There are 151 Property Assessed Clean Energy (PACE) programs operating in 32 states and Washington DC. Vermont has yet to establish a PACE program. The Weatherization Repayment



Assistance Program (WRAP) that the Vermont Housing Finance Agency (VHFA) administers works similarly in that the financing for the energy improvements are secured by the electric bill and connected to the electric meter instead of through a loan.

Commercial PACE (C-PACE) is widely considered an easier program to get up and running than a residential program. Local governments collect C-PACE repayments through annual property taxes. C-PACE financing has an advantage over conventional financing because it is attached to the property, rather than the building owner and is transferrable upon sale. Vermont has the enabling legislation for residential PACE which could be used as a template to establish C-PACE in Vermont.

- <https://www.npaonline.org/> (National PACE Association)
- Case studies from Mid-Atlantic states: <https://www.pacealliance.org/case-studies>

## 7. Regenerative Agriculture

Vermont has 30% of the farmland in New England and only 4% of the population. This breadbasket role, producing food for millions of households in the Northeast, has sustained Vermont's agricultural base in working farmland for generations. When managed with regenerative practices, the landscape also provides a host of tangible ecological, community and economic benefits. In doing so, regenerative agriculture practices preserve an active landscape of farms and forests, increasing water retention to mitigate flood and drought, sequestering carbon, preventing erosion and nutrient runoff, and supporting dignified rural livelihoods alongside rich biodiversity across the state and region.

A [Sector-Based Framework for Investment in Vermont Agriculture](#) completed in early 2023 identifies \$194M in food system investment needed in Vermont alone, but it is challenging and time consuming to secure – let alone effectively deploy – financial resources on an individual project basis. A primary barrier to wider adoption of regenerative practices is the lack of appropriate scale infrastructure to reliably process, transport, and market regional food products from the many small farms of the Northeast – especially those practicing organic, regenerative, and perennial management. This ‘middle’ infrastructure is essential for a resilient regenerative regional food system to scale and succeed. Vermont Sustainable Jobs Fund ([VSJF](#)) and [Larklea](#) are collaborating to establish a self-sustaining, well-capitalized team and impact fund for this food system development – a partnership that engages VSJF's role as a collective impact backbone organization for Vermont and the Northeast, and Larklea's experience securing values-aligned capital and developing regional food infrastructure.

Signatories

**Vero Bourg-Meyer** - Vermont Resident

**Jared Carpenter** - Public Policy Professional

**Tad Cooke** - Principal, Larklea

**Kari Dolan** - Vermont Resident

**Robin Jeffers** - Director, VT Regenerative Agriculture Research & Education Center

**Chirag Lala** - Center for Public Enterprise

**Trey Martin** - Director, Vermont Housing and Conservation Board

**David Mears** - Executive Director, Audubon Vermont

**Andrew Perchlik** - Vermont Resident

**Peter Stein** - Managing Director, Lime Timber Company

**Shelby Semmes** - Vice President New England, Trust for Public Land

**Tee Thomas** - Vice President, Quantified Ventures

## Signatory Biographies

Vero Bourg-Meyer is the senior project director for solar and offshore wind at the Clean Energy States Alliance, where she works with states and green banks on developing clean energy programs and policies that benefit LMI communities and accessing the Greenhouse Gas Reduction Fund.

Jared Carpenter is an environmental lawyer who works with conservation, environmental advocacy, and watershed organizations.

Tad Cooke brings over a decade of impact finance experience in conservation and regenerative agriculture. Through his work with Larklea, LLC, he shepherds capital and resources into regional food systems, resilient landscapes, and natural climate solutions.

Kari Dolan is a Vermont State Representative. She has nearly 30 years of work experience in water quality restoration and protection, Clean Water Fund administration, state floodplain and river management, toxics mitigation, and civil rights compliance.

Robin Jeffers is an independent consultant working directly with farmers and other key persons in Vermont's nature based solutions work through regenerative agriculture practices to find funding solutions to meet their ever present needs to stay in business, and Executive Director of the VT Regenerative Agriculture Research and Education Center.

Chirag Lala is a doctoral candidate in economics at the University of Massachusetts Amherst and specializes in macroeconomics, finance, and the economics of industrial policy and public investment. His research focuses on the implementation of the Inflation Reduction Act—particularly its elective pay tax credits— and the macroeconomic policies necessary to sustain rapid decarbonization.

Trey Martin is an environmental lawyer, currently serving as Director of Conservation and Rural Community Development at the Vermont Housing and Conservation Board.

David Mears is an environmental attorney with over three decades of experience in environmental law and policy and is the executive director of Audubon Vermont.

Andrew Perchlik is a Vermont State Senator representing the Washington District. He has over 25 years of experience in Vermont working on renewable energy policy, program development, and market development.

Shelby Semmes serves as the New England Region Vice President for Trust for Public Land (TPL) and brings over a decade of experience in conservation and community engagement.

Peter Stein is the Managing Director of The Lyme Timber Company and serves as an Investment Committee member for Sustainable Land Management Partners, and member of the advisory board for Upstream Technology, Quantified Ventures and Center for Geospatial Solutions for Lincoln Institute of Land Policy. Mr. Stein is also the Former Senior Vice President at The Trust for Public Land.

Tee Thomas brings 15+ years of water financing and environmental equity experience to Quantified Ventures. Most recently, she served as the Water Finance Director for the state of Vermont. In this role, she managed more than \$500M worth of loans, grants, and contracts related to water financing.

## Appendix 2: Additional Resources

- [Webinar on Financing Nature-Based Solutions Using Green Banks](#)
- [Potential Functionalities and Structural Goals for a Vermont Green Bank](#)
- [Yale School of Management Case Study on the Connecticut Green Bank Formation and Operation](#)
- [State and Local Government and the Formation of Green Banks](#)

November 1, 2023

Office of the State Treasurer  
109 State Street  
Montpelier, Vermont 05609  
Re: Stakeholder Outreach on Climate Financing Report



Dear Treasurer Pieciak,

On behalf of VSECU, a division of New England Federal Credit Union, we thank you for the opportunity to submit public comments to inform your report to the General Assembly regarding climate infrastructure financing coordination as the Federal Green House Gas Reduction Funds (GHGRF) become available and are deployed.

VSECU is a Vermont-based credit union, recently merged with New England Federal Credit Union. We are now a combined organization with assets of just over \$3B. In addition to traditional credit union deposit, loan products, and in-person and digital banking services, we operate a unique long-standing green lending program. The program started in 2012 and grew organically through relationship building and partnerships to address the needs of members and the green economy. Our green loan portfolio is now \$133M.

We have extensive partnerships and experience in deploying grant program funds through credit enhancements such as interest rate buydowns and loan loss reserves. We are a legacy lender in Efficiency Vermont's Home Energy Loan program, a low- to moderate-household income program that deploys zero or low-interest loans to qualifying Vermonters for thermal upgrades and electrification transition improvements. We also lend in a complementary program for businesses. In the past we have participated as a grant subrecipient to deploy low interest solar loans to targeted areas in Vermont, and we work regularly to consider energy savings in our underwriting criteria.

At our organization, we are focused on providing affordable, accessible financing products for our members and building our capacity to scale up this work to serve more diverse communities. We are investing significant capital and time into the clean energy transition and in low income and disadvantaged communities and see this as a core part of our mission.

We submit the following comments as you develop your recommendations:

- **Scale Up Existing Programs** – We have several successful programs and partnerships developed in Vermont aimed to finance investments to increase energy efficiency and reduce carbon emissions for municipalities, businesses, families, and individuals. Some of these programs have built-in income sensitivity to enable low- and middle-income borrowers to access affordable lending options for project financing. Standing up new programs takes time and resources, and this should be considered for identified gaps in Vermont's funding/financing landscape. With the existing program infrastructure in place, we have opportunities to efficiently scale up deployment of available funds to reach deeper into the low- to moderate-income communities across the state.



- **Fund Outreach, Technical Assistance, and Project Management** – Our experience shows that technical assistance and coaching is essential for uptake in energy efficiency investments in low-income communities. The day-to-day demands on low-income families make it incredibly difficult to plan for the benefits of energy efficiency, navigate the complexities of lending and rebate programs, and manage contractors. Strategic outreach to enroll individuals and significant assistance and coaching to support through the process will be essential to meeting the GHGRF intent to deliver lower energy costs and economic revitalization to communities that have historically been left behind.
- **Pre-bate, Not Rebate** – In the financing instruments used to deploy funds, seek the ability to lower the loan total to the borrower by pre-bating incentives when possible. Pre-bate funds can be delivered to project builders/contractors directly when appropriate to avoid the borrower needing to have a loan that includes the expected incentive. When the traditional ‘downstream’ rebate is moved to the front of the process, the project cost is reduced from the start, so more Vermonters can participate.
- **Enable Coordination, Performance Reporting, and Monitoring** – Currently there is not an entity established to receive and coordinate climate funds, collect performance reporting, or monitor outcomes. Establishing a centralized entity, or assigning the role to an existing entity, would support clarity among deployment partners, utilities, agencies, and grant seekers and efficacy for the funds drawn down.

Thank you for considering these comments as you finalize your report and recommendations to the legislature. We are available at your request to further illustrate these comments or offer additional feedback and support as we move towards financing a more resilient Vermont.

Sincerely,

Robert Miller  
President, Chief Operating Officer

November 2, 2023

Treasurer Mike Pieciak  
Office of the State Treasurer  
109 State St, Ste 4  
Montpelier, VT 05609-6200

Re: Stakeholder Outreach on Climate Financing Report

Dear Treasurer Pieciak:

This letter is authored by three instrumentalities of the state of Vermont: the Vermont Bond Bank (VBB), the Vermont Economic Development Authority (VEDA), and Vermont Housing Finance Agency (VHFA). Together, operating as the Vermont Public Finance Climate Collaborative (PFCC), we would like to describe our current work to finance climate infrastructure and access emerging funding opportunities, as well as sharing our vision for how statewide coordination could further leverage resources to support Vermonters and achieve the state's climate goals.

The Public Finance Climate Collaborative (PFCC) was formed in 2022 by the VBB, VEDA, and VHFA. Our three organizations are united as state instrumentalities that fill market gaps and accelerate capital deployment in the municipal, commercial, and housing sectors. Our organizations have decades of experience in financing energy efficiency and resiliency projects in these sectors and our quasi-governmental roles make us uniquely well-placed to access both private capital and public dollars.

We originally organized the collaborative because we saw a need to create a collective home for project development and information sharing for climate financing initiatives in Vermont as new resources become available through the Inflation Reduction Act (IRA). Our organizations are prepared to leverage IRA funding to ensure that low-income households and disadvantaged communities are equitably reached by these resources. Proof of this concept is described in more detail below.

We feel that the outreach process being led by the Treasurer's Office can be a valuable opportunity to inform the public about what resources are available through the IRA and Infrastructure Investment and Jobs Act (IIJA), and when and how that funding will become available. Both pieces of legislation are an extensive patchwork of tax credits, grants and financing programs. Currently, the Department of Energy (DOE), the U.S. Environmental Protection Agency (EPA) and other federal agencies are in the rule-making process or have released Notices of Funding Opportunities for many related programs.

Relatively little of the funding available from IRA is yet available to be deployed in Vermont. Some pieces will require state sponsorship, while others will benefit from the experiences of the PFCC, and still others will directly benefit project owners. This diverse range of applicants and uses of funds speaks to the informational barriers among participating entities that would benefit from information sharing to ensure the greatest impact of the funding and financing opportunities.

The \$27 billion Greenhouse Gas Reduction Fund (GGRF) is one of the IRA opportunities available to financing entities. The Vermont Department of Public Service has already submitted an application to EPA for the \$7 billion Solar for All competition of the GRRF. The remaining \$20 billion in GRRF funds will be distributed through a number of national entities, such as the Coalition for Green Capital and Climate United, which will be announced in Spring 2024. PFCC members joined coalitions, submitted project pipelines, and intend to seek financing from these national entities for funding to support greenhouse gas reduction projects in Vermont across the sectors we serve.

Our statewide mission-driven roles, with 50 years of experience and strong balance sheets, make us uniquely positioned to work with these national intermediaries to maximize the funding available to Vermont. Underscoring this capability is the utility recognized by our national partners in our collective capacity as they conceive of us as “green banks” for our respective constituencies and place us side by side well known entities like the Connecticut Green Bank.

Our ability to access these resources will be largely dependent on the terms and uses these national organizations set for awards. As GGRF awards increasingly appear targeted to specific sectors, PFCC members will likely apply individually to the national entities rather than as a single application. However, we intend to coordinate amongst ourselves to ensure that we are fully aware of potential funding opportunities.

A brief summary of the work our organizations are doing to leverage IRA and other energy financing opportunities is below.

#### Joint PFCC efforts

- Submitted joint feedback to the EPA in response to their RFI on the development of the GGRF in December 2022, advocating for a framework that encouraged collaboration and leveraged the capacity of public instrumentalities.
- Coordinated with the Treasurer to lead a Green Lending Webinar in February 2023 to inform stakeholders of potential opportunities available under the GGRF.
- Followed discussions with national organizations applying to administer GGRF funds, laying the groundwork for collaboration once awards are announced. PFCC members submitted project pipeline data and letters of support to several organizations that may serve our respective sectors.



## VBB

- Modernized the Bond Bank's statute via Act 72 to allow the Bond Bank to enter all types of municipal loans that are otherwise allowed in statute. This includes municipal loans under the "alternative financing of assets" provision that is the preferred method governmental units use to authorize energy projects that pay for themselves with savings or energy production.
- Received a \$40 million commitment from the USDA's Rural Energy Savings Program that will provide a loan to the Bond Bank at 0%. In turn, the Bond Bank will relend these dollars at an estimated rate of between 2 and 3%. Eligible activities include both energy savings projects as well as renewable energy production and battery storage.
- Financed nearly \$17 million in energy efficiency, net zero energy buildings, and waste diversion projects.
- Responded to the needs of borrowers following the Summer Floods of 2023, which included opportunistic debt restructurings and new loan products to enhance Vermont's climate resiliency.
- Formed strong partnership with Climate United with a focus on net zero school buildings that informed a Vermont specific case study used by the organization.

## VEDA

- Updated VEDA's energy lending policies to enable greater public financing support on clean energy projects.
- Applied to USDA's Rural Energy Savings Program (RESP) for \$10 million which, if approved, will provide up to 0% financing to VEDA which will be used to provide capital and subsidize interest rates on clean energy projects.
- Applied to the State Treasurer's "10% for Vermont" local investment program for up to \$25 million in a low interest loan which will be used to subsidize interest rates on clean energy projects.
- Submitted pipelines and letters of support to Coalition for Green Capital's NCIF and CCIA grant applications and the Council of Development Finance Agencies' CCIA application.

## VHFA

- Collaborated with the Vermont Department of Public Service on their Solar for All application to EPA, which was submitted on October 12th. Should Vermont receive its requested award, VHFA expects to receive a subgrant for solar arrays and community solar projects supporting subsidized affordable housing.
- Led outreach to multifamily property owners to inform them of opportunities under HUD's Green and Resilient Retrofit Program (GRRP). The GRRP is an IRA program for comprehensive energy efficiency and carbon reduction projects in housing supported through HUD rental assistance contracts. Applications are currently open in rolling waves, and property owners must apply directly to HUD.
- Launched the Weatherization Repayment Assistance Program (WRAP), an on-bill program to help moderate-income Vermonters participate in comprehensive home energy projects. VHFA continues to explore new funding sources to expand the program beyond the state-funded pilot.

Although the PFCC members are actively pursuing the IRA funding that we are currently eligible to receive, *we feel that the Treasurer's Office could play an important role as an information clearinghouse*, ensuring that all new and existing federal climate funding opportunities are identified and brought to the attention of the entities or the state agencies that are the intended recipients.

Further, we believe the *Treasurer should also help to evaluate the supply and demand for climate related funding and financing sources* on an on-going basis in consideration of the risks faced by the state from a changing climate as well as the mandates outlined in Vermont's Climate Action Plan and Comprehensive Energy Plan. This evaluation would incorporate the missions, competency, and existing programs of PFCC members in their sectors. This should also include advocating for climate infrastructure financing to be broadly inclusive of adaptation programs. From insurance to grants, these programs may take many forms but should not be ignored from climate discussions around climate finance.

We know that some states have, or will, pursue setting up a new Green Bank as a way of accessing federal funds and we do not recommend that path for Vermont. Because of the PFCC's willingness – and eagerness – to work together and ensure there are no market gaps or lost funding opportunities for our small state, we feel confident in our ability to apply for, access, and deploy the available funding without adding a new entity. Any new organization would require tens of millions of dollars to capitalize a balance sheet similar to the PFCC, and would not have the 50-year history of lending that investors and rating agencies would need to see. The organizational overhead, untested governance, and additional coordination that a duplicate agency would add to the state would be wasteful.

Instead, the PFCC sees a role for itself as a shared “front door” for the state's climate financing. Our organizations will continue our work in our respective fields, while coordinating with stakeholders and amongst ourselves. Using existing organizations within a new framework will allow us to utilize and expand our programs and leverage our existing funding streams, private partnerships, and credit capacity. This structure will allow us to avoid duplicative efforts and ensure that all parts of Vermont and all the different sectors we serve have equitable access to funding opportunities.

This effort will require continued outreach to Vermont's energy stakeholders, including the State, nonprofits, and the private sector. We will need to form expanded partnerships to reach consumers, connect with the state's contractor workforce, leverage new technology, and measure the impact of our joint work.

We welcome your input on this framework, and we applaud your efforts to ensure that Vermont is effectively using all available resources to assist our communities in responding to climate change.

Sincerely,

Vermont Bond Bank  
Vermont Economic Development Authority  
Vermont Housing Finance Agency

From: **Vero Bourg-Meyer**  
Montpelier resident

To: **State of Vermont Office of the State Treasurer**  
Attn: **Treasurer Pieciak**  
Office of the State Treasurer  
109 State Street  
Montpelier, Vermont 05609

November 2, 2023

**Re: Comments Pertaining to Climate Infrastructure Finance in Vermont**

Treasurer Pieciak,

I am delighted to submit these comments in the stakeholder process organized by your office to comply with the legislature's request to "coordinate the State's climate infrastructure financing efforts."<sup>1</sup> Thank you for your leadership and the opportunity granted to Vermonters to participate in this process and shape your recommendations to the General Assembly in January 2024. I write today as a resident of Montpelier, informed by my decades of experience working with governments across the world and the U.S. on public private partnerships for infrastructure, on project finance structuring, and on clean energy policy.

**It is time for the Vermont legislature to imbue one of our existing governmental or quasi-governmental entities with the authority, the mandate, the staff, and the funding to (a) create a statewide climate finance strategy, (b) raise capital, (c) deploy, recycle, and leverage capital, (d) coordinate and support the work of relevant partner agencies, (e) provide technical assistance and train the market, and (f) promote and market its own and others' programs to achieve our climate goals.**

Transitioning from OPEX-heavy fossil fuel infrastructure to CAPEX-heavy clean energy systems and nature-based solutions requires an *upfront* supply of capital, which tax funding alone will not sufficiently address. Without access to upfront capital and innovative leveraged financing solutions, Vermont will simply not meet its climate ambitions.

Vermont's Climate Action Plan recognizes that for the plan to be successful "the support and engagement of Vermonters is critical — to mobilize a broad coalition of state, local, and regional

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<sup>1</sup> Sec. E.131 e of the Fiscal Year 2024 Appropriations Act

governments, nonprofits, academic institutions, and private interests taking collaborative, decisive action. Significant and sustained investments, well-financed programs, properly capitalized lending entities and individual financial commitments will all be needed to implement the Climate Action Plan and realize important outcomes (...).”<sup>2</sup> The Climate Council goes on to state, “No single funding stream will achieve our climate goals. **Climate action requires leveraging a variety of sources — existing and new, private and public, local, state, and federal — and innovative financing mechanisms to support sector-level transformations and the ability of Vermont lenders to make crucial long-term investments in climate-focused projects and initiatives.**”<sup>3</sup>

Yet, no one entity has been given a clear mandate by the Governor’s office or the Legislature to do all it can to develop these “innovative financing mechanisms” or only minimally so. While we have many programs, driven by more existing entities than in most states, we do not have a coordinated statewide strategy for climate finance. Each one of our quasi-public organizations dutifully pursues the mandate it was given, and it is unlikely, without specific authority, expert staff, or adequate funding, that one of them will suddenly find itself moving beyond what it currently does. More of the same, perhaps slightly bigger, will not cut it.

Promoting coordination across organizations is indeed necessary, as many have said, but climate finance is technical, broad-ranging, and cross-sectoral so our government should not expect a loosely connected web of existing organizations without sufficient funding, staffing, or authority to successfully tackle what is the most consequential challenge of our generation and that of our children.

This is not to say that we lack institutional knowledge or goodwill. I do not in any way impugn the usefulness of our existing programs or institutions. On the contrary, I am immensely grateful for the many public servants dedicated to meeting clean energy and conservation goals in Vermont. Without them, we would not see any progress toward meeting our climate and conservation goals.

I do, however, very much question the scale that we purport to achieve without an entity with the designated authority to steer the state in a clear direction when it comes to financial strategy, and to guide partners, existing and new, along with it toward our decarbonized future. It does not take much vision or work experience to recognize that accessing the once-in-a-generation opportunities afforded by the federal Infrastructure Investment and Jobs Act (IIJA) and the Inflation Reduction Act (IRA) will be impossible without dedicated staff and funding.

If I find this letter hard to write, it is because it argues the very fundamental notion that good ideas do not materialize into reality unless a champion makes them so and unless we give ourselves the resources to meet our goals. The “action” part of the Climate Action Plan requires that we do not stop at saying “we need innovation and funding” but that we move on to the “do” part with renewed vision and ambition.

Therefore, I propose that the legislature should take the following concrete steps.

**First, and most urgently, the legislature should require that the Treasurer’s Office be given the explicit authority, mandate, and funding to aggressively pursue funding opportunities for climate**

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<sup>2</sup> [Vermont Climate Action Plan](#), page 250

<sup>3</sup> Id.

**mitigation, adaptation, and resilience, across both clean energy and nature-based solutions spaces.** The Treasurer’s Office does not need to be the organization that ultimately will be responsible for all of the activities listed in the second paragraph above in (a) through (f). However, the Treasurer’s Office should coordinate with other entities on the short-term deployment of such funds and help them apply to funding. This would include supporting financial intermediaries with existing networks as appropriate, as well as existing agencies working on climate solutions and communities.

The Treasurer Office is the right organization to pursue funding this way as its expressed function is to “serve as the State’s (...) chief investment officer.”<sup>4</sup> In the wake of transformational federal legislation, many states have launched funds dedicated to help the state apparatus and communities seek federal funding, to provide cost-share funds, to enable leverage, or to provide technical assistance to communities. For example, in [Colorado](#), the Infrastructure Investment And Jobs Act Cash Fund provides \$80,250,000 in funding to the Governor’s Office as a nonfederal match for the state or a local government for certain categories of infrastructure projects allowed under IIJA.<sup>5</sup>

In [Connecticut](#), Public Act 22-25, the Commissioner of the Connecticut Department of Energy and Environmental Protection (**DEEP**) was required to “establish and administer a grant program for the purpose of providing matching funds necessary for municipalities, school districts and school bus operators to submit federal grant applications in order to maximize federal funding for the purchase or lease of zero-emission school buses and electric vehicle charging or fueling infrastructure.” The Act requires that the DEEP Commissioner give preference to applications relevant to environmental justice communities.<sup>6</sup>

In [Kansas](#), the \$200 million Build Kansas Fund provides matching dollars to Kansas communities for infrastructure projects approved under IIJA. Projects that can receive funding include “water, transportation, energy, cybersecurity and broadband through Fiscal Year 2027.” At least \$10 million will be reserved for investment in eight “Economic Development Districts.” The Build Kansas Fund is administered by the Kansas Infrastructure Hub.<sup>7</sup> The Kansas Infrastructure Hub includes “representatives from the Kansas Departments of Administration, Agriculture, Commerce, Health and Environment and Transportation, along with the Kansas Corporation Commission and the Kansas Water Office, will manage the Build Kansas Fund, offering technical assistance, tracking funds and promoting grant opportunities.”<sup>8</sup>

In [Kentucky](#), the legislature appropriated \$17.3 million from the general fund to match \$69.4 million in IIJA funds for fiscal years 2022-2023 for IIJA electric vehicle charging infrastructure support programs.

In [Minnesota](#), the State Competitiveness Fund was created as a special revenue fund in the Minnesota State Treasury and \$115 million appropriated and remain available until June 30, 2034,

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<sup>4</sup> See [Homepage of the Treasurer’s Office](#).

<sup>5</sup> See [Colorado Senate Bill 22-215](#).

<sup>6</sup> See [Connecticut Public Act 22-25](#).

<sup>7</sup> See additional details, including application processes and eligibility requirements [here](#) and [here](#).

<sup>8</sup> Shayndel Jones, *Gov. Kelly announces launch of \$200M fund to accelerate infrastructure projects*, 13WIBW, September 19, 2023

under the management of the Minnesota State Treasury to facilitate accessing federal funding under IJIA and the IRA. The State Competitiveness Fund is meant to “(1) pay all or any portion of the state match required as a condition of receiving federal funds, or to otherwise reduce the cost for projects that are awarded federal funds; (2) award grants under subdivision 4 to obtain grant development assistance for eligible entities;<sup>[9]</sup> and (3) pay the reasonable costs incurred by the department to assist eligible entities to successfully compete for available federal funds.”<sup>10</sup> These funds can be applied to a large array of uses, including accessing formula funding, funds directed to political subdivision of the state or Tribal governments, nonprofits, businesses, utilities, and other grant opportunities “directed to eligible entities that do not require a match but for which the commissioner determines that a grant made under this section is likely to enhance the likelihood of an applicant receiving federal funds, or to increase the potential amount of federal funds received.” The broad-ranging nature of Minnesota’s matching funds strategy demonstrates how serious the state is about accessing federal funding and utilizing all available dollars to boost its competitiveness and investments.

In [North Carolina](#), Governor Cooper’s administration established a \$225 million Federal Match Reserve investment for state agencies to meet federal matching requirements from IJIA, the CHIPS and Science Act, and the IRA. The Federal Match Reserve “allows the state to participate in the paradigm shift created by these catalyzing federal bills and access an extraordinary amount of federal funds for infrastructure, research, climate initiatives, manufacturing, and STEM education [and] [p]ositions our state to compete for hundreds of billions of dollars, bringing our share of taxpayer funds back to North Carolina.”<sup>11</sup>

In Oregon, the legislature passed the climate resilience package ([HB 3409](#) and [HB 3630](#)), which included over \$90 million in new climate spending “to access as much as \$1 billion from IRA programs. The new law provides funds to help marginalized communities, local governments and community organizations apply for federal grants.”<sup>12</sup>

While Vermont may not have the same level of resources at its disposal, these examples highlight that **these states, both red and blue, understand that accessing federal funds takes resources, both human and financial. The political and geographic diversity should be enough to give the Vermont Legislature pause about its strategy so far to support the implementation of the Climate Action Plan and of the Vermont Global Warming Solutions Act (GWSA).** Enabling access to funding is but a step for the legislature, and should not replace other necessary steps to develop and implement a coordinated strategic approach to climate finance, executed by a centralized team. A lot of the states above have both “matching funds” and green banks as is the case for Connecticut, Minnesota, Colorado, or North Carolina, among others.

**Second, the legislature should pick one to two existing organizations to lead the development of Vermont’s climate finance strategy, fund it/them adequately, requires that it/they hire staff,**

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<sup>9</sup> Eligible entities are those that will provide grant development support to regional development commissions, the West Central Initiative Foundation, the Minnesota Municipal Utilities Association, the Minnesota Rural Electric Association, consumer-owned utilities, Tribal governments and others.

<sup>10</sup> See [MINN. STAT. 216C.391 \(2023\) Subd.2\(b\)](#).

<sup>11</sup> See [Governor Cooper Recommended Budget 2023-2025](#).

<sup>12</sup> [US Green Building Council](#)

**including shared staff for key functions, and place them under the authority of a shared governing body within the Treasurer's Office.**

The explicit modified mission/mandates of such organization(s) should be to stimulate market transformation in Vermont for the benefit of Vermonters and Vermont-based enterprises, to develop a climate finance strategy, to pursue funding sources and financing programs that will enable the climate policy goals of state agencies, as required by the legislature, to offer technical assistance, to lead the implementation of such state strategy, and to support the marketing of programs and products. Such organization(s) should also actively support and promote the activities of the quasi-public organizations and nonprofits pursuing climate goals in the state.

Ideally, one organization would lead financial activities for both clean energy and nature-based solutions. However, given the existing slate of organizations in Vermont, **I recommend that the legislature authorize and require that (a) the Clean Energy Development Fund (CEDF) and (b) the Vermont Housing & Conservation Board (VHCB) become Vermont's climate finance authority.** CEDF already has most of the attributes necessary for an expanded mission but will have to be given broad autonomy to pursue climate mitigation goals and the flexibility to hire new staff quickly and raise/deploy capital. Similarly, VHCB can rapidly scale operations to finance nature-based solutions in the state.

These organizations should work together, with guidance from the existing Local Investment Advisory Committee, and other relevant agency staff. Besides co-developing a strategy over time, working closely with the new staff at the Treasurer's Office on capital raise, these organizations under a new climate finance authority branding would be the main conduit for program development, and would have the option to deploy capital directly or through existing organizations, as relevant and appropriate.

They would provide clear communication to financial partners and private sector investors about the programs and policies of Vermont, act as a technical assistance provider, and proactively seek to grow the pipeline of projects in both their core areas. They would not seek to replace the existing organizations, but to lead the market, send clear signals, and develop opportunities for our climate economy.

Both organizations should be given broad latitude to utilize all of the tools in the financial toolbox and to invest using a range of debt and equity tools, including securitization and tax credit optimization, as well as to deploy grants, either directly or as a passthrough entity for other organizations such as Efficiency Vermont or VSECU. Both organizations should explicitly support low-income families and underserved communities in our rural and urban environments, not as an afterthought, but as a structural part of their vision and mission.

Key staff for financial, legal, marketing, and data/reporting functions should be shared to promote cross-learning, create efficiencies, and to facilitate strict compliance and reporting requirements attached with federal funding.

The legislature should seek to encourage flexibility, creativity, and engagement with the market and communities, including by allowing the Treasurer's Office, CEDF, and VHCB to create the special purpose vehicles or nonprofits that may be necessary to pursue philanthropic sources of funding or to create financial structures that are adapted to our state.

**Reaching the goals of the GWSA and implementing the Climate Action Plan will require your leadership** not to simply coordinate the good work already being done, but to proactively pursue funding sources for climate financing solutions, and to empower CEDF and VHCB to build and implement a statewide climate finance strategy that leverages public investment. We have many of the ships we need to get us where we committed to going. It is high time that we hired ourselves a captain.

Respectfully,

Vero Bourg-Meyer, Montpelier resident





November 3, 2023

Michael Pieciak  
Office of the State Treasurer  
109 State Street  
Montpelier, VT 05609

RE: Climate Infrastructure Financing Coordination Comments from CCRPC Staff

Dear State Treasurer Pieciak,

Thank you for the opportunity to provide input regarding climate infrastructure financing. Like many of our partner regional planning commissions (RPCs), the Chittenden County Regional Planning Commission (CCRPC) has had an enhanced energy plan as a part of the ECOS Regional Plan since 2018. Through developing an enhanced energy plan, our organization has developed relationships with state agencies, utilities, and non-profits working on energy and climate changes issues in Vermont. Our work has also involved assisting many of our member municipalities with the development of their own enhanced energy plans and climate actions plans. Both the local and regional enhanced energy plans identify actionable strategies for mitigating climate change. These strategies range from building and vehicle electrification to weatherization to nature-based solutions. These strategies are ripe for implementation. Therefore, the state's RPCs and municipalities are well positioned to assist with the effective coordination of funds to implement climate and energy plans.

Below are the questions posed by the Treasurer's public comment solicitation and responses from CCRPC staff:

**Topic 1: Why Pursue Federal Funding/Financing? How can we do this in a way that is more inclusive of local and underserved community priorities?**

New federal funding and programs present a great opportunity to enhance Vermont's climate related programs that are already successful, significantly reduce greenhouse gas emissions, and that meet the needs of underserved and rural communities. Here are our suggestions:

- [The Weatherization Assistance Program should be expanded.](#) This program reaches underserved, low-income residents in all areas of Vermont. Specifically, consideration should be given to the following programmatic changes:
  - Increase the cap on [income eligibility](#).
  - More funding should be provided specifically for heat pump installation and work related to decarbonizing home heating. This will help the State to reach its goal of significantly reducing greenhouse gas emissions. Heat pump adoption is a high priority action that can significantly reduce greenhouse gas emissions in the thermal sector.
  - The program must provide competitive wages to attract and retain the necessary workforce. Employee retention has historically been a challenge due to the working

conditions of weatherizing homes, low compensation, and the high demand for weatherization work in Vermont. This needs to be addressed for low-income Vermonters to continue to benefit from the program.

- The [Electric Vehicle Supply Equipment \(EVSE\) Grant Program](#) should be expanded to prioritize reaching underserved, BIPOC, low-income and older residents in all areas of the state. The expansion of the program for increasing EVSE at existing multi-unit properties, workplace charging, and public attractions will serve all residents, especially marginalized populations, who make the transition to electric vehicles. Transitioning to electric vehicles is a high priority action that can significantly reduce greenhouse gas emissions from the transportation sector. Expansion of the program in Chittenden County has the potential to reach the State's largest BIPOC population and Vermont's largest share of drivers statewide.
- The [Municipal Energy Resilience Program \(MERP\)](#) should be expanded to include schools and non-profit commercial buildings that serve underserved and rural communities. This program is currently being administered by the Vermont Department of Buildings and General Services in partnership with the State's Regional Planning Commissions.
- The [State Energy Revolving Loan Fund](#), administered by Building and General Services (BGS), could be expanded to include municipal projects. Payments back to the fund are made with energy savings on the project until the loan is repaid, resulting in no cost to the municipality. See how Harvard's energy revolving loan fund operates: <https://sustainable.harvard.edu/green-revolving-fund/>
- Some electric distribution utilities, in cooperation with [Efficiency Vermont](#), have a considerable number of rebate and incentive programs that could have more substantial impacts if additional funding was provided. Specifically, we recommend larger incentives to help cover the upfront costs of geothermal heat pump installations in new affordable housing projects. Geothermal heat pumps are often a better option for affordable multi-unit housing than air source heat pumps because they require less maintenance and cost the residents less to heat and cool than natural gas or air source heat pumps. However, geothermal heat pumps have a much higher up front capital cost for the owner/developer.
- The [Vermont Low Income Trust of Electricity](#) (VLITE) has historically supported a wide range of projects designed to support the energy needs of low- and moderate-income Vermonters. VLITE should specifically be consulted to see if there are opportunities for collaboration on existing programs. VLITE should also be consulted regarding how low-income Vermonters can be assisted with increased future electricity rates that will likely be necessary to support capital improvements to Vermont's electric transmission and distribution networks. CCRPC is particularly concerned about future electricity costs for low-income residents living in electric-heated multi-family buildings that do not have sufficient space to install solar panels for net-metering.

### **How can we better connect community groups and technical expertise, to mutually identify needs?**

The Department of Public Service's [Public Participation Plan](#) has effective actionable strategies for connecting to community groups about the energy transformation needed to reduce our emissions. [The State of Vermont's Climate Action Public Engagement Plan](#) is also a resource for understanding which community groups to reach out to marginalized communities.

Specifically working directly with marginalized communities to mutually identify needs is important. However, this typically ends up looking like those with the technical expertise "going into" community groups when something is needed, asking for feedback, and leaving. This practice is extractive. The challenge is that community groups in marginalized communities often lack capacity and are already struggling to carry out their own mission. To ask more of them adds to their already too-heavy load. Thus, we need to make sure that we can create reciprocal and ongoing relationships with key community organizations in marginalized communities in a way that supports and furthers their work before asking them to support additional work.

Lastly, community needs in marginalized communities have been, and continue to be shared, through a multitude of ongoing engagement efforts at any given moment. Another strategy for imbuing technical expertise with community knowledge and needs is to better collaborate with others on the back end to share community feedback that has already been collected before asking the same questions to the same groups of people. Only once we have determined what needs have already been recorded should governmental organizations determine where gaps remain.

### **What do small, underserved, rural communities need to pursue these funds? How do we maximize our ability to do this collectively, without competing with one another?**

Asking small communities and/or schools to work on complex grant applications and reporting as a way to access funds is unfair and burdensome due to limited administrative capacity. Applying for and administering grant funds takes resources and expertise that underserved and rural communities do not have.

Expansion of the [Municipal Technical Assistance Program \(MTAP\)](#), a program created by the Agency of Administration last year could create additional capacity for Regional Planning Commissions (RPCs) to assist small, underserved, rural communities. RPCs may also be able to help municipalities within the same region cooperate or collaborate on projects to avoid competition amongst each other. Creating programs that communities can opt into with minimal effort (e.g. Municipal Energy Resilience Program a.k.a. MERP) is another way to increase the accessibility of funds.

Future federal grant applications, like the EPA's Climate Pollution Reduction Act Implementation Grant, should ideally be coordinated through the State of Vermont. Municipal or RPC applications should be discouraged.

There is a higher probability of coordination and success if future State applications to federal grant programs treat Chittenden County equally to other geographic parts of the State. CCRPC is particularly bringing attention to this issue because recent State programs, like MERP and MTAP, have treated Chittenden County differently than more rural parts of the State. While this approach may work for State programs, it may put a coordinated statewide grant application in a disadvantageous position given Federal Justice 40 requirements. Chittenden County includes three of Vermont's disadvantaged areas, as defined by the Federal Justice 40 criteria. Additionally, Chittenden County is Vermont's most racially diverse region and has more households living in poverty than any other county in the State. The County also has several very rural municipalities with fewer than 2,000 residents. Statewide grant applications need to take this information into consideration when coordinating future grant efforts.

## **Topic 2: Who is proactively engaged and are there any barriers impeding Vermont's efforts?**

**Are you aware of any agency or entity that is pursuing or has recently pursued/applied for federal funding/financing, private capital or philanthropic funds for climate infrastructure improvements, such in the areas of clean energy, weatherization or climate resiliency? If so, what are the entities and how successful are they?**

CCRPC staff is aware of several active federal grants in Vermont related to climate infrastructure improvements:

- The Agency of Natural Resources' Climate Action Office has secured planning funds through the [EPA Climate Pollution Reduction Grant](#). The Agency intends to apply for [implementation funds](#) through the same program in April 2024.
- Energy Futures Group, a non-profit in Hinesburg, Vermont, recently received a grant from the US Department of Energy (DOE) to study state-wide building energy code compliance. Our understanding is that these funds have been used to support the work of the [Building Energy Code Study Committee](#), which was created as a part of the HOME Act.
- Northeast Energy Efficiency Partnerships (NEEP) and Vermont Clean Cities Coalition (VCCC) were recently granted an award from the US DOE Vehicle Technologies Office (VTO). The \$1.2 million grant will support the development of Community Driven Transportation Plans in New England (including Chittenden County).
- Burlington Electric Department (BED) and VELCO were both granted awards via the US DOE, Grid Deployment Office Grid Resilience and Innovation Partnerships Program (GRIP). The [BED grant](#) is to support better utilize Smart Grid technology (\$1.2M) and the [VELCO grant](#) is to install grid enhancing technology in Northwest VT.
- [Burlington International Airport Voluntary Residential Sound Insulation Program](#), funded partially through a Federal Aviation Administration (FAA) grant, will mitigate noise from the airport and also offer the co-benefit of weatherization for 2,500 homes in Winooski, South Burlington, Williston, Colchester, and Burlington.
- The [Energy Efficiency and Conservation Block Grant \(EECBG\) Program](#) allocated money to Vermont Counties (e.g. county courts) and the ten highest populated municipalities in the State. Each were

awarded around \$75,000 in funding. The program can be used to support energy efficiency and fossil fuel emission reduction-related work. Chittenden County Regional Planning Commission has provided funding and staff resources for energy planning for our member municipalities.

**What do you estimate as the total investment amount required by your industry to support necessary climate infrastructure needs in Vermont? How did you arrive at this estimate? Alternatively, do you have suggestions on approaches / frameworks to estimate this need?**

CCRPC does not have an estimate of total investment required to support necessary climate infrastructure.

[ISO-NE](#) and [VELCO](#) have some estimates about the cost of upgrading the transmission system. CCRPC recommends consulting with the Climate Action Office and the Public Service Department to understand if there are total cost estimates in the Climate Action Plan or the Comprehensive Energy Plan.

**How can we build on these efforts and unlock the door to additional capital import? How do we integrate various efforts so they are not competing for time, attention, etc.**

CCRPC recommends focusing on refining and enhancing existing programs with a renewed commitment to decarbonizing transportation and building thermal energy use (primarily via EVs and heat pumps) in conjunction with energy efficiency and vehicle miles traveled (VMT) reduction. Greenhouse gas reduction should be the primary goal.

Coordination among state agencies is necessary to efficiently and effectively combat climate change. RPCs are a key player in assisting and supporting the planning and implementing of state programs at the municipal level. RPCs have strong existing relationships and familiarity with municipalities. Additionally, RPCs have the ability to assist the state with making changes at a regional scale.

**What are the gaps or barriers in this work?**

Vermont's historical focus in the energy sector has been on energy efficiency because consensus regarding human induced climate change caused by the burning of fossil fuels had not yet been reached. Our investments now need to reflect a pivot from efficiency to decarbonization and reducing greenhouse gas emissions according to the Global Warming Solutions Act requirements.

This change will face some local opposition from businesses and workers that have historically made their living from fossil fuel consumption. Educating businesses on how to profit from decarbonized solutions, educating workers and Vermont residents regarding new technologies must be part of the investment and be a large part of the implementation of the Affordable Heat Act.

Climate change has been shown to disproportionately affect marginalized communities. These communities often face higher levels of vulnerability due to factors such as limited access to resources, inadequate infrastructure, and socioeconomic disparities. For example, VT Digger reports that "Market pressures ... are constantly pushing lower income people further and further toward options that reduce their quality of life — older, more degraded housing stock, or housing stock that churns through natural

disasters more quickly.”<sup>1</sup> This problem could be exacerbated as Vermont develops a national reputation as a climate refuge and people with the financial means relocate to Vermont to avoid the impacts on climate change in other parts of the country.

The initial up-front cost of transitioning to electrification in the renewable energy generation, heating, and transportation sectors will be burdensome to marginalized communities. Therefore, investments should tackle the needs of marginalized communities first by including targeted strategies that consider their specific histories, sociocultural, and economic realities.

Careful consideration of the cost of decarbonizing and upgrading grid infrastructure is needed to ensure that policies are not burdening Vermont’s electricity rate payers. Currently, rate payers are faced with substantial costs for paying for weatherizing buildings, converting to electric heating sources, purchasing cleaner vehicles, and for paying for grid infrastructure upgrades that are passed on to the customer through utility bills. Federal and state policy leadership is needed to reduce the cost to low-income households and marginalized communities. The responsibility to decarbonize and fight climate change should not completely be passed off to individual Vermonters or municipalities.

Lastly, the importance of land use planning that can effectively achieve [our state planning goals](#) to “maintain the historic settlement pattern of compact villages and urban centers separated by rural countryside” cannot be underestimated. Our state greenhouse gas emission reduction goals, our working lands goals, our housing goals, and our transportation goals (particularly related to public transit) are all directly tied to the effectiveness of our land use planning and regulation. This policy and planning work cannot be forgotten during our state’s energy transformation.

### **Topic 3: What does Vermont need to pursue its share of federal, private, or philanthropic funds to conduct climate infrastructure improvements?**

#### **How could financing address these barriers experienced by underserved and rural communities? What other barriers exist?**

Financing municipal projects with local tax revenues is unpopular and municipal officials are hesitant to raise municipal taxes for projects deemed not urgent. Free programs and grants are very popular as municipalities are constantly scanning for ways to show taxpayers that they are fiscally responsible by keeping tax rates low. However, staff resources to apply for grants at the municipal level are very limited so funding mechanisms should remove unnecessary applications or reporting processes for accessing funding. Consider learning more about [trust-based philanthropy](#) to remove funding barriers to make fighting climate change more just and equitable.

Financing is always considered a last resort at the municipal level; successful financing options must be very attractive and will be more popular when they provide a tangible return on investment, such as lower energy costs.

#### **What resources (including technical assistance) does Vermont need to pursue currently available federal funding/financing, private capital or philanthropic funds and be more competitive?**

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<sup>1</sup> Duffort, Lola. " The flood waters disproportionately hit Vermont's affordable housing stock — at the worst time." *VT Digger* July 31, 2023, Economy section. <https://vtdigger.org/2023/07/31/the-flood-waters-disproportionately-hit-vermonts-affordable-housing-stock-at-the-worst-time/>

Vermont needs to develop an updated greenhouse gas emissions inventory and monitoring program. This will be an ongoing requirement for future federal funding and state-wide policy decisions. This resource should also be shared with RPCs and municipalities to achieve alignment.

**What is needed to improve clean energy and resilience project identification and implementation? How would strategic planning or a focus on coordination among parties and/or financing entities support project implementation? What entities do you currently look to (can include your own) for this strategic coordination?**

The ANR Climate Action Office (CAO) is in the best position to coordinate state-wide strategic planning and funding allocation for greenhouse gas reduction and climate adaptation projects. Build upon the EPA's Climate Pollution Reduction Planning Grant (CPRG) model where the Vermont CAO tapped RPCs to help identify municipal projects to be included in the State's Priority Climate Action Plan. This CPRG-funded Priority Climate Action Plan is a prerequisite to apply for a portion of the \$4.3 billion available to states, tribes, and local governments for implementing the Priority Climate Action Plan by funding projects to substantially reduce greenhouse gas emissions by 2030.

The Vermont Public Service Department is an entity and resource for coordinating clean energy projects with RPCs and municipalities. Additionally, Vermont Department of Buildings and General Services in partnership with RPCs has developed the MERP program in a way that is relatively easy for municipalities to participate in decarbonizing public buildings.

RPCs provide coordination between state agencies and municipalities across a wide range of topics including energy planning. Many RPCs have a dedicated energy planner. Some larger municipalities also have staff dedicated to climate, energy, or sustainability issues. These folks should also be consulted with as a part of any statewide project.

**Are current state agency programs and existing nongovernmental organizations in Vermont sufficient to achieve these goals or does there need to be a new governmental, quasi-governmental, or nonprofit to assist in this? What do you envision its role to be and how would it work with current state agencies and groups?**

Current state agency programs are generally sufficient at providing adequate staffing of state agencies. The State CAO should coordinate work to achieve state-wide targets and goals. The CAO will likely need additional capacity to scale up into this coordinating role. The State should also consider funding existing organizations that can also assist with statewide coordination (such as RPCs), if deemed appropriate.

Thanks again for the ability to provide feedback. If I can provide any additional information, please contact me at 802-846-4490 or [cbaker@ccrpcvt.org](mailto:cbaker@ccrpcvt.org). Thank you for your consideration.

Sincerely,



Charles Baker, Executive Director





November 3, 2023

Mike Pieciak  
Office of the State Treasurer  
109 State Street  
Montpelier, Vermont 05609

Re: Financing Vermont's Climate Infrastructure

Dear Treasurer Pieciak,

The Vermont Housing & Conservation Board (VHCB) is pleased to submit comments about the needs we see for financing climate infrastructure in Vermont, and the role VHCB can play in addressing these needs. We see needs for investments across the spectrum of climate adaptation, mitigation, and resilience, and VHCB is interested to discuss what role we can play in any green finance initiative. In particular, we recommend further consideration of how to use our existing funding infrastructure to finance nature-based solutions that address our climate goals.

*1) Introduction and Background on VHCB*

The Vermont Housing & Conservation Board supports the preservation and development of affordable housing; the conservation of agricultural land, forestland, natural areas, and recreational land; the restoration of historic public properties; and provision of technical assistance to working lands businesses. Since our creation in 1987, we have worked with robust networks of affordable housing developers, land conservation organizations, farm and forest business planners, municipalities, and others to fund and implement projects. We have administered and awarded over \$400 million in Housing and Conservation Trust funds, leveraging \$2.2 billion in federal, philanthropic, and private funds. We are increasingly focused on climate resilience through our work - particularly in the area of nature-based solutions to climate change - and thank the Treasurer's Office for engaging in this process of exploring how to better coordinate, fund, and implement climate solutions in Vermont.

*2) VHCB's existing programs and how they support investments in climate solutions*

Since our creation in 1987, the Vermont Housing & Conservation Board (VHCB) has supported the creation and preservation of over 15,000 units of affordable housing in Vermont; the conservation of 446,617 acres of agricultural and recreational lands, forestland and natural areas;



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and the restoration of 81 historic community buildings for public use. We have awarded over \$400 million in state resources to nonprofit housing and conservation organizations, towns, municipalities and state agencies to conserve land, develop housing and restore historic community buildings in more than 200 towns. This investment has directly leveraged approximately \$2.2 billion from other private and public sources.

Since our founding 35 years ago, through our conservation investments we have helped keep 446,617 acres of land open and protected from development, and in so doing contributed to rural economic development, farm and forest viability, and ecological conservation goals. We have supported the protection of over 900 individual farm parcels, preserving 170,918 acres of open space and food production capacities. We have supported the protection of 275,699 acres of natural areas, forestland and public recreation lands, many of which yield important ecosystem functions such as clean water and air, water storage and retention, biodiversity protection, and protecting the ability of our natural communities to adapt and migrate to a changing climate. Our conservation programs match federal funds from agencies like the Natural Resources Conservation Service Agricultural Conservation Easement Program or the U.S. Forest Service's Forest Legacy Program. VHCB is recognized as a national farmland conservation leader, conserving more acres and utilizing more NRCS funding than most other states. We are also one of just a handful of NRCS certified entities nationwide, a designation which has eased our work with partners to draw down federal funds and conserve land at an expedited pace.

VHCB's Farm and Forest Viability Program supports business planning, technical assistance, and succession planning for farms, forest businesses, and forestland owners, and awards grants to support water quality improvements and business plan implementation. The Viability Program has worked with over 900 businesses since its inception 20 years ago. Our Rural Economic Development Program supports municipalities and working lands businesses with writing grant applications. In 2022 alone we used \$200,000 in REDI funds to help 27 small communities to apply for grants, resulting in more than \$3.1M in awards.

VHCB has also funded projects that cross the conservation and housing elements of our mission, particularly to reduce risk for homes located in flood-prone areas. For instance, following Tropical Storm Irene, we supported a project that included the buyout of 7 homes located on Water Street in Northfield. We leveraged FEMA and other funds to support the removal of homes that flooded during Tropical Storm Irene to create the Water Street River Park in Northfield. This park project included restoration of floodplain areas along the Dog River, so that in future floods this parcel can retain and slow the downstream flow of waters.

### *3) Enhancing Funding for Resilience, Adaptation, and Mitigation Through Nature-Based solutions*

VHCB is interested in enhancing our existing investments and developing new programs to support climate resilience through nature-based solutions. In particular, we can play a role in leveraging emerging federal and philanthropic sources and allocating funds to support nature-based solutions. We already fund projects with an established network of conservation and land trust partners. We are interested in drawing down federal funds that support climate mitigation and resilience and in bringing in new partners to implement and steward this work.

As we engage in the Vermont Conservation Strategy Initiative (Act 59, 2023), we will explore the types of investments that are needed to support biodiversity conservation and community resilience across the state. Notably, this legislation requires us to protect 30% of the state's lands and waters by 2030, and 50% by 2050. This will require both increasing the pace and scale of our existing conservation work, and exploring new tools, in new places, for accomplishing new types of conservation work (i.e. aquatic conservation tools). We are especially interested in working with partners to explore new areas of resilience work such as restoring floodplains, conserving wetlands, and river meanders. As we engage in our conservation strategy work, which is primarily a planning process, we are simultaneously beginning to explore new federal and other funding sources so that we are prepared to implement this vision.

Our Farm and Forest Viability Program sees many ways that enhanced investments in working lands businesses can support increased climate resilience outcomes. For instance, we see enabling land access for farmers as a critical part of climate infrastructure. Increasing affordable access to agricultural land makes it possible for young farmers to access land to grow food, invest in soil health, and implement conservation practices on their land. However, a lack of available, affordable farmland and few farmland financing tools limit this pathway. Most farm and forest businesses are actively seeking ways to increase their land stewardship, whether to meet RAPs or AMPs, or to exceed them. However, administrative burdens, long timelines, and low payments for incentive programs can be barriers to working lands businesses adopting new technologies or practices. Thus, we are supportive of new programs to support farmers in improving land management practices. Working lands businesses need financial support to access the next-generation equipment and infrastructure that will contribute to Vermont's energy reduction goals - such as increased use of solar, electrification, and harvesting equipment that has a low impact to soil health.

#### *4) Enhancing Funding for Mitigation through Energy Investments*

Through our housing investments, we encourage consideration of climate resilience through requiring (and funding) energy efficiency measures. Since 2008, VHCB has had policies in place requiring that advanced energy efficiency measures be considered in the design of housing projects. VHCB includes energy efficiency requirements in our design standards because of the critical economic and health benefits that accrue to the low- and moderate-income residents of these homes, and to help the state meet its goals for carbon reduction. According to VHCB's current building design standards, funded housing units must be developed to the Efficiency Vermont Multifamily high performance energy tier. These advanced energy efficiency standards increase the cost of affordable housing production substantially. VHCB commissioned a cost study in 2021 by Naylor and Breen that indicated that energy efficiency requirements increases the cost per unit by 16%. Vermont's energy incentives do not currently sustain this scale of investment.

VHCB views it as critical that Vermont continue to enhance its energy efficiency incentives as a key tool to help low- and moderate-income Vermonters share in the benefit of the state's energy efficiency policies. We see much existing strength in Vermont's energy sector and have confidence that existing service providers and funders of energy efficiency, weatherization, and renewable energy generation are developing systems to leverage energy infrastructure dollars.

However, we also believe it is critical that as we transition our energy systems to use more renewable sources and make investments in existing housing stock, equity must be a central guiding principle. Increased investment and coordination will be necessary to ensure that the benefits of energy investments are available to all. Affordable housing developers and partners can play a role in targeting energy investments to low income household, and VHCB can play a role connecting housing development partners to energy incentives.

#### *5) Working in Partnership*

Vermont is fortunate to have strong networks of state agencies, nonprofit, and for-profit entities who are working together to address climate adaption, mitigation, and resilience goals. VHCB has long worked across affordable housing, land conservation, community development, and working lands business assistance communities of practice, and in partnership with our state agencies, to enact our mission. We provide partner's with capacity funding so that they can develop a robust pipeline of projects, and we fund implementation of these projects. We are primarily a funder, administering both our own and federal sources of funds, and we rely on our

partners to have boots on the ground to develop and implement projects. We believe the same approach is needed as we explore how Vermont can access funding for and implement climate adaptation, mitigation, and resilience projects. We must work across existing organizations and networks of partners, while adding new connective tissue to ensure that investments are strategic and well-coordinated.

*6) In Conclusion*

We are ready to work with our existing and new partners to administer funding for nature-based solutions that support resilience and adaptation measures. We aim to support on-the-ground needs across multiple facets of climate finance: sequestering more carbon through improved land management practices; fostering adaptation and resilience through nature-based solutions; and encouraging investments in energy efficiency and renewable generations through our network of affordable housing partners to ensure that these investments reach all Vermonters. We also see increased roles we can play in funding new types of nature-based solutions, and administering new types of funds to support these investments. We look forward to doing this work together with our partners, and in coordination with other entities in the state focused on climate action, adaptation, and resilience.

Sincerely,  
Gus Seelig  
Executive Director  
Vermont Housing & Conservation Board

## MEMORANDUM

To: Office of the State Treasurer  
From: Climate Action Office  
Date: November 3, 2023  
Re: Request for Public Comment: Climate Infrastructure Spending

This memo is intended to provide comments to the Treasurer's Office to support the development of recommendations to the Legislature around how to coordinate the State's climate infrastructure financing efforts. In developing these recommendations, the Treasurer's Office has been collaborating with stakeholders to create a framework for effective collaboration among Vermont organizations, agencies, and the financial instrumentalities of the State to maximize the amount of federal Greenhouse Gas Reduction Funds the State may receive and effectively coordinate the deployment of these and other greenhouse gas reduction funds. These comments are intended to provide background information in support of this initiative. A more detailed conversation is expected when we have our one-on-one meeting with the Treasurer's Office.

### **Climate Action Office**

The Climate Action Office (CAO) is named as one of a few specific stakeholders the Treasurer's Office is required to speak with in the governing legislation driving this initiative. Housed in the Secretary's Office of the Agency of Natural Resources (ANR), the CAO plays a unique role in government and one that should be considered closely as an infrastructure for climate financing is contemplated. Vermont's Act 153 (2020) – the Global Warming Solutions Act, or GWSA – established an ambitious timeframe and scope of work to advance climate action in Vermont. The first objective was the development of the Initial Vermont Climate Action Plan ("Plan") which was developed by the Vermont Climate Council, with significant support from state staff, and adopted on December 1, 2021. The Plan identifies specific initiatives, programs, and strategies necessary to achieve the State's greenhouse gas (GHG) emission reduction requirements, enhance carbons storage and sequestration, achieve net zero emissions by 2050, and build resilience and adaptation in our natural systems and built environment. A key recommendation of the Plan was the creation of the CAO.

The policies, programs and tools needed to implement climate mitigation, adaptation, and resilience strategies require a long-term intergovernmental structure to coordinate and manage this statewide effort. The CAO coordinates and provides significant expertise and capacity on state-led climate initiatives, as well as the monitoring, assessment and tracking of climate adaptation, mitigation, and resilience activities necessary to evaluate progress over time in achieving the requirements of the GWSA through implementation of the Plan. To carry out this work, the CAO works closely with staff across ANR, other state Agencies, the state climatologist, and key stakeholders. This coordination is critical to ensure the programmatic functions of the CAO are additive and supportive of existing climate action work in state government.



The CAO supports a state vision for climate action across state government. To do so, it works closely with the Departments and Programs in ANR, but also across state Agencies, to understand the actions state government are taking to make measurable progress to meeting the requirements and goals of the Global Warming Solutions Act. To further advance coordination across state Agencies, an Inter-Agency Advisory Board (IAAB) was set up that meets regularly. It was a priority to stand up this advisory board early in the process as they were critical to the development of the CAO work priorities. It includes senior level officials from the various agencies engaged in climate action.

The objectives of this group are as follows:

1. To provide a space for proactive coordination on climate action across state government.
2. Articulating where policy and financial implications overlap around climate action to ensure resources are maximized.
3. To support the monitoring of progress over time in meeting the state's climate goals.
4. Identification and framing up of gaps where the climate action office might prioritize support.
5. Development of state positions on issues related to climate change.

It includes the following governmental agencies:

- Public Service Department
- Vermont Agency of Transportation
- Agency of Natural Resources
- Vermont Emergency Management
- Agency of Agriculture, Food, and Markets
- Buildings and General Services
- Agency of Human Services (Department of Children and Families and Vermont Department of Health)
- Agency of Commerce and Community Development
- State Climatologist

Over the last year, the IAAB to the CAO has collaborated on several notable efforts, including development of legislative talking points for the 2023 session, a comprehensive inventory of the status of actions in the Plan, an assimilation of priorities for the Congressional delegation in response to the flooding, and most notable to this effort, collaboration on the review and support needed to access funding from the Inflation Reduction Act (IRA). In support of the conversations around the IRA, CAO staff reviewed and prepared summary guidance to the IAAB on funding related to the covered Agencies. CAO efforts in this space were leveraged through its role representing the Governor on the U.S. Climate Alliance.

A particular example that highlights the significance of this Board in leveraging inter-Agency coordination to maximize resources to advance climate action is with respect to the Climate Pollution Reduction Grant (CPRG) authorized under the IRA. Through discussion with the IAAB, the CAO was determined to be best positioned to opt-in to the Planning Grant which was required to access the \$4.6 billion competitive implementation grant fund. In July of 23, ANR was awarded a \$3M Planning Grant as part of Environmental Protection Agency's CPRG Program. The first deliverable of the Planning Grant is a "Priority Climate Action Plan" or "PCAP". The PCAP is meant to include sector-specific climate mitigation measures that are ripe for implementation and that can have meaningful emissions reduction and sequestration impacts. The CAO has been taking a "whole of government" approach to determining what measures are appropriate for inclusion in the PCAP by working closely with the IAAB to review and prioritize actions included



in the Plan. This exercise has yielded a suite of measures that are based on the Plan's actions that have not been implemented or have been advanced or implemented but need further funding to achieve additional emission reductions or sequestration. The CAO will continue to work with our interagency partners to compile and submit the PCAP by the end of this calendar year.

Following the submittal of the PCAP, an entity of the state may submit an application to EPA for a CPRG Implementation Grant by April 1, 2024, which will fund measures put forward in the PCAP. Measures not included in the PCAP are ineligible for Implementation Grant funding. Guidance from EPA indicates that this will be a highly competitive funding opportunity, and only one round of funding will be awarded for the \$4.6 billion dollars in funding available. Therefore, this represents a significant opportunity to gain access to federal funding to make progress on mitigation and sequestration program implementation that is tailored to meet Vermont's specific needs.

Based on the current measures conceived in the PCAP, the Implementation grant will include measures that would be implemented by the Secretary's Office, ANR Departments, the Public Service Department, the Agency of Transportation, the Agency of Commerce and Community Development, the Agency of Agriculture, Food, and Markets, Buildings and General Services, and Regional Planning Commissions. Other partners may be added to the list as the number and types of measures evolve in the planning process. As we finalize the list of measures to include, we are weighing how to put forward the most competitive grant knowing that the funding floor is \$2 million, and the maximum is \$500 million but the CAO has provided valuable coordination and oversight to maximize the state's opportunity in this space.

### **Civil Rights and Environmental Justice Unit**

The communications and engagement work in the CAO is benefited and supported by the collaboration with the Civil Rights and Environmental Justice Unit (CREJU) which was established in the Secretary's Office of ANR in 2022. As a central theme of the stakeholder engagement questions asked by the Treasurer's Office focused on how to reach communities that have not traditionally been at the table, we recommend that the Treasurer's Office meet with the CREJU prior to drafting recommendations in this space. That conversation can be done in partnership with the CAO or separately as the two Offices work closely.

ANR is committed to ensuring that everyone living in and visiting Vermont has meaningful access and equal opportunity to participate in Agency programs, services, and activities and that everyone feels safe and welcome on Vermont's public lands. The CREJU supports and advances that mission. Additionally, the CREJU oversees the implementation of Vermont's Environmental Justice (EJ) Law. Also known as Act 154 of 2022, the Vermont EJ Law is the state's first law specifically meant to address environmental health disparities and improve the health and well-being of all Vermont residents. The EJ Law establishes Vermont's Environmental Justice State Policy.

The purpose of the EJ Law is to ensure all Vermonters regardless of race, cultural background, or income have equitable access to environmental benefits such as clean air and water, healthy food, and public transportation. The EJ Law also protects communities from disproportionate environmental burdens such as polluted air and water, climate change impacts, and limited access to green spaces. The Environmental Justice Law requires State agencies to meaningfully engage Vermonters in the environmental decision-making processes.



Similar to the implementation of the GWSA, the EJ Law creates an EJ Advisory Council and an Interagency Environmental Justice Committee. The Advisory Council is composed of a range of community representatives, and they provide independent advice to State agencies and the General Assembly on matters related to environmental justice. The Interagency Committee is composed of representatives from ten State agencies, and they coordinate State agency implementation of the EJ Law. Over the coming years, the Advisory Council and Interagency Committee will work together to implement the EJ Law and ensure that State agencies embed environmental justice throughout the development, implementation, and enforcement of environmental laws, regulations, and policies.

## **Technical Analyses**

The following technical analyses led by the CAO are relevant background information to support this initiative:

### [Final Pathways Analysis](#)

The final analysis and detailed scenario modeling using the Low Emissions Analysis Platform (LEAP) model, presenting details on the pathways, strategies, policies, and actions that meet the requirements of the GWSA across three time periods: 2025, 2030, and 2050 was finalized in February of 2022. The LEAP model was also the basis for the Comprehensive Energy Plan which was updated in 2022. One of the key findings of this analysis showed that meeting the pollution reduction requirements of the GWSA is not only possible, but that it would be good for the state's economy. The analysis noted that in comparison to the baseline or "business as usual," by 2050 the central mitigation scenario modeled in LEAP offers \$ 6.4 billion of net (economic) benefits.

### [Marginal Abatement Cost Curve Report](#)

This report provides additional analysis of the projected net costs and savings over time for the measures needed to meet our emissions reductions requirements. The "measures" which are analyzed were the ones included in the central mitigation scenario developed in the Final Pathways Analysis designed to meet our emission reduction requirements. The analysis indicates that there are mitigation measures that will result in net savings over time while others will never overcome their upfront costs. In part, this will reduce the overall cost of reducing emissions to the required levels over time. However, all the measures analyzed need to be implemented to meet the 2030 and 2050 targets in the central mitigation scenario. So, while ideally the GWSA targets could be achieved by implementing only measures with negative or low marginal abatement costs, those measures cannot be scaled to meet the targets. A presentation was delivered to the Cross-Sector Mitigation Subcommittee which explores the challenges of considering individual measures on their own.

## **Forthcoming Resilience Investment Analysis**

Through funding allocated to the CAO in the FY24 budget, staff are working to develop a resilience and adaptation investment analysis in collaboration with key stakeholders such as the Gund Institute and FEMA. This analysis will speak to the deferred damage cost savings of investing in resilience and adaptation strategies.





November 2, 2023

Michael S. Pieciak, Treasurer  
Office of the State Treasurer  
109 State Street  
Montpelier, Vermont 05609

Subj: Climate Infrastructure Financing

Dear Treasurer Pieciak,

Thank you for the opportunity to submit comments on Vermont's climate infrastructure financing needs and opportunities. We applaud your efforts to maximize the amount of federal Greenhouse Gas Reduction Funds the State may receive and effectively coordinate the deployment of these and other greenhouse gas reduction funds, but **we encourage you to think beyond federal (i.e., taxpayer) dollars and seek infrastructure funding from the giant fossil fuel companies that knowingly polluted our atmosphere and created the climate crisis in the first place.**

It's clear that climate change is hitting Vermont hard and costing us billions. A recent report by Rebuild by Design, the Atlas of Disaster: Vermont, found that our state has experienced the 7<sup>th</sup> highest number of climate-related disasters in the country and has the 5<sup>th</sup> highest per capita spending recovering from those disasters. Preliminary estimates are that over 4,000 homes, 800 businesses, and more than 100 farms were damaged in this summer's flooding. And those figures do not capture the harms (and costs) caused by one of the warmest winters on record that forced ski areas to close and impacted tourism in January; the freak frost in May that damaged crops across the state; the wildfire smoke that affected worker productivity; and the record heat that contributed to algae blooms and impacted the health of many of Vermont's most vulnerable citizens. All this damage can, in part, be attributed to our changing climate; but those most responsible for changing the climate are not being held accountable.

Companies like ExxonMobil and Shell have known for decades that their products – when used as directed – would alter the climate. Instead of acting responsibly, however, they acted to protect their profits. They covered up what they knew and funded a massive disinformation campaign designed to confuse the press, the public and policymakers. That disinformation campaign continues to this day.

As you are aware, this ongoing deception is central to the Attorney General's argument in *Vermont v. Exxon Mobil Corp.*, which contends that Big Oil companies with Vermont business presence have been:

*engaging over a long period of time in numerous deceptive acts and unfair practices in connection with their marketing, distribution, and sale of gasoline and other fossil fuel products to consumers within the State. Through their knowing, deceptive acts and practices, including multiple misrepresentations and knowing failures to disclose material*

Vermont Public Interest Research Group

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*facts, Defendants have sought to mislead Vermont consumers about the risks and dangers of their products, including the causal connection between the sale and use of their products and climate change, and thereby deny Vermont consumers their opportunity to make informed and different decisions regarding fossil fuel purchases and consumption. These unfair and deceptive acts and practices are ongoing.*

**Why should these companies – which are making billions in profits while deceiving Vermonters – be let off the hook for the damages their products have caused?** Taxpayers should not be the only ones paying to rebuild and harden Vermont's infrastructure.

Big Oil has been reporting staggering profits this year. Of just the co-defendants in *Vermont v. Exxon Mobil Corp.*, they have reported more than \$100 billion in profits so far this year:

| Company                           | YTD Net Income (Billions) |
|-----------------------------------|---------------------------|
| ExxonMobil                        | \$28.38 thru Q3           |
| Shell                             | \$11.84 thru Q2           |
| Motiva Enterprises (Saudi Aramco) | \$62.00 thru Q2           |
| Sunoco                            | \$0.23 thru Q2            |
| Citgo                             | \$1.37 thru Q2            |
| <b>Total YTD Net Income</b>       | <b>\$103.77</b>           |

It is unconscionable that these massive corporations are allowed to pollute for free while raking in record profits off the backs of Vermont consumers. As you wrote on Earth Day earlier this year, "As Vermont explores ways to finance the necessary investments to help combat and adapt to climate change, it only seems fair to ask those who most significantly contribute to the problem to help foot the bill."

This is an opportunity to advance that sentiment. **The companies that created the mess in the first place should also pay a fair share and your recommendations to the General Assembly regarding legislation for Vermont's climate infrastructure financing should make that clear.**

Sincerely,



Thomas Hughes  
Senior Strategist

## **Climate Infrastructure Financing Report**

### **Appendix B – Public Comment (Email) for AI Query**

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Funding municipal positions that could be shared between two or three municipalities would help address capacity issues in the Northeast Kingdom (NEK). Those job descriptions should include responsibilities related to advancing climate, energy, resilience, and sustainability goals within their communities and that are aligned with regional and state efforts.

As an organization that manages natural resources projects for landowners, CRC has noted that the bottlenecks that we run into generally are focused around lacking organizational capacity to accommodate the already existing funds that we have access to. We have multiple projects lined up based on communication that has already happened with willing landowners, and access to the funding streams to do them, but we don't have the staff to carry them out – basically managing the projects for the landowners, applying for grants, writing the RFPs and contracting with designers and construction crews. As an organization, we are desperately in need of additional funds to increase staff capacity, both in the management of projects, but also in the administrative management of those larger federal funds and the associated reporting and auditing required to accommodate them.

We have also noticed the gap in funding needed to do basic education and outreach to help landowners understand how natural resource projects can create community resilience, and how to access the funding and technical assistance to implement those projects. Many of the NGOs and watershed groups in the state are reaching out to do direct community education that can result in projects – we need additional funds to support organizational capacity around this type of education and outreach.

An additional very practical gap is that there are not enough nurseries in the state to accommodate the amount of natural resource projects that are currently being done. We need someone to be growing more native trees and bushes to supply for restoration projects.

The natural resource-based climate change resiliency work that we do is done in partnership with the local RPCs, Conservation Districts, watershed groups and other NGOs directly in relationship with local landowners who are willing to have these projects (such as dam removals, floodplain restoration, upsizing of culverts, riparian buffer plantings) done on their land. On the eastern side of the state there is a very collaborative effort to coordinate our work. We often refer a landowner to another partner that may have more expertise on a particular project, or we consolidate projects to bundle them to access funding, or if one organization does not have the capacity to take on a project, we may pass it off to a partner to manage. Information sharing is done through our DEC Tactical Basin Planners and regional check in meetings.

As a four-state watershed organization, we routinely apply for federal funds through the Regional Conservation Partnership Program, the National Fish and Wildlife Foundation, the Long Island Sound Futures Fund, etc., and we are one of the partners working to help stand up the Connecticut River Watershed Partnership Act. We are a large enough organization to cobble together multiple federal, state, and private foundation grants to provide match internally for our

work, but we are in a privileged position. Most of the smaller watershed organizations do not have the internal organizational infrastructure to access federal (or sometimes even state) funds. Developing a mechanism to pass through federal and state funding to smaller organizations without too much bureaucracy is key.

Centralizing access to federal and state funds in a way that is easy to access and flexible to use would help move the money into resilience projects more effectively. To be more effective in moving state Clean Water Fund money out, over the past several years the ANR developed block grants that consistently go to the same entities to distribute. This mechanism and the Clean Water Service Providers were put in place to solve the Agency's struggle with trying to get grants out and manage them, without being able to hire additional staff to do that. The process for this is better since the block grants have been established, but it is still complicated and cumbersome given the small amount of funding provided. CRC has consistently turned to relying on larger federal grants for a watershed wide approach to do multiple projects over several years, instead of applying for state funding that has to be focused on one aspect (eg. Design or implementation) of one project at a time. It would be amazing if the State could establish a pathway for block grants to be given to the partners already doing the work to use more flexibly to move multiple projects forward through multiple stages of project development. Could entities such as CRC, the Conservation Districts, and other NGOs be vetted through a preferred vendor process for the pass through of larger lump sums for work over multiple years?

#### <sup>1</sup>. Green Workforce Development

-Including bonus pay for weatherization workers to ensure that weatherization work pays more than other home contracting work. (This is important because folks skilled in weatherization are choosing to use their overall skillset to do easier work for the same pay. Similarly, folks skilled in home contracting see no need to gain skills in weatherization as they already have as much work as they want, at the same pay as weatherization, that is more pleasant to do than weatherization)

2. Sustainable transportation infrastructure, including bus only lanes on major corridors
3. Fare-free, expanded, electric public transportation
4. Larger subsidies at the point of sale for ebikes, as well as greater ebike marketing/advertising
5. Major expansion of EV charging infrastructure
6. Incentives for sustainable, mixed use, transit-oriented development, particularly when that development occurs on top of existing parking lots
7. Regulatory assistance for communities that adopt stronger building codes/decarbonization requirements than the state

In February 2018, Congress enacted key provisions of the Disaster Recovery Reform Act (DRRA), comprehensive legislation that created a national strategy for investing in disaster mitigation and response.

The Community Disaster Resilience Zones (CDRZs) Act of 2022 (S. 3875) requires FEMA to use data from its National Risk Index to establish CDRZs and designate communities across the country most in need of mitigation projects. These communities would be assisted in accessing federal funding for mitigation and resiliency purposes.

1) burning wood for heat has a larger net carbon footprint than propane or fuel oil (not to mention the particulate matter pollution from burning wood) so why provide incentives for wood burning appliances? Wood should be used for construction where it will store carbon for at least another century. Discourage burning wood for heat.

2) a) if reducing greenhouse gases is Vermont's priority why are the incentives income sensitive? If the incentives were not income sensitive more people that can actually afford to buy energy efficient appliances or electric vehicles may choose to do so. We would reach our carbon reduction goals faster if the incentives were not based on income.

b) what are the current lower income ev purchasers going to do when they need to replace the battery pack or purchase a replacement vehicle? They won't be able to do either without more assistance or they will purchase a used gasoline powered vehicle that they can afford. And then we will be back to square one : producing more greenhouse gases.

c) why phase out the incentives as the vehicles become more expensive? Incentives should be available to all no matter how expensive the electric vehicle is.

d) greater incentives to purchase hybrid vehicles would be more valuable to owners living in cold rural regions like Vermont.

3) Food for thought: I'm not sure offering incentives for heat pumps is reducing our greenhouse gases because the heat pumps are installed to reduce carbon produced from our heating systems but now more electricity is used to also cool houses, a comfort benefit yes, when those houses did not have air cooling prior to the heat pump installation and may never have installed air conditioning if not for the heat pump. ( this happened within my household).

The Utilities in Vermont have been the winners with huge financial profits AND have largely contributed to the emissions causing climate warming. It's time to tax those profits and penalize the damage they have contributed to.

While I understand that most of the focus is on maximizing federal funding, this is a great opportunity for policymakers to be aware that it shouldn't just be taxpayers who pay to repair the damage caused by the changing climate – those Big companies that knowingly had an active hand in creation of this mess while making billions in profits should pay, too.

With regard to strategies for financing climate infrastructure, I would strongly recommend the following worthy of investment:

- supporting roof top solar with more incentives, ideally installed in local networks
- continue to support installation of heat pumps and induction stoves
- FULL support of the Weatherization program. I have worked extensively with these programs all over the country and the one here in Vermont is among the very best anywhere. They need to be able to count on long term support of both personnel and training funds.

Different states have followed different routes to finance their climate mitigation efforts.

New York State has decided to amend their state finance law to include a special revolving fund to be known as the “Climate Change Adaptation Fund.” The bill,

[nysenate.gov/legislation/bills/2023/S2129](https://nysenate.gov/legislation/bills/2023/S2129)

has passed the Senate and is making its way through the Assembly. They have used the standard of “strict liability”; that is, that the use of their products was responsible for damages to the environment.

California has taken a different route, filing a civil case which would create such a fund. A precedent for that route was established when several California cities sued makers of lead paint on similar grounds in order to create an abatement fund. In their version of a climate fund, the state of Maryland has determined that it has the authority to mandate that companies that do business within the state contribute. It is anticipating that many companies would sue but that the courts would most likely hold up the authority of the state:

<https://www.wmdt.com/2023/03/md-bill-would-create-superfund-for-companies-that-contribute-climate-change-with-mandated-contributions/>

And here in Vermont, a bill to create a Climate Superfund is being introduced to the Legislature. I hope that you support this and that we can join the other states in this endeavor.

As you must be aware, Vermont already has a lawsuit in the State court, Vt. vs. Exxon submitted by T.J. Donovan in 2021 and currently stewarded by Charity Clark.

Another option is filing a separate suit, based on the specific event of the July 11th flood. Precedents here include the Oregon suit around the “Heat Dome” event and the suit by 16 Puerto Rican municipalities around the damages from Hurricane Maria.

I realize that Vermont has few resources that can be devoted to litigation, especially compared to the deep pockets of the oil/gas companies, BUT possibilities exist to overcome this hurdle:

for example, contingency lawyers, pro-bono or “low-bono” lawyers, and climate philanthropists who underwrite climate lawsuits brought by states or municipalities. A great source of information about these options is the Center for Climate Integrity:

[climateintegrity.org](https://climateintegrity.org).

As these initiatives proliferate, whether in the form of legislative acts or lawsuits, Vermont can learn from other states and, as we move forward, can be a model for other states to follow.

As in the case of the tobacco industry, fossil fuel companies knew about the damage their products caused; they lied, and they now must be held accountable.

Absolutely, bad long-term planning on the part of the Wrightsville Dam players caused the flood in Montpelier this summer.

My question to you is, were they naive by failing to anticipate that the United States government would allow consumers to use a product that not only causes a range of health diseases (placing an immense strain on our healthcare system),(1) but also causes a range of "climate disease/disasters?"(2)

- Carbon tax: A carbon tax is a tax on the carbon content of fossil fuels. It would make fossil fuels more expensive, which would encourage people to use less of them and invest in cleaner energy sources. The revenue from a carbon tax could be used to fund climate infrastructure and other climate change mitigation and adaptation efforts.
- Fossil fuel subsidy reform: Governments around the world subsidize fossil fuels to the tune of hundreds of billions of dollars each year. This taxpayer money could be used instead to fund climate infrastructure and other climate change mitigation and adaptation efforts.
- Liability lawsuits: Fossil fuel companies are facing a number of lawsuits from communities and governments that are seeking compensation for climate change damages. These lawsuits could force fossil fuel companies to pay for some of the costs of climate change.
- Divestment: Divestment is the process of selling off investments in fossil fuel companies. Divestment campaigns have been successful in putting pressure on fossil fuel companies to change their behavior and to invest in clean energy.
- Public pressure: Public pressure can also be used to convince fossil fuel companies to help pay for climate change. For example, people can write to their elected officials, attend protests, and boycott fossil fuel companies.

1. Please come up with loans for green solutions to UVM MED center's need for more energy and heat THAT DO NOT involve BURNING ANYTHING. Or just keep the focus on housing per the Seven Days article on McNeil.

2. There is no excuse for allowing the continued burning of wood in Vermont at this scale at McNeil, our single largest green house gas emitter in Vermont.

How are we going to meet our emission reductions in Global Warming Solutions act when strange use of words like renewable and sustainable don't apply to anything that burns. Calling them something else and not counting these emissions does not slow climate change.

3. Wood is worse than coal.

It is the MOST toxic for human health and emits huge amounts of toxic fine particulate matter and other chemicals in the low income neighborhoods of Old North End and Winooski. See

attached excel spread sheet from McNeil. This is what is dumped in our air even with the Electrostatic Precipitator taking out some of the pollution on their stack. Figures on pollutants are most accurate for 2020 and 2021 before that they are too low. I ran the numbers by the State employees who monitor McNeil. The 2020 and 2021 figures for fine particulate matter are the most accurate because they started counting condensate fine particulate matter—which counts. In 2020-5.6 tons, in 2021 3.5 tons. Medical science recognizes no amount of fine particulate matter as healthy. That our top Medical Center is ignoring it's own scientists is disgusting.

3. Also do the math on the CO<sub>2</sub>— 2021 (last full year of emissions) is  
 $906,941,600 \text{ lbs} = \text{divide by } 2,000 \text{ to get tons} = 453,470.8 \text{ tons of Co}_2!$

Wood emits the most green house gasses per kilowatt hour of energy produced of ANY burned fuel.

CO<sub>2</sub> is CO<sub>2</sub> the atmosphere does not care where that CO<sub>2</sub> comes from. It is driving the climate crisis. Which brought us all the suffering this summer of wild fire smoke and flooding and non-stop rain. We are in a crisis, time to stop burning anything.

4. The best sequester of carbon is a mature tree. Vt native trees take 200-300 years to reach maturity to call wood “renewable” makes NO SENSE.  
 Climate Scientists say we only have 5-10 years to turn things around and prevent the worst of climate change.

5. Time to say and act on "the emperor has no clothes" when it comes to burning anything. It makes NO sense to replace fossil fuels with renewable gas or biomass (wood) when they emit the same or worse toxic stuff and green house gasses. And green solutions that are cheaper in the long run, healthier and reduce green house gasses already exist.

Green solutions exist, IRA has huge pay back and point of sale for non-profits.

With all the tax increases we have seen and will continue to see, this is just more wasteful spending. When Vermont legislators get a grip on spending, solving its current problems (taxing Social Security and retirement benefits, crime, reasons for increasing homelessness, increased drug abuse, overdoses and so much more) then maybe we can have the conversation about climate change. In the meantime, let's be more fiscally responsible and address infrastructure issues related to severe weather events.

Another thing you should do with the IRA money for green tech is purchase battery backup systems. Like Tesla powerwalls. Then give them to whoever wants one. Doing this would be a win win win for Vermont as we already generate too much solar electricity to be used as it is collected. Giving battery backups to people would mean that we can continue to collect more solar power, convert more homes to electric heat and hot water AND not have to upgrade the grid to do so! (So I guess that is a win win win win)

As I've said before, just give this tech to people. Don't thwart efforts by trying to create rebates



and tax credits. Just give it to people who will use it. Or at least scale discounts starting with 100% for people who have household incomes below the median.

Vermont is a bit off our goals because program designs lose sight of their purpose. We don't have enough republicans in legislature to worry about what anyone thinks about spending. Just use the money in the most efficient and effective way. Which is to implement the technology NOW! :)

As you dig into long-term financing strategies for funding the climate action plan, I hope that you'll consider the mechanism outlined in H.105 An act relating to the Community Resilience and Disaster Mitigation Fund.

[The purpose of the H.105](#) is to create the Community Resilience and Disaster Mitigation Fund to provide funding to municipalities for disaster mitigation and community resilient infrastructure. The bill is modeled after legislation passed by Colorado.

What this bill does is establish the Community Resilience and Disaster Mitigation Fund to award grants to municipalities to provide support for disaster mitigation activities. Those disaster mitigation measures could include things like grid hardening, slope stabilization, watershed restoration, drought mitigation, construction of emergency shelters, and similar activities that directly reduce risks to communities, lives, and property and decrease costs associated with disaster recovery. Revenue for the fund is generated by increasing the assessment on certain casualty insurance company premiums. Funding would be awarded to municipalities with priority for projects that use funding as a match for other grants, projects that are in hazard mitigation plans, and projects that are in communities identified as high on the municipal vulnerability index.

Many of our communities are not prepared for the impact of extreme weather. This bill will provide critical support that ALL municipalities, especially our most vulnerable, can access to be more resilient against future disasters and climate change. Making these upfront investments will decrease losses that would otherwise be largely paid by insurers.

While currently available resources, time and need will ultimately determine our future with regard to energy it should be up to the inventors, and users of trending technology to pay for it. It should not be placed on the backs of those that work hard, live within their means and pay their own bills.

The climate alarmists have duped Vermonters into paying for their attempt to reduce climate change. Since the beginning of time earth has had continuous changes to its climate. While some of the most recent changes have been influenced by the increased human population and their actions, much of the proposed energy changes will contribute just as much if not more to climate change and negatively impact our environment.

While the current proposals of these alarmists creates a financial cost to Vermonters that is unsustainable, the climate and environmental impacts of the many changes proposed are astronomical.

The mining of the materials needed for the production of solar panels and batteries is destroying thousands of acres of the earth's outer crust penetrating hundreds of feet into the surface. Dust and the massive amounts of toxic fumes emitted into the atmosphere during the mining and refining of these raw products alone out ways the current carbon emissions. Say nothing about the labor atrocities occurring in the countries that produce these raw materials.

The waste products of the current proposed electrification of everything are not recyclable and hazardous to dispose of. Solar farms are creating micro climates contributing much to climate change within our state and destroying our once beautiful vistas. Current battery design is a fire hazard that is killing and injuring hundreds as well as creating additional financial burdens on all.

Without a doubt there will come a time that an alternate energy source will be developed that will meet the needs of Vermonters without the climate and environmental impacts of the current and proposed energy.

1. As someone who began his personal transition in '08 by installing a geothermal heat pump system to replace my propane furnace, I strongly urge some sort of State subsidy or tax credit formula for homes to tackle such a project. It's not cheap, but a State assist will bring a larger number of converts than without the help. As to new construction of homes AND businesses, it seems some sort of "green mandate" would push those too stubborn to change or hesitant and uncertain about new green technologies. With new construction, it should be suggested that by pairing any geothermal system with solar designed into the roof, the owner will save additional money by buying less energy off the grid. Over a 5 or 10 year period, the savings of \$\$\$ and cutting greenhouse gases out of the equation will show impressive results in personal pocketbook savings AND a significant reduction in the State's climate goals of greening the Green Mountain State.

2. Routes 7, 100, and 5/10, our N/S routes, and 9, 4 and 2, our E/W routes, should be prioritized to installing strategically placed EV charging stations in preparation for EV adoption here in Vermont. Perhaps team with the Feds and come up with a plan to do the same thing on I-91, a true artery of Vermont travelers. Perhaps contracting with cafe' type businesses to occupy these charging areas to make EV stops to recharge much more relaxing and convenient for their time.

3. There are numerous Vermont roads that have significant acreage on their sides for applying solar panels for GMPC to tap into for electricity. My 1st thought in this regard is Route 7 out of Bennington going North. I dare say the miles of wide clearings along 7 would likely generate several megawatts of power if utilized. I believe the formula for solar is roughly 2 acres /megawatt, meaning, the hundreds of acres on both sides of Route 7 would generate at least 50 Mw, maybe even more than that. Now that takes a bite out of our State's carbon footprint, doesn't it?! As it is currently, this fallow land just sits there having to be mowed once or twice costing the State \$\$\$; why not employ these acres to offset these expenditures, even add \$\$\$ to State coffers. No brainer to me.

4. While the technology hasn't fully matured yet, thin layer solar is an up and coming technology that will apply solar to many latent surfaces around us in our everyday lives. Perhaps Vermont

could start a pilot program employing these products and over a years time to determine if it is indeed something worth investing in. The potential of applying this product to building wall faces and bridge structure and any inanimate structure with square footage to exploit is vast.

5. Every parking lot in Vermont should have solar canopies over them. My 1st thought on this is Hospitals. With their enormous use of energy 24/7, and their very large parking lots, building parking lot canopies would bring major savings to their bottom line. But my design envisions these canopies as multi purpose, not just solar generation. With these large 'roofs over the area, You'll have large amounts of runoff during rainstorms. Instead of the rain being directed into the gutter and eventually the sewer system, the rain water is diverted into a cistern system that would supplement the Hospital's water use, thereby saving on their water bill's with their host city or town. This diversion would also have a positive effect of the city's water infrastructure and supply. Additionally, these canopies would also host EV chargers that could generate more monies for the Hospital. These canopies would also, by shading the parking areas, lower the reflective albedo effect of asphalt parking lots "reflecting" heat into the atmosphere raising ambient air temps that make our summer days that much hotter and uncomfortable.

States can have their own banks. Start a state bank, get nh to start their own bank, loan each other money at 0.15% or whatever, and you just fractional reserve printed a crapton of money for yourselves. It is what large private universities do, and the balance sheets cancel basically.

Instead, could fund other things like keyline design which have other extremely valuable returns and which also sequester a stupid amount of carbon. In Vermont, current keyline design results add about an inch of topsoil per year, more or less depending on location. Would boost ag yields, lower or eliminate fertilizer use, and reduce runoff sharply from farms, restoring our waters and making farms more productive, and restore lost ecosystems if patches of hill farming were added to existing stock of farms. Keyline design makes that viable, and is pretty low cost. Wouldnt expand ecosystems if most hills were completely farmed, as they were 100 years ago, but some farms on on some of most hills utilizing keyline design would do that, and considerably faster than letting beavers go wild (the process before colonization) would do. We're not going to let beavers run rampant anyway though because it would trash most of our roads and lots of people's property, but some increase of them is desirable, and keyline design would facilitate that.

I suggest an idea when making climate change funding messaging easy to understand read documentation materials curriculums one pager / glossary or summary of the individual ask or the Statewide ask of stakeholders advocates community Partnership climate partnership etc moving forward so accessibility and accommodation would be helpful for individuals with disabilities and other specific learning needs.

I think this is very exciting and the perfect opportunity to design programs that work. What I mean by that is that many programs miss their goals by attempting to make participants liable for some of the cost of the products and services. In my opinion, that is a foolish way to design programs. Programs, instead, should focus on function and meeting goals. If those goals are

decarbonization and efficiency, then apply the money directly to those efforts. Give everyone the opportunity to participate by making products available to them directly, without discounts, rebates, tax credits... etc..

So, if working with VT companies is important. Then give money directly to those companies in exchange for their services. For example, you could give \$1 million to a local HVAC company to install 200 heat pumps. Then the company just says to the public "hey we have free heat pumps, who wants one?" Do the same with solar installers, power storage, e bikes, electric cars, weatherization... just use the money and get it done!

I'd like to ask you to recommend creation of a climate superfund. We need large-scale action to protect people who are most vulnerable.

My husband and I couldn't have purchased solar panels without the special financing available, now some years ago. I advocate more of the same and even more help for low-income families who can benefit more from lower electric bills.

Without those solar panels, I can't be sure that I would have installed mini-split heat pumps this year. I'm counting on a lower propane bill this winter and an overall lower energy bill because of solar panels.

We also had a lot of new insulation installed, and I've replaced windows and doors. For some people, these costs would be overwhelming, yet they are money-savers over time. Assistance with such expense needs to be another route to ameliorate climate change and help people live more cheaply.

Ultimately, I think all the things I've mentioned will benefit Vermonters and the state of Vermont.

It should be noted that not all households currently have electrical service to their house. I recently built a small house in Bolton but Green Mountain Power was going to charge an exorbitant price of \$20,000 to install the power service, compounded by the fact there is a 30% state tax on new power services. This made it too expensive to do. I instead use a few solar panels to charge a couple batteries but mostly a fossil-fuel generator for my electricity.

The State should instead give a 30% tax CREDIT for new power service so my family can enjoy reliable electricity and can participate in the green energy movement, rather than using a fossil fuel generator.

The best thing Vermont can do to help VERMONTERS, is not to make our fuels so expensive! Last year we paid more for heating our house then we have Ever paid!! We have been here since 1992!!

We are not rich, and are trying to get by as best we can. Both my husband and I have fixed incomes we have tried our best to scale back so we can afford to live in Vermont, but we are getting down to the wire! There is not much left to cut!! Please please do whatever you can to

help VERMONTERS like us!! Everything has gone up ! But not the amount of money we have to get by! I am all for green energy, but Sensibly spaced out so people don't get hit in the face over and over again!!

I read the article on [WCAX.com](http://WCAX.com) about this office getting green energy ideas from Vermonters. We have solar energy at our house, and could not be happier. We have not had an electric bill in 10 years, and use electric heaters, and our wood stove in the winter to keep our oil usage to a minimum.

1. All new buildings should be required to be solar. Particularly industrial or public buildings. I think it is an outrage that the new State Police building in Williston has no solar panels. And the parking lots at 'park and rides' could have awnings of solar panels (what a great thing to have covered parking!).

2. We live in Williston (luckily on the Vermont side, not the New Jersey side), and I find it such a wasteland of flat roofed buildings that could all be used to hold solar panels that would generate more than enough electricity for their own buildings and more.

3. There was such attention to the new development in South Burlington that will be designed as energy efficient/solar. However that is only one of probably 5 new developments going up in South Burlington. And many of the apartment buildings going up are flat-roofed- and could support solar panels on the roofs. Lost opportunity and wasted space.

## Climate Infrastructure Financing Report

### Appendix C – Public Comment (Formal Letters) for AI Query

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We wholly endorse the creation of a statewide green finance entity to meet Vermont’s mitigation, adaptation, and resilience needs by mobilizing sources of private, philanthropic, and public funding at scale and in a coordinated manner. To that end, our letter focuses on two topics: **(1) the need for Vermont’s climate financing entity to be housed within an existing state financial institution and (2) the kinds of functionalities and capabilities this entity should have in order to meet the state’s climate, equity, and community development missions.**

#### Deploying an Existing State Financial Institution

Vermont’s climate financing entity should be more than just a financial institution. It must be an entity that can balance complex public goals, empowered to coordinate among state, nonprofit, private, and community actors to achieve those goals. To that end, this entity must be a public entity housed within an existing state instrumentality like the Vermont Housing & Conservation Board.

A public financing entity with a public mission, accountable governance structure, and sufficient financial and technical capacities can avoid excluding vulnerable, particularly rural, communities and displaced workers. Direct affiliation with and accountability to state leaders ensures that it can internalize legislative mandates and prioritize equity goals.

A public financing entity can coordinate among Vermont state institutions, federal financing programs (*e.g.*, Solar For All), nonprofits, and philanthropies to meet economic development goals, provide technical assistance, and target financial support toward vulnerable communities. As a central coordinator of both financing and administrative programming, the entity can more easily integrate and balance climate, development, equity, and justice goals by aligning the missions of its partners to Vermont’s climate planning and goals. And as a state instrumentality, it can be designated as a SEFI, or state energy financing institution, making it eligible for federal loan guarantees from the LPO.

This central coordinator function allows the public financing entity to build administrative capacity within Vermont’s state government to plan and execute the kinds of complex legal, procurement, and financial activities needed to prepare clean energy and nature-based resilience projects, mobilize investment toward them, and provide support to vulnerable communities.

A public financing entity can already take on more risk and undertake longer-term investment plans than its private and nonprofit counterparts could, especially by making use of the existing creditworthiness of the Vermont state government when issuing bonds and providing credit enhancements. As a centrally coordinated institution for raising public finance for green investment, this entity avoids the transaction costs associated with raising funds for state investment needs outside state financial instrumentalities. It may also be eligible for particular federal benefits or programs geared toward state instrumentalities, such as SEFI lending, the elective pay credits, and Solar for All.

A nonprofit housed outside the Vermont state government apparatus will have a harder time executing these functions because it would lack the convening authorities and public mandates necessary to work with the many instrumentalities that currently undertake lending or investment programs. It would be less accountable to the state, legislature, and communities; less able to coordinate the expertise and financing sources required to meet these goals; and would place the administrative capacity needed to manage a complex green transition process outside the state government. It is also likely that a nonprofit would be less able to utilize certain financial tools or would eventually have to be empowered by state legislation to use those tools anyway. Empowering an existing entity that already has experience with some of these tools will save valuable time.

This public green financing entity should seek not simply to access funds, but to design and deploy innovative financing tools to leverage all available forms of capital to meet the state's climate and just transition goals. Such tools include but should not be limited to: co-financing alongside other investors; issuing concessional loans; building loan underwriting capacity; providing short-term construction bridge financing; deploying revolving funds; offering credit enhancements like loan guarantees, loan loss reserves, first-loss guarantees, and interest rate buydowns; buying out private developers' stranded projects; making equity instruments and swaps (debt-to-equity and debt-to-grant swaps); warehousing assets and securitizing them; monetizing tax credits through the Inflation Reduction Act's elective pay provisions; centrally procuring key project inputs through bulk orders; allocating grants; and developing partnerships with state universities.

Tools like concessional loans and credit enhancements, enable the entity to mobilize and complement private investment. And other tools such as providing short-term construction bridge financing, perhaps through a revolving fund, and executing bulk orders for key input materials empower the entity to do what the private and nonprofit sectors cannot do at reasonable cost. Ensuring that the entity can securitize and warehouse assets, deploy revolving funds, and buy out stranded projects also allows it to become a financial backstop and central counterparty institution for green investment across the state. And loan underwriting capacity is absolutely essential for building the entity's capacity to develop close working relationships with borrowers, particularly to assess their creditworthiness.

And partnerships with state universities can serve a key capacity-building function: close collaboration builds a pipeline of interested students, researchers, professors, and workers whose scientific, business, policy, and technical expertise can be directed toward state climate investment goals.

On top of the above functionalities, such a public green financing entity should support project preparation and pre-development activities, including site identification, contract structuring, tax credit and elective pay advisory work, project labor agreement and community benefit agreement advisory, and other forms of technical assistance as necessary to meet Vermont's needs. This kind of coordination work is not easily executed by private or nonprofit stakeholders; undertaking it allows the public green financing entity to build key technical assistance and political coordination expertise.

For the past several years, at the direction of the Clean Water Board, the Enhancement Grant program has been funded at the statutory maximum of \$5m. Eligible projects include things like wetland restoration, riparian buffer plantings, river corridor easements, and floodplain and

stream restoration. Currently the criteria used to rank eligible projects under (d) are focused almost exclusively on restoring channel stability and reducing erosive forces of rivers and streams, reflecting the larger charge to CWIP to reduce sediment and nutrient pollution. There is a real opportunity here to adjust the criteria to give weight to criteria beyond sediment and nutrient pollution reduction to place greater emphasis on resilience. It would also be my strong preference to look first at expanding funding for this program (as well as the Flood Resilient Communities Fund at VEM) as opposed to creating any sort of new program from whole cloth.

**we encourage you to think beyond federal (i.e., taxpayer) dollars and seek infrastructure funding from the giant fossil fuel companies that knowingly polluted our atmosphere and created the climate crisis in the first place.**

**Why should these companies - which are making billions in profits while deceiving Vermonters - be let off the hook for the damages their products have caused?** Taxpayers should not be the only ones paying to rebuild and harden Vermont's infrastructure.

Big Oil has been reporting staggering profits this year. Of just the co-defendants in *Vermont v. Exxon Mobil Corp.*, they have reported more than \$100 billion in profits so far this year:

| <b>Company</b>                    | <b>YTD Net Income (Billions)</b> |
|-----------------------------------|----------------------------------|
| ExxonMobil                        | \$28.38 thru Q3                  |
| Shell                             | \$11.84 thru Q2                  |
| Motiva Enterprises (Saudi Aramco) | \$62.00 thru Q2                  |
| Sunoco                            | \$0.23 thru Q2                   |
| Citgo                             | \$1.37 thru Q2                   |
| <b>Total YTD Net Income</b>       | <b>\$103.77</b>                  |

**The companies that created the mess in the first place should also pay a fair share and your recommendations to the General Assembly regarding legislation for Vermont's climate infrastructure financing should make that clear.**

A particular example that highlights the significance of this Board in leveraging inter-Agency coordination to maximize resources to advance climate action is with respect to the Climate Pollution Reduction Grant (CPRG) authorized under the IRA. Through discussion with the IAAB, the CAO was determined to be best positioned to opt-in to the Planning Grant which was required to access the \$4.6 billion competitive implementation grant fund. In July of 23, ANR was awarded a \$3M Planning Grant as part of Environmental Protection Agency's CPRG Program. The first deliverable of the Planning Grant is a "Priority Climate Action Plan" or "PCAP". The PCAP is meant to include sector-specific climate mitigation measures that are ripe



for implementation and that can have meaningful emissions reduction and sequestration impacts. The CAO has been taking a “whole of government” approach to determining what measures are appropriate for inclusion in the PCAP by working closely with the IAAB to review and prioritize actions included in the Plan. This exercise has yielded a suite of measures that are based on the Plan’s actions that have not been implemented or have been advanced or implemented but need further funding to achieve additional emission reductions or sequestration. The CAO will continue to work with our interagency partners to compile and submit the PCAP by the end of this calendar year.

We recommend further consideration of how to use our existing funding infrastructure to finance nature-based solutions that address our climate goals. VHCB is interested in enhancing our existing investments and developing new programs to support climate resilience through nature-based solutions. In particular, we can play a role in leveraging emerging federal and philanthropic sources and allocating funds to support nature-based solutions. We already fund projects with an established network of conservation and land trust partners. We are interested in drawing down federal funds that support climate mitigation and resilience and in bringing in new partners to implement and steward this work.

As we engage in the Vermont Conservation Strategy Initiative (Act 59, 2023), we will explore the types of investments that are needed to support biodiversity conservation and community resilience across the state. Notably, this legislation requires us to protect 30% of the state’s lands and waters by 2030, and 50% by 2050. This will require both increasing the pace and scale of our existing conservation work, and exploring new tools, in new places, for accomplishing new types of conservation work (i.e. aquatic conservation tools). We are especially interested in working with partners to explore new areas of resilience work such as restoring floodplains, conserving wetlands, and river meanders. As we engage in our conservation strategy work, which is primarily a planning process, we are simultaneously beginning to explore new federal and other funding sources so that we are prepared to implement this vision.

Our Farm and Forest Viability Program sees many ways that enhanced investments in working lands businesses can support increased climate resilience outcomes. For instance, we see enabling land access for farmers as a critical part of climate infrastructure. Increasing affordable access to agricultural land makes it possible for young farmers to access land to grow food, invest in soil health, and implement conservation practices on their land. However, a lack of available, affordable farmland and few farmland financing tools limit this pathway. Most farm and forest businesses are actively seeking ways to increase their land stewardship, whether to meet RAPs or AMPs, or to exceed them. However, administrative burdens, long timelines, and low payments for incentive programs can be barriers to working lands businesses adopting new technologies or practices. Thus, we are supportive of new programs to support farmers in improving land management practices. Working lands businesses need financial support to access the next-generation equipment and infrastructure that will

contribute to Vermont's energy reduction goals - such as increased use of solar, electrification, and harvesting equipment that has a low impact to soil health. VHCB includes energy efficiency requirements in our design standards because of the critical economic and health benefits that accrue to the low- and moderate-income residents of these homes, and to help the state meet its goals for carbon reduction. According to VHCB's current building design standards, funded housing units must be developed to the Efficiency Vermont Multifamily high performance energy tier. These advanced energy efficiency standards increase the cost of affordable housing production substantially. VHCB commissioned a cost study in 2021 by Naylor and Breen that indicated that energy efficiency requirements increase the cost per unit by 16%. Vermont's energy incentives do not currently sustain this scale of investment.

VHCB views it as critical that Vermont continue to enhance its energy efficiency incentives as a key tool to help low- and moderate-income Vermonters share in the benefit of the state's energy efficiency policies. We see much existing strength in Vermont's energy sector and have confidence that existing service providers and funders of energy efficiency, weatherization, and renewable energy generation are developing systems to leverage energy infrastructure dollars.

However, we also believe it is critical that as we transition our energy systems to use more renewable sources and make investments in existing housing stock, equity must be a central guiding principle. Increased investment and coordination will be necessary to ensure that the benefits of energy investments are available to all. Affordable housing developers and partners can play a role in targeting energy investments to low income household, and VHCB can play a role connecting housing development partners to energy incentives.

New federal funding and programs present a great opportunity to enhance Vermont's climate related programs that are already successful, significantly reduce greenhouse gas emissions, and that meet the needs of underserved and rural communities. Here are our suggestions:

- The Weatherization Assistance Program should be expanded. This program reaches underserved, low-income residents in all areas of Vermont. Specifically, consideration should be given to the following programmatic changes:
  - Increase the cap on income eligibility.
  - More funding should be provided specifically for heat pump installation and work related to decarbonizing home heating. This will help the State to reach its goal of significantly reducing

greenhouse gas emissions. Heat pump adoption is a high priority action that can significantly reduce greenhouse gas emissions in the thermal sector.

- The program must provide competitive wages to attract and retain the necessary workforce. Employee retention has historically been a challenge due to the working conditions of weatherizing homes, low compensation, and the high demand for weatherization work in Vermont. This needs to be addressed for low-income Vermonters to continue to benefit from the program.
- The Electric Vehicle Supply Equipment (EVSE) Grant Program should be expanded to prioritize reaching underserved, BIPOC, low-income and older residents in all areas of the state. The expansion of the program for increasing EVSE at existing multi-unit properties, workplace charging, and public attractions will serve all residents, especially marginalized populations, who make the transition to electric vehicles. Transitioning to electric vehicles is a high priority action that can significantly reduce greenhouse gas emissions from the transportation sector. Expansion of the program in Chittenden County has the potential to reach the State's largest BIPOC population and Vermont's largest share of drivers statewide.
- The Municipal Energy Resilience Program (MERP) should be expanded to include schools and non-profit commercial buildings that serve underserved and rural communities. This program is currently being administered by the Vermont Department of Buildings and General Services in partnership with the State's Regional Planning Commissions.
- The State Energy Revolving Loan Fund, administered by Building and General Services (BGS), could be expanded to include municipal projects. Payments back to the fund are made with energy savings on the project until the loan is repaid, resulting in no cost to the municipality. See how Harvard's energy revolving loan fund operates: <https://sustainable.harvard.edu/green-revolving-fund/>
- Some electric distribution utilities, in cooperation with Efficiency Vermont, have a considerable number of rebate and incentive programs that could have more substantial impacts if additional funding was provided. Specifically, we recommend larger incentives to help cover the upfront costs of geothermal heat pump installations in new affordable housing projects. Geothermal heat pumps are often a better option for affordable multi-unit housing than air source heat

pumps because they require less maintenance and cost the residents less to heat and cool than natural gas or air source heat pumps. However, geothermal heat pumps have a much higher up front capital cost for the owner/developer.

- The [Vermont Low Income Trust of Electricity](#) (VLITE) has historically supported a wide range of projects designed to support the energy needs of low- and moderate-income Vermonters. VLITE should specifically be consulted to see if there are opportunities for collaboration on existing programs. VLITE should also be consulted regarding how low-income Vermonters can be assisted with increased future electricity rates that will likely be necessary to support capital improvements to Vermont's electric transmission and distribution networks. CCRPC is particularly concerned about future electricity costs for low-income residents living in electric-heated multi-family buildings that do not have sufficient space to install solar panels for net- metering

The Department of Public Service's [Public Participation Plan](#) has effective actionable strategies for connecting to community groups about the energy transformation needed to reduce our emissions. [The State of Vermont's Climate Action Public Engagement Plan](#) is also a resource for understanding which community groups to reach out to marginalized communities.

Specifically working directly with marginalized communities to mutually identify needs is important. However, this typically ends up looking like those with the technical expertise "going into" community groups when something is needed, asking for feedback, and leaving. This practice is extractive. The challenge is that community groups in marginalized communities often lack capacity and are already struggling to carry out their own mission. To ask more of them adds to their already too-heavy load. Thus, we need to make sure that we can create reciprocal and ongoing relationships with key community organizations in marginalized communities in a way that supports and furthers their work before asking them to support additional work.

Lastly, community needs in marginalized communities have been, and continue to be shared, through a multitude of ongoing engagement efforts at any given moment. Another strategy for imbuing technical expertise with community knowledge and needs is to better collaborate with others on the back end to share community feedback that has already been collected before asking the same questions to the same groups of people. Only once we have determined what needs have already been recorded should governmental organizations determine where gaps remain.

Asking small communities and/or schools to work on complex grant applications and reporting

as a way to access funds is unfair and burdensome due to limited administrative capacity. Applying for and administering grant funds takes resources and expertise that underserved and rural communities do not have.

Expansion of the [Municipal Technical Assistance Program \(MTAP\)](#), a program created by the Agency of Administration last year could create additional capacity for Regional Planning Commissions (RPCs) to assist small, underserved, rural communities. RPCs may also be able to help municipalities within the same region cooperate or collaborate on projects to avoid competition amongst each other. Creating programs that communities can opt into with minimal effort (e.g. Municipal Energy Resilience Program a.k.a. MERP) is another way to increase the accessibility of funds. Future federal grant applications, like the EPA's Climate Pollution Reduction Act Implementation Grant, should ideally be coordinated through the State of Vermont. Municipal or RPC applications should be discouraged.

There is a higher probability of coordination and success if future State applications to federal grant programs treat Chittenden County equally to other geographic parts of the State. CCRPC is particularly bringing attention to this issue because recent State programs, like MERP and MTAP, have treated Chittenden County differently than more rural parts of the State. While this approach may work for State programs, it may put a coordinated statewide grant application in a disadvantageous position given Federal Justice 40 requirements. Chittenden County includes three of Vermont's disadvantaged areas, as defined by the Federal Justice 40 criteria. Additionally, Chittenden County is Vermont's most racially diverse region and has more households living in poverty than any other county in the State. The County also has several very rural municipalities with fewer than 2,000 residents. Statewide grant applications need to take this information into consideration when coordinating future grant efforts.

- The Agency of Natural Resources' Climate Action Office has secured planning funds through the [EPA Climate Pollution Reduction Grant](#). The Agency intends to apply for [implementation funds](#) through the same program in April 2024.
- Energy Futures Group, a non-profit in Hinesburg, Vermont, recently received a grant from the US Department of Energy (DOE) to study state-wide building energy code compliance. Our understanding is that these funds have been used to support the work of the [Building Energy Code Study Committee](#), which was created as a part of the HOME Act.
- Northeast Energy Efficiency Partnerships (NEEP) and Vermont Clean Cities Coalition (VCCC) were recently granted an award from the US DOE Vehicle Technologies Office (VTO). The \$1.2 million grant will support the development of Community Driven Transportation Plans in New England (including Chittenden County).
- Burlington Electric Department (BED) and VELCO were both granted awards

via the US DOE, Grid Deployment Office Grid Resilience and Innovation Partnerships Program (GRIP). The BED grant is to support better utilize Smart Grid technology (\$1.2M) and the VELCO grant is to install grid enhancing technology in Northwest VT.

- Burlington International Airport Voluntary Residential Sound Insulation Program, funded partially through a Federal Aviation Administration (FAA) grant, will mitigate noise from the airport and also offer the co-benefit of weatherization for 2,500 homes in Winooski, South Burlington, Williston, Colchester, and Burlington.
- The Energy Efficiency and Conservation Block Grant (EECBG) Program allocated money to Vermont Counties (e.g. county courts) and the ten highest populated municipalities in the State. Each were awarded around \$75,000 in funding. The program can be used to support energy efficiency and fossil fuel emission reduction-related work. Chittenden County Regional Planning Commission has provided funding and staff resources for energy planning for our member municipalities.

Focusing on refining and enhancing existing programs with a renewed commitment to decarbonizing transportation and building thermal energy use (primarily via EVs and heat pumps) in conjunction with energy efficiency and vehicle miles traveled (VMT) reduction. Greenhouse gas reduction should be the primary goal.

Coordination among state agencies is necessary to efficiently and effectively combat climate change. RPCs are a key player in assisting and supporting the planning and implementing of state programs at the municipal level. RPCs have strong existing relationships and familiarity with municipalities. Additionally, RPCs have the ability to assist the state with making changes at a regional scale.

Vermont's historical focus in the energy sector has been on energy efficiency because consensus regarding human induced climate change caused by the burning of fossil fuels had not yet been reached. Our investments now need to reflect a pivot from efficiency to decarbonization and reducing greenhouse gas emissions according to the Global Warming Solutions Act requirements.

This change will face some local opposition from businesses and workers that have historically made their living from fossil fuel consumption. Educating businesses on how to profit from decarbonized solutions, educating workers and Vermont residents regarding new technologies must be part of the investment and be a large part of the implementation of the Affordable Heat Act.

Climate change has been shown to disproportionately affect marginalized communities. These communities often face higher levels of vulnerability due to factors such as limited access to resources, inadequate infrastructure, and socioeconomic disparities. For example, VT Digger reports that "Market pressures ... are constantly pushing lower income people further and further

toward options that reduce their quality of life — older, more degraded housing stock, or housing stock that churns through natural disasters more quickly.” (Lola Duffort, ["The flood waters disproportionately hit Vermont's affordable housing stock — at the worst time."](#) *VT Digger* July 31, 2023). This problem could be exacerbated as Vermont develops a national reputation as a climate refuge and people with the financial means relocate to Vermont to avoid the impacts on climate change in other parts of the country.

The initial up-front cost of transitioning to electrification in the renewable energy generation, heating, and transportation sectors will be burdensome to marginalized communities. Therefore, investments should tackle the needs of marginalized communities first by including targeted strategies that consider their specific histories, sociocultural, and economic realities. Careful consideration of the cost of decarbonizing and upgrading grid infrastructure is needed to ensure that policies are not burdening Vermont's electricity rate payers. Currently, rate payers are faced with substantial costs for paying for weatherizing buildings, converting to electric heating sources, purchasing cleaner vehicles, and for paying for grid infrastructure upgrades that are passed on to the customer through utility bills. Federal and state policy leadership is needed to reduce the cost to low-income households and marginalized communities. The responsibility to decarbonize and fight climate change should not completely be passed off to individual Vermonters or municipalities.

Lastly, the importance of land use planning that can effectively achieve [our state planning goals](#) to “maintain the historic settlement pattern of compact villages and urban centers separated by rural countryside” cannot be underestimated. Our state greenhouse gas emission reduction goals, our working lands goals, our housing goals, and our transportation goals (particularly related to public transit) are all directly tied to the effectiveness of our land use planning and regulation. This policy and planning work cannot be forgotten during our state's energy transformation.

Financing municipal projects with local tax revenues is unpopular and municipal officials are hesitant to raise municipal taxes for projects deemed not urgent. Free programs and grants are very popular as municipalities are constantly scanning for ways to show taxpayers that they are fiscally responsible by keeping tax rates low. However, staff resources to apply for grants at the municipal level are very limited so funding mechanisms should remove unnecessary applications or reporting processes for accessing funding. Consider learning more about [trust-based philanthropy](#) to remove funding barriers to make fighting climate change more just and equitable.

Financing is always considered a last resort at the municipal level; successful financing options must be very attractive and will be more popular when they provide a tangible return on investment, such as lower energy costs.

Vermont needs to develop an updated greenhouse gas emissions inventory and monitoring program. This will be an ongoing requirement for future federal funding and state-wide policy decisions. This resource should also be shared with RPCS and municipalities to achieve alignment.

The ANR Climate Action Office (CAO) is in the best position to coordinate state-wide strategic planning and funding allocation for greenhouse gas reduction and climate adaptation projects. Build upon the EPA's Climate Pollution Reduction Planning Grant (CPRG) model where the Vermont CAO tapped RPCs to help identify municipal projects to be included in the State's Priority Climate Action Plan. This CPRG- funded Priority Climate Action Plan is a prerequisite to apply for a portion of the \$4.3 billion available to states, tribes, and local governments for implementing the Priority Climate Action Plan by funding projects to substantially reduce greenhouse gas emissions by 2030.

The Vermont Public Service Department is an entity and resource for coordinating clean energy projects with RPCs and municipalities. Additionally, Vermont Department of Buildings and General Services in partnership with RPCs has developed the MERP program in a way that is relatively easy for municipalities to participate in decarbonizing public buildings.

RPCs provide coordination between state agencies and municipalities across a wide range of topics including energy planning. Many RPCs have a dedicated energy planner. Some larger municipalities also have staff dedicated to climate, energy, or sustainability issues. These folks should also be consulted with as a part of any statewide project.

Current state agency programs are generally sufficient at providing adequate staffing of state agencies. The State CAO should coordinate work to achieve state-wide targets and goals. The CAO will likely need additional capacity to scale up into this coordinating role. The State should also consider funding existing organizations that can also assist with statewide coordination (such as RPCs), if deemed appropriate.

**It is time for the Vermont legislature to imbue one of our existing governmental or quasi- governmental entities with the authority, the mandate, the staff, and the funding to (a) create a statewide climate finance strategy, (b) raise capital, (c) deploy, recycle, and leverage capital, (d) coordinate and support the work of relevant partner agencies, (e) provide technical assistance and train the market, and (f) promote and market its own and others' programs to achieve our climate goals.**

Transitioning from OPEX-heavy fossil fuel infrastructure to CAPEX-heavy clean energy systems and nature-based solutions requires an *upfront* supply of capital, which tax funding alone will not sufficiently address. Without access to upfront capital and innovative leveraged financing solutions, Vermont will simply not meet its climate ambitions.

Vermont's Climate Action Plan recognizes that for the plan to be successful "the support and engagement of Vermonters is critical — to mobilize a broad coalition of state, local, and federal governments, nonprofits, academic institutions, and private interests taking collaborative, decisive action. Significant and sustained investments, well-financed programs, properly capitalized lending entities and individual financial commitments will all be needed to implement the Climate Action Plan and realize important outcomes (...)." The Climate Council goes on to state, "No single funding stream will achieve our climate goals. **Climate action requires leveraging a variety of sources — existing and new, private and public, local, state, and federal —**



**and innovative financing mechanisms to support sector-level transformations and the ability of Vermont lenders to make crucial long-term investments in climate-focused projects and initiatives.”**

Yet, no one entity has been given a clear mandate by the Governor’s office or the Legislature to do all it can to develop these “innovative financing mechanisms” or only minimally so. While we have many programs, driven by more existing entities than in most states, we do not have a coordinated statewide strategy for climate finance. Each one of our quasi-public organizations dutifully pursues the mandate it was given, and it is unlikely, without specific authority, expert staff, or adequate funding, that one of them will suddenly find itself moving beyond what it currently does. More of the same, perhaps slightly bigger, will not cut it.

Promoting coordination across organizations is indeed necessary, as many have said, but climate finance is technical, broad-ranging, and cross-sectoral so our government should not expect a loosely connected web of existing organizations without sufficient funding, staffing, or authority to successfully tackle what is the most consequential challenge of our generation and that of our children.

This is not to say that we lack institutional knowledge or goodwill. I do not in any way impugn the usefulness of our existing programs or institutions. On the contrary, I am immensely grateful for the many public servants dedicated to meeting clean energy and conservation goals in Vermont.

Without them, we would not see any progress toward meeting our climate and conservation goals. I do, however, very much question the scale that we purport to achieve without an entity with the designated authority to steer the state in a clear direction when it comes to financial strategy, and to guide partners, existing and new, along with it toward our decarbonized future. It does not take much vision or work experience to recognize that accessing the once-in-a-generation opportunities afforded by the federal Infrastructure Investment and Jobs Act (**IIJA**) and the Inflation Reduction Act (**IRA**) will be impossible without dedicated staff and funding.

If I find this letter hard to write, it is because it argues the very fundamental notion that good ideas do not materialize into reality unless a champion makes them so and unless we give ourselves the resources to meet our goals. The “action” part of the Climate Action Plan requires that we do not stop at saying “we need innovation and funding” but that we move on to the “do” part with renewed vision and ambition.

Therefore, I propose that the legislature should take the following concrete steps.

**First, and most urgently, the legislature should require that the Treasurer’s Office be given the explicit authority, mandate, and funding to aggressively pursue funding opportunities for climate mitigation, adaptation, and resilience, across both clean energy and nature-based solutions spaces. The Treasurer’s Office does not need to be the organization that ultimately will be responsible for all of the activities listed in the second paragraph above in (a) through (f).**

However, the Treasurer's Office should coordinate with other entities on the short-term deployment of such funds and help them apply to funding. This would include supporting financial intermediaries with existing networks as appropriate, as well as existing agencies working on climate solutions and communities.

The Treasurer Office is the right organization to pursue funding this way as its expressed function is to "serve as the State's (...) chief investment officer."<sup>4</sup> In the wake of transformational federal legislation, many states have launched funds dedicated to help the state apparatus and communities seek federal funding, to provide cost-share funds, to enable leverage, or to provide technical assistance to communities. For example, in [Colorado](#), the Infrastructure Investment And Jobs Act Cash Fund provides \$80,250,000 in funding to the Governor's Office as a nonfederal match for the state or a local government for certain categories of infrastructure projects allowed under IIJA.

In [Connecticut](#), Public Act 22-25, the Commissioner of the Connecticut Department of Energy and Environmental Protection (**DEEP**) was required to "establish and administer a grant program for the purpose of providing matching funds necessary for municipalities, school districts and school bus operators to submit federal grant applications in order to maximize federal funding for the purchase or lease of zero-emission school buses and electric vehicle charging or fueling infrastructure." The Act requires that the DEEP Commissioner give preference to applications relevant to environmental justice communities.

In [Kansas](#), the \$200 million Build Kansas Fund provides matching dollars to Kansas communities for infrastructure projects approved under IIJA. Projects that can receive funding include "water, transportation, energy, cybersecurity and broadband through Fiscal Year 2027." At least \$10 million will be reserved for investment in eight "Economic Development Districts." The Build Kansas Fund is administered by the Kansas Infrastructure Hub. The Kansas Infrastructure Hub includes "representatives from the Kansas Departments of Administration, Agriculture, Commerce, Health and Environment and Transportation, along with the Kansas Corporation Commission and the Kansas Water Office, will manage the Build Kansas Fund, offering technical assistance, tracking funds and promoting grant opportunities."

In [Kentucky](#), the legislature appropriated \$17.3 million from the general fund to match \$69.4 million in IIJA funds for fiscal years 2022-2023 for IIJA electric vehicle charging infrastructure support programs.

In [Minnesota](#), the State Competitiveness Fund was created as a special revenue fund in the Minnesota State Treasury and \$115 million appropriated and remain available until June 30, 2034, under the management of the Minnesota State Treasury to facilitate accessing federal funding under IIJA and the IRA. The State Competitiveness Fund is meant to "(1) pay all or any portion of the state match required as a condition of receiving federal funds, or to otherwise reduce the cost for projects that are awarded federal funds; (2) award grants under subdivision 4 to obtain grant development assistance for eligible entities; and (3) pay the reasonable costs incurred by the

department to assist eligible entities to successfully compete for available federal funds.” These funds can be applied to a large array of uses, including accessing formula funding, funds directed to political subdivision of the state or Tribal governments, nonprofits, businesses, utilities, and other grant opportunities “directed to eligible entities that do not require a match but for which the commissioner determines that a grant made under this section is likely to enhance the likelihood of an applicant receiving federal funds, or to increase the potential amount of federal funds received.” The broad-ranging nature of Minnesota’s matching funds strategy demonstrates how serious the state is about accessing federal funding and utilizing all available dollars to boost its competitiveness and investments.

In [North Carolina](#), Governor Cooper’s administration established a \$225 million Federal Match Reserve investment for state agencies to meet federal matching requirements from IIJA, the CHIPS and Science Act, and the IRA. The Federal Match Reserve “allows the state to participate in the paradigm shift created by these catalyzing federal bills and access an extraordinary amount of federal funds for infrastructure, research, climate initiatives, manufacturing, and STEM education [and] [p]ositions our state to compete for hundreds of billions of dollars, bringing our share of taxpayer funds back to North Carolina.”

In Oregon, the legislature passed the climate resilience package ([HB 3409](#) and [HB 3630](#)), which included over \$90 million in new climate spending “to access as much as \$1 billion from IRA programs. The new law provides funds to help marginalized communities, local governments and community organizations apply for federal grants.”

While Vermont may not have the same level of resources at its disposal, these examples highlight that **these states, both red and blue, understand that accessing federal funds takes resources, both human and financial. The political and geographic diversity should be enough to give the Vermont Legislature pause about its strategy so far to support the implementation of the Climate Action Plan and of the Vermont Global Warming Solutions Act (GWSA).** Enabling access to funding is but a step for the legislature, and should not replace other necessary steps to develop and implement a coordinated strategic approach to climate finance, executed by a centralized team. A lot of the states above have both “matching funds” and green banks as is the case for Connecticut, Minnesota, Colorado, or North Carolina, among others.

**Second, the legislature should pick one to two existing organizations to lead the development of Vermont’s climate finance strategy, fund it/them adequately, requires that it/they hire staff, including shared staff for key functions, and place them under the authority of a shared governing body within the Treasurer’s Office.**

The explicit modified mission/mandates of such organization(s) should be to stimulate market transformation in Vermont for the benefit of Vermonters and Vermont-based enterprises, to develop a climate finance strategy, to pursue funding sources and financing programs that will enable the climate policy goals of state agencies, as required by the legislature, to offer technical assistance, to lead the implementation of such state strategy, and to support the marketing of

programs and products. Such organization(s) should also actively support and promote the activities of the quasi-public organizations and nonprofits pursuing climate goals in the state.

Ideally, one organization would lead financial activities for both clean energy and nature-based solutions. However, given the existing slate of organizations in Vermont, **I recommend that the legislature authorize and require that (a) the Clean Energy Development Fund (CEDF) and (b) the Vermont Housing & Conservation Board (VHCB) become Vermont's climate finance authority.**

CEDF already has most of the attributes necessary for an expanded mission but will have to be given broad autonomy to pursue climate mitigation goals and the flexibility to hire new staff quickly and raise/deploy capital. Similarly, VHCB can rapidly scale operations to finance nature-based solutions in the state.

These organizations should work together, with guidance from the existing Local Investment Advisory Committee, and other relevant agency staff. Besides co-developing a strategy over time, working closely with the new staff at the Treasurer's Office on capital raise, these organizations under a new climate finance authority branding would be the main conduit for program development, and would have the option to deploy capital directly or through existing organizations, as relevant and appropriate.

They would provide clear communication to financial partners and private sector investors about the programs and policies of Vermont, act as a technical assistance provider, and proactively seek to grow the pipeline of projects in both their core areas. They would not seek to replace the existing organizations, but to lead the market, send clear signals, and develop opportunities for our climate economy.

Both organizations should be given broad latitude to utilize all of the tools in the financial toolbox and to invest using a range of debt and equity tools, including securitization and tax credit optimization, as well as to deploy grants, either directly or as a passthrough entity for other organizations such as Efficiency Vermont or VSECU. Both organizations should explicitly support low-income families and underserved communities in our rural and urban environments, not as an afterthought, but as a structural part of their vision and mission.

Key staff for financial, legal, marketing, and data/reporting functions should be shared to promote cross-learning, create efficiencies, and to facilitate strict compliance and reporting requirements attached with federal funding.

**The legislature should seek to encourage flexibility, creativity, and engagement with the market and communities, including by allowing the Treasurer's Office, CEDF, and VHCB to create the special purpose vehicles or nonprofits that may be necessary to pursue philanthropic sources of funding or to create financial structures that are adapted to our state.**

**Reaching the goals of the GWSA and implementing the Climate Action Plan will require your leadership** not to simply coordinate the good work already being done, but to proactively pursue funding sources for climate financing solutions, and to empower CEDF and VHCB to build and implement a statewide climate finance strategy that leverages public investment. We have many of the ships we need to get us where we committed to going. It is high time that we hired ourselves a captain.

Together, operating as the Vermont Public Finance Climate Collaborative (PFCC), we would like to describe our current work to finance climate infrastructure and access emerging funding opportunities, as well as sharing our vision for how statewide coordination could further leverage resources to support Vermonters and achieve the state's climate goals.

We originally organized the collaborative because we saw a need to create a collective home for project development and information sharing for climate financing initiatives in Vermont as new resources become available through the Inflation Reduction Act (IRA). Our organizations are prepared to leverage IRA funding to ensure that low-income households and disadvantaged communities are equitably reached by these resources. Proof of this concept is described in more detail below.

We feel that the outreach process being led by the Treasurer's Office can be a valuable opportunity to inform the public about what resources are available through the IRA and Infrastructure Investment and Jobs Act (IIJA), and when and how that funding will become available. Both pieces of legislation are an extensive patchwork of tax credits, grants and financing programs. Currently, the Department of Energy (DOE), the U.S. Environmental Protection Agency (EPA) and other federal agencies are in the rule-making process or have released Notices of Funding Opportunities for many related programs.

Relatively little of the funding available from IRA is yet available to be deployed in Vermont. Some pieces will require state sponsorship, while others will benefit from the experiences of the PFCC, and still others will directly benefit project owners. This diverse range of applicants and uses of funds speaks to the informational barriers among participating entities that would benefit from information sharing to ensure the greatest impact of the funding and financing opportunities. The \$27 billion Greenhouse Gas Reduction Fund (GGRF) is one of the IRA opportunities available to financing entities. The Vermont Department of Public Service has already submitted an application to EPA for the \$7 billion Solar for All competition of the GRRF. The remaining \$20 billion in GRRF funds will be distributed through a number of national entities, such as the Coalition for Green Capital and Climate United, which will be announced in Spring 2024. PFCC members joined coalitions, submitted project pipelines, and intend to seek financing from these national entities for funding to support greenhouse gas reduction projects in Vermont across the sectors we serve.

Our statewide mission-driven roles, with 50 years of experience and strong balance sheets, make us uniquely positioned to work with these national intermediaries to maximize the funding

available to Vermont. Underscoring this capability is the utility recognized by our national partners in our collective capacity as they conceive of us as “green banks” for our respective constituencies and place us side by side well known entities like the Connecticut Green Bank. Our ability to access these resources will be largely dependent on the terms and uses these national organizations set for awards. As GGRF awards increasingly appear targeted to specific sectors, PFCC members will likely apply individually to the national entities rather than as a single application.

However, we intend to coordinate amongst ourselves to ensure that we are fully aware of potential funding opportunities.

Although the PFCC members are actively pursuing the IRA funding that we are currently eligible to receive, *we feel that the Treasurer’s Office could play an important role as an information clearinghouse*, ensuring that all new and existing federal climate funding opportunities are identified and brought to the attention of the entities or the state agencies that are the intended recipients.

Further, we believe the *Treasurer should also help to evaluate the supply and demand for climate related funding and financing sources* on an on-going basis in consideration of the risks faced by the state from a changing climate as well as the mandates outlined in Vermont’s Climate Action Plan and Comprehensive Energy Plan. This evaluation would incorporate the missions, competency, and existing programs of PFCC members in their sectors. This should also include advocating for climate infrastructure financing to be broadly inclusive of adaptation programs. From insurance to grants, these programs may take many forms but should not be ignored from climate discussions around climate finance.

We know that some states have, or will, pursue setting up a new Green Bank as a way of accessing federal funds and we do not recommend that path for Vermont. Because of the PFCC’s willingness – and eagerness – to work together and ensure there are no market gaps or lost funding opportunities for our small state, we feel confident in our ability to apply for, access, and deploy the available funding without adding a new entity. Any new organization would require tens of millions of dollars to capitalize a balance sheet similar to the PFCC, and would not have the 50-year history of lending that investors and rating agencies would need to see. The organizational overhead, untested governance, and additional coordination that a duplicate agency would add to the state would be wasteful.

Instead, the PFCC sees a role for itself as a shared “front door” for the state’s climate financing. Our organizations will continue our work in our respective fields, while coordinating with stakeholders and amongst ourselves. Using existing organizations within a new framework will allow us to utilize and expand our programs and leverage our existing funding streams, private partnerships, and credit capacity. This structure will allow us to avoid duplicative efforts and ensure that all parts of Vermont and all the different sectors we serve have equitable access to funding opportunities.

This effort will require continued outreach to Vermont's energy stakeholders, including the State, nonprofits, and the private sector. We will need to form expanded partnerships to reach consumers, connect with the state's contractor workforce, leverage new technology, and measure the impact of our joint work.

The solar array represents a method of cost control for us. The changes we are contemplating are expensive and will likely end in higher annual operating costs for us. We need to be able to mitigate the costs in some fashion and the solar project seems to be practical.

The **feeling one gets** is that the utility has no real incentive in us moving forward with renewable energy. The **feeling** is backed up by the lack of control of the costs; the utility has to find the transformer, the utility has no real interest in controlling that cost as we will have to pay whatever they say it is. The installation is the same thing; why rush and the customer will pay whatever the cost is.

In the long term, what incentive does a utility have to help customers use less utility provided power?

#### Barriers

- Inability to plan with unknown costs, and delays.
- Utilities not being ready and open to solar and EV impact
- lack of real, supported programs within utilities to be ready and accommodating for EV's and solar arrays
- lack of transformers, utilities not up to date (many under-rated transformers in use), not stocking transformers, etc.)
- Create incentives for implementation of renewable energy that work at all levels of the programs needed to move forward
- Create programs that encourage sharing of resources (staff and inventory) amongst the various utilities
- Create practices / rules that would have the utility responsible for anything that is not part of the house. Responsible to the point of performance penalties (lack of performance). (Exception would be systems that are well above residential systems)
- Rising costs are an incentive to change to more economical systems, but it is hard to plan without knowing the costs and timing of enabling new systems.

- Come up with processes that insure consumers will not suffer for delays that they have no control over. This would help enable consumers to plan for projects.
- Utilities share **detailed specifications** on exactly what is needed. (Other resources might be found to provide “scarce” items and it removes the barrier of unknown costs and availability).
- Create some sort of teams to help with the unknown costs of projects (like the consumer burden of bringing transformers up to date – purchase and labor costs)
- Set deadlines on the delays that projects run into and define the remedy so that consumers are comfortable making commitments. As an example (maybe a little far fetched); When consumers make a significant commitment to a significant solar project, their utility bills ceases until the utility completes their portion of the project. This would need to include transformers and swaps, etc.

We submit the following comments as you develop your recommendations:

- **Scale Up Existing Programs** – We have several successful programs and partnerships developed in Vermont aimed to finance investments to increase energy efficiency and reduce carbon emissions for municipalities, businesses, families, and individuals. Some of these programs have built-in income sensitivity to enable low- and middle-income borrowers to access affordable lending options for project financing. Standing up new programs takes time and resources, and this should be considered for identified gaps in Vermont’s funding/financing landscape.
- **Fund Outreach, Technical Assistance, and Project Management** – Our experience shows that technical assistance and coaching is essential for uptake in energy efficiency investments in low-income communities. The day-to-day demands on low-income families make it incredibly difficult to plan for the benefits of energy efficiency, navigate the complexities of lending and rebate programs, and manage contractors. Strategic outreach to enroll individuals and significant assistance and coaching to support through the process will be essential to meeting the GHGRF intent to deliver lower energy costs and economic revitalization to communities that have historically been left behind.
- **Pre-bate, Not Rebate** – In the financing instruments used to deploy funds, seek the ability to lower the loan total to the borrower by pre-bating incentives when possible. Pre-bate funds can be delivered to project builders/contractors directly when appropriate to avoid the borrower needing to have a loan that includes the expected incentive. When the traditional ‘downstream’ rebate is moved to the front of the process, the project cost is reduced from the start, so more Vermonters can participate.
- **Enable Coordination, Performance Reporting, and Monitoring** – Currently there is not an entity established to receive and coordinate climate funds, collect performance reporting, or monitor outcomes. Establishing a centralized entity, or assigning the role to an existing entity, would support clarity among deployment partners, utilities, agencies,



and grant seekers and efficacy for the funds drawn down.

Currently Vermont only supports community solar arrays – the easiest way for most low-income households to access renewable energy – with a few very modest, one-time programs such as the Affordable Community Renewable Energy (ACRE) program. Other states such as New York have much more advanced community solar programs that provide upfront incentives to build projects to the type that provide the easiest access to renewable benefits for low-income New Yorkers. Accessing federal money to create similar incentives in Vermont would be go a long way to advancing energy equity in Vermont.

Establishing a centralized structure in Vermont to pursue, receive and distribute Federal and other funds, operating in a manner similar to a green bank, would ensure that Vermont does not miss out on opportunities to utilize federal funding and that these funds can be used in a manner that is more inclusive of local and underserved communities. An issue brief on Green Banks and the Inflation Reduction Act by the National Caucus of Environmental Legislators emphasized that states without green banks – or public entities with a similar function – would struggle to access \$20 billion of funding made available through the Nation Clean Investment Funds and the Clean Communities Investment Accelerator. Without such a centralized entity it is unclear where these funds would go within Vermont and the state would lose out on the ability to influence how these funds are used to ensure local and underserved communities are prioritized.

Since 2011 more than ten states have created green banks to leverage public funds to spur private capital investment in clean energy projects. Green banks work with public entities, large capital investors, and smaller scale consumer investors through a variety of financial instruments including direct market-based lending or co-lending, loan guarantees, Property Assessed Clean Energy (PACE) financing, on-bill repayment programs and renewable energy power purchase agreements.

Examples of the local benefits these banks have been able to provide include:

- **Support for Municipal Solar:** The Connecticut Green Bank’s “Solar Marketplace Assistance Program” (Solar MAP) provides important technical assistance for municipalities that want to go solar, and a similar program would be highly beneficial helping Vermont’s many small towns and municipalities access the benefits of solar. Through Solar MAP, the Connecticut Green Bank assists municipalities with an assessment of their energy needs, conducts site analysis, solicits and reviews project bids, and leads them through the contract execution process. This eliminates many of the knowledge barriers for town and municipal staff and enhances local benefits.
- **Support for Community Solar:** The New York Green Bank provides construction financing for community distributed generation. This avoids several market barriers that can slow the deployment of community solar such as the inefficient use of equity funds and difficulty pricing the risk exposure from distributed generation.

- **Support for Commercial & Residential Renewables:** The Connecticut Green Bank supports building owners investing in solar by arranging power purchase agreement for building owners that allow no-up front cost solar investments and long-term stability in electricity prices. In addition, the Green Bank provides low-cost financing for residential solar and solar plus storage projects, including financing for roof replacement if it is necessary to solar. Providing support for both roof replacement and solar plus storage would be incredibly valuable in Vermont given the state's aging housing stock and the increasing threats of power outages as a result of intensifying extreme weather.

In short, Green Banks are able to provide a combination of technical and financial assistance that would be very valuable to Vermont towns, businesses, and families. The development of similar institutional capacity within Vermont would dramatically improve our chance of securing federal funding and maximize the benefits that we could provide with such funding.

Regenerative agriculture produces improved water quality, carbon sequestration and flood resilience. These Ecosystem Services (ES) are of great and increasing value to society and paying farmers is a very cost-effective way to secure them, as well as the rural community benefits that a healthy farm sector provides. Many farms will need to transform their production system to deliver these ESs. Transformation can be risky and/or expensive and farms are likely to need financial and technical support.

To help build and maintain a healthy farm sector in Vermont, **the Trust would provide coordinated financing and technical assistance (TA)** to farmers interested in transformation, **as well as ES payments** to any interested farmer based on quantified outcomes. For maximum effect, the Trust would operate two related funds:

- **The Outcomes Fund** would implement one or more pay-for-performance (PFP) programs that provide the framework, metrics and tools to quantify the relevant ESs and pay farmers for what they produce. The Outcomes Fund would aggregate carbon and water quality credits and market them through all available channels. Revenue from credit sales would be used to reward more farmers for environmental outcomes.
- **The Farm Transformation Fund** would provide interested farmers with the financial and TA resources necessary to achieve all-in soil health. A TA team of agronomy, dairy/livestock, and farm finance experts would work with each farmer to develop a farm transformation plan. Each farm-specific plan would contain estimates of productivity and financial performance, as well as ES generation. Improved profitability and divestment of unnecessary equipment would free up cash for new investment. Debt restructuring may be necessary for some farms. The projected flow of ES could inform financing terms and justify public investment in the transformation.

**From:** Lazorchak, Jane  
**Sent:** Friday, January 12, 2024 12:30 PM  
**To:** Moore, Julie; Coster, Billy  
**Subject:** FW: Draft Climate Infrastructure Financing Report  
**Attachments:** Climate Infrastructure Financing Report and Recommendations.docx; Appendix A - Consolidated Public Input - Final.pdf; Appendix B - Public Comment for AI Query (email) - Final.docx; Appendix C - Public Comment (Formal Letters) for AI Query.docx

Afternoon,

I am fine with these recommendations but want to acknowledge that this is significant additional work for our office. I am supportive but wanted to acknowledge this to you both. Additionally, I have one important edit and a clarifying comment for you both to consider:

1. Please note the comment included in track changes which better reflects our role with the Climate Council. It seems important to characterize correctly.
2. For your consideration, I wonder if PSD should be called out at all specifically, understanding they have a history of energy financing. I am fine either way as they will have a role through IAAB but did want to highlight.

If you support my comments, I can share back to Ashlynn.

Thank you,  
Jane

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**From:** Doyon, Ashlynn <Ashlynn.Doyon@vermont.gov>  
**Sent:** Tuesday, January 9, 2024 5:57 PM  
**To:** Moore, Julie <Julie.Moore@vermont.gov>; Lazorchak, Jane <Jane.Lazorchak@vermont.gov>; Wolz, Marian <Marian.Wolz@vermont.gov>; Farnham, Douglas <Douglas.Farnham@vermont.gov>  
**Cc:** Ramirez-Richer, Emma <Emma.Ramirez-Richer@vermont.gov>; Pieciak, Mike <Mike.Pieciak@vermont.gov>; Boyles, Gavin <Gavin.Boyles@vermont.gov>  
**Subject:** Draft Climate Infrastructure Financing Report

Good Evening All,

Thanks very much for a productive meeting this afternoon. As promised, please find attached the working draft of the Climate Infrastructure Financing Report. Note that we are still in the process of making final updates. We would appreciate your review with particular attention to the areas where we mention partnerships between the Treasurer's Office and ANR/the Climate Action Office.

In today's meeting we also mentioned the 2.5% credit facility language in H.586, Rep. Kari Dolan's bill. We will be proposing to her some significant changes to the placeholder language that is currently in the bill, to be in line with recommendation #5 in the report. We are still working on drafting the replacement language and can share with you when it's further developed.

Thanks again,

Ashlynn Doyon  
Director of Policy  
Office of the Vermont State Treasurer

Email: [ashlynn.doyon@vermont.gov](mailto:ashlynn.doyon@vermont.gov)  
Phone: (802) 595-3197 (cell phone/working remotely)

# CLIMATE INFRASTRUCTURE FINANCING REPORT

**PREPARED BY :**

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## **INTRODUCTION: REPORT PURPOSE, SCOPE, AND STRUCTURE**

### **Purpose**

In the Fiscal Year 2024 Appropriations Act, the State Legislature [requested a report with recommendations from the Treasurer by January 15](#) regarding:

- Coordination of the State’s climate infrastructure financing efforts;
- Creating a framework for effective collaboration among Vermont organizations, agencies, and the financial instrumentalities of the State to maximize the amount of federal Greenhouse Gas Reduction funds the State may receive; and
- Coordination of the deployment of these and other greenhouse gas reduction funds.

This report therefore provides a series of recommendations based on Treasurer’s extensive public engagement and conversations with various organizations involved in different aspects of climate infrastructure financing, as well as the insights of the Treasurer’s team.

### **Scope**

This report is not an assessment of climate-related priorities for investment. The prioritization discussion in Vermont is led by the State-designated [Climate Council](#).

This report focuses on the coordination of the State’s climate infrastructure financing efforts – specifically, as requested by the Legislature, creating a framework for effective collaboration and the effective deployment of climate infrastructure financing and other greenhouse gas reduction funds in a way that maximizes the amount of Federal funding secured by Vermont.

Within this report, climate infrastructure is defined as *infrastructure necessary to build, renovate, or otherwise invest in that advances the goals and projects established by the Climate Council*. Different people have different views of what constitutes climate infrastructure. This definition privileges the priorities of the Climate Council and focuses on how to finance the infrastructure elements related to those priorities.

### **Structure of the Report**

After the introduction, the report is structured as follows:

The first section (Section 1) provides an overview of the public input and the extensive engagement conducted by the Treasurer’s Office following the request from the General Assembly.

The second section defines the problem that led to the General Assembly’s request for this report, defines the end goals motivating an effort to better coordinate climate infrastructure financing in Vermont, and describes several alternative models intended to improve coordination put forward by different organizations as part of the public comment.

The third section outlines a series of recommendations resulting from the overall public input as well as insights from the Treasurer's Office.

The fourth section provides a summary of the public input received, broken into categories reflecting the wide range of interests and ideas shared by dozens of participants.

Finally, the report also includes three appendices that are described in the fifth and last section. The first appendix (Appendix A) provides all the public input in one consolidated document for ease of reference, noting that it does not replicate the ~100 form letters focused on finding ways to have big oil companies cover the cost of climate infrastructure financing. This input includes a substantial White Paper advocating for new authorities for an existing institution to act in a way similar to a Green Bank to help advance an effective climate financing strategy. This White Paper has nine co-authors (among them Senator Andrew Perchlik and representatives from VHCB, the Vermont Audubon, the Lyme Timber Co., and Quantified Ventures).

The second and third appendices (Appendix B and Appendix C) take the same information as the Appendix A but reformat, anonymize, and break that information into two parts so that a free artificial intelligence (AI) chatbot can query the data.

This tool to query public input should allow interested parties to learn about the different themes and concepts embedded in the public input in a different way. Because this is a new concept and a new tool, directions and sample prompts are included in the sixth section of this report for those interested in using AI to query these files.

Please note: The same material is available in Appendix A for those that would like to review it without an AI tool with a couple exceptions: First, the White Paper referenced above is too long to be included in Appendix B or Appendix C if it is going to be queried by a free AI chatbot, so that White Paper is only included in Appendix A. Second, pleasantries have been removed. And third, descriptive information about organizations submitting comment has been removed because of space constraints.

Finally, in terms of an AI disclosure, the report was not written with AI tools. While this report leverages an AI tool in Appendix B and Appendix C as described, the author did not use AI to draft any component of this report.

## **SECTION 1 – Overview of Treasurer’s Office Public Engagement**

Following the request from the General Assembly, the Treasurer’s Office completed extensive public engagement to build the foundation of this report about financing climate infrastructure.

First, the Office advertised and ran four separate Zoom sessions framed to respond to interests from four broad sectors across Vermont, using the same questions in each session. Those questions were posted publicly in advance and after the fact on the Treasurer’s website, and advertising for the sessions included print advertising, social media, earned media, personal outreach and invitation from the Treasurer’s Office (which included asking other organizations to share the invitation widely through their networks), and general invitation from the Treasurer in his remarks at events around the state in the weeks leading up to these sessions.

The questions developed by the Treasurer’s team focused on three topics, each of which is included immediately below in italics with the overarching question bolded.

### ***Topic: Why Pursue Federal Funding/Financing? How can we do this in a way that is more inclusive of local and underserved community priorities?***

- *How can Vermont be more effective in considering the needs of underserved or rural communities with respect to making climate infrastructure improvements, such in the areas of clean energy, weatherization, or climate resiliency in Vermont? For example, investments in natural solutions for flood mitigation, sustainable agriculture and forestry, floodplain and wetland restoration and other natural resilience solutions, energy efficiency and renewable energy. Are you aware of any specific projects and programs that need to be expanded or more focused on these communities?*
- *How can we better connect community groups and technical expertise, to mutually identify needs?*
- *What do small, underserved, rural communities need to do to pursue these funds? How do we maximize our ability to do this collectively, without competing with one another?*
- *What do you estimate as the total investment amount required by your industry to support necessary climate infrastructure needs in Vermont? How did you arrive at this estimate? Alternatively, do you have suggestions on approaches/frameworks to estimate this need?*

### ***Topic: Who is proactively engaged and are there any barriers impeding Vermont’s efforts?***

- *Are you aware of any agency or entity that is pursuing or has recently pursued/applied for federal funding/financing, private capital, or philanthropic funds for climate infrastructure improvements, such in the areas of clean energy, weatherization or climate resiliency? If so, what are the entities and how successful are they?*
- *How can we build on these efforts and unlock the door to additional capital import?*
- *How do we integrate various efforts, so we aren’t competing for time, attention, etc.*

- *What are the gaps or barriers in this work?*

***Topic: What does Vermont need to pursue its share of federal, private, or philanthropic funds to conduct climate infrastructure improvements?***

- *How could financing address these barriers experienced by underserved and rural communities? What other barriers exist?*
- *What resources (including technical assistance) does Vermont need to pursue that is currently available through federal funding/financing, private capital or philanthropic funds and be more competitive?*
- *What is needed to improve clean energy and resilience project identification and implementation? How would strategic planning or a focus on coordination among parties and/or financing entities support project implementation? What entities do you currently look to (can include your own) for this strategic coordination?*
- *Are current state agency programs and existing nongovernmental organizations in Vermont sufficient to achieve these goals or does there need to be a new governmental, quasi-governmental, or nonprofit to assist in this? What do you envision its role to be and how would it work with current state agencies and groups?*

Second, the Treasurer and team conducted a series of individual stakeholder meetings. These meetings were driven by either individuals or organizations signaling an interest in the topic, the recommendations of other organizations about groups the Treasurer's team might want to connect with, or the Treasurer's personal interest and outreach to connect with a broad range of leaders and organizations across the State.

Third, the Treasurer's team established a web presence and email that were readily identifiable on the website and widely advertised. This email was an option for those who wanted to submit comment but may not have been able to attend one of the four different online sessions. This was a well-used resource, receiving 39 separate submissions focused on climate infrastructure financing over about a 6-week period. Some of those submissions included recommendations for further follow up or stakeholders to seek out, which the Treasurer's team has made a priority.

These various inputs, the experience of the Treasurer's team, and an irregular discussion group including Representative Kari Dolan of the General Assembly and the Vermont Housing and Conservation Board (VHCB), helped inform the recommendations in Section 3.



## **SECTION 2 – Defining the Goals, Challenge, and Potential Alternative Approaches**

### **Goals**

At a high level, the public comment included multiple future-oriented goals for advancing this effort. The White Paper referenced in the Introduction above articulates five clear goals underlying the broader effort to coordinate climate infrastructure financing in Vermont that echoed much of the other public comment:

- Greenhouse gas emission reductions;
- Adaption and resilience to natural disasters resulting from events like flooding;
- Long-term carbon sequestration and storage;
- Land conservation; and
- Air, water, and soil quality.

A sixth additional goal not included in the White Paper but present in much of the public comment was cost containment or cost reduction – helping make Vermont a more affordable place to live by reducing, for example, heating costs. Please note, some public comment expressed pessimism that these costs would ultimately be reduced through the clean energy transition.

Within the context of these high-level goals, the purpose of this report is to improve coordination of climate infrastructure financing, improve the deployment of funds for that purpose, and maximize the total amount of Federal funding secured by Vermont as a result of this coordination.

### **Challenge**

The challenge leading the General Assembly to request this report on climate infrastructure financing is that various actors involved in climate infrastructure financing could be better organized to effectively:

- Catalogue different funding sources, especially Federal funding, and eligibility in a broadly accessible way;
- Develop a clear financing strategy for securing funds reflective of Climate Council-established priorities;
- Exchange information and potentially coordinating applications for Federal funding across eligible entities or sectors; or
- Deploy that funding in a way that secures the highest possible future value.

There are different approaches to this kind of coordination problem, ranging from the creation of a wholly new institutions to improved coordination mechanisms. Public comment from different organizations helps articulate these different potential approaches.

### **Potential Alternative Approaches to Improving Coordination**

At one end of the spectrum, within the public comments a few organizations like Renewable Energy Vermont (REV) advocate for Vermont to follow a path similar to 23 other states and establish a “Green Bank” to coordinate climate infrastructure financing.

A “Green Bank” does not take deposits; rather, “they function like loan or investment funds, using a wide array of financial tools to support investment in clean energy infrastructure.”<sup>1</sup> Green banks have different governance structures across different states – sometimes they are fully public, stand-alone entities. They can also be quasi-public entities with independent governance. They are not profit maximizing – they use different tools to increase the amount of climate infrastructure financing available, sometimes with a focus on underserved markets.<sup>2</sup>

This first type of approach, the “Green Bank Approach,” would create a new institution in Vermont responsible for developing a strategy for climate infrastructure financing, coordinating applications for Federal funding or other funding across sectors, coordinating public and private investment, and funding the priorities outlined by the Climate Council.

There are many ways a “Green Bank” could be structured. In addition to a stand along public entity or quasi-public entity with independent governance, Green Banks could be established within a Governor’s Office, a Treasurer’s Office, or as a stand-alone non-profit “Clean Energy Fund.”

A second alternative focuses on the quasi-public concept. Several public comments, including those from the nine-signatories of the White Paper (Senator Perchlik, representatives from VHCB, the Vermont Audubon, the Lyme Timber Co., Center for Public Enterprise, Trust for Public Land, and Quantified Ventures, Vera Bourg-Meyer, and Robin Jeffers) advocate for this approach. These authors propose “the creation of a comprehensive financing strategy by a new climate financing entity, most likely a restructured existing organization with the authority and capacity to coordinate, prioritize, and guide the state’s efforts to invest in a manner that will achieve meaningful progress in climate mitigation, adaption and resilience, and to ensure that the state’s more rural, marginalized, or underserved communities are also benefiting from these investments.”<sup>3</sup>

The Center for Public Enterprise in an additional, separate submission provides further support for this approach and names VHCB as the entity best suited to assume the responsibilities of a Green Bank in Vermont.

A third alternative focuses on augmenting existing institutions without creating a new Green Bank or Green Bank-like institution. Among the public comment, this approach was

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<sup>1</sup> National Caucus of Environmental Legislators, Issue Brief: Green Banks, January 6, 2023, <http://www.ncelenviro.org/resources/green-banks-issue-brief/>.

<sup>2</sup> Ibid; see also Weiss, Beinecke, and Bunting, “How a Green Bank Can Drive the North Carolina Clean Energy Economy,” Nicholas Institute for Environmental Policy Solutions, Duke University, 2020, pp. 9 – 11.

<sup>3</sup> Report Appendix A, page 30.

advocated for by organizations like the Vermont Bond Bank, the Vermont Economic Development Agency, and the Vermont Housing Finance Agency. These three instrumentalities formed a partnership called the Public Finance Climate Collaborative (PFCC) in 2022 because they saw their role as filling market gaps and accelerating capital deployment in the municipal, commercial, and housing sectors – a responsibility that became more important with the passage of the Inflation Reduction Act and the availability of significant new Federal funding sources. PFCC members, as they note in a joint submission in the public comment, “have already joined the relevant coalitions, submitted project pipelines, and sought financing from the relevant national entities to support greenhouse gas reduction projects in Vermont” across the sectors these organizations serve.<sup>4</sup> Per PFCC members, their national partners see this partnership as already fulfilling the role of a Green Bank in Vermont and they advocate against the creation of such a new entity in Vermont as duplicative.

Also notably, the USDA Rural Development team has provided a \$40 million dollar, zero interest loan to at least one PFCC member already (VBB) and is considering another similar arrangement with a second member (VEDA) for \$10 million.

Rather than create a new Green Bank, the PFCC members advocate “that the Treasurer’s Office play the role of information clearinghouse, helping make sure that new and existing Federal funding opportunities are identified and brought to the attention of entities or state agencies that are the intended recipients.” The PFCC further advocates that the Treasurer’s Office assume responsibility for the evaluation of supply and demand for climate-related funding on an on-going basis. The PFCC will act as a kind of shared “front door” for the state’s climate financing.

Outside the context of the Green Bank discussion itself, other entities like VSECU-NEFCU note that scaling successful programs, rather than creating new programs, can be a more efficient approach – and that Vermont does have some successful programs to build on already.<sup>5</sup>

Finally, while not a concrete approach itself, the balance of the public input was opposed to the creation of a new institution in Vermont. In addition to some comments that saw it as duplicative (like the PFCC), others were simply skeptical that creating a new institution was necessary or that, if created, it would be able to effectively coordinate the many existing organizations involved in climate infrastructure financing already. Two comments also emphasized the idea that creating something new is easy, but reforming institutions to work well together is what is challenging.

With these different potential approaches in mind, as well as proposals like that in H.586, “An act relating to flood protection and climate resilience infrastructure and financing,” the report proposes a different sort of coordination mechanism for improving the coordination and deployment of climate infrastructure financing in the following section.

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<sup>4</sup> Report, Appendix A, p. 53.

<sup>5</sup> Report, Appendix A, p. 51

### **SECTION 3 – Recommendations**

This section outlines recommendations for the General Assembly.

**Recommendation #1: Use the convening ability of the Treasurer’s Office to organize a bi-annual half day “Cross-Sector Climate Finance Coordination Meeting” that is available to the public to watch via livestream.** This meeting has a standing agenda and standing invitations (both of which can always be added to or amended). It would quickly pull together many of the various actors involved in climate infrastructure financing in a way structured to identify overlapping interests, create new partnerships, deconflict duplicative effort, and improve information sharing across sectors.

The fundamental goals of the meeting are to maximize Federal funding applied for and secured by various public and private entities in the state and to improve coordination among those same entities and others. This is the “front-door” meeting integrating public, private, and non-profit entities with each other and Federal funding opportunities. The meeting would be convened and chaired by the Treasurer and co-facilitated by the Treasurer’s Office and the Climate Action Office. The standing agenda of the meeting would include the following:

- **Review priorities and projects established by the Climate Council with an explicit focus on current and potential financing:**
  - Who is taking or has taken the lead on which aspects of these projects?
  - What are the gaps in terms of funding access, need, or clarity needed to inform future action and reports back to the group?
  - Are there opportunities for collaboration that could help reduce future costs?
  - What are we hearing on the implementation side (i.e., “these block grants are unwieldy,” etc.) to inform future action and reports back to the group?
- **Standing CAO Report (and other entities as designated by the Chair):** Update on funding sources are available to support Climate Council priorities and drawdown status of state funding previously allocated to support this work.
- **Report in from all invited parties:** What are the challenges, new ideas, or comments you are hearing that are not covered today but could help inform a future agenda? Who is not participating in the discussion yet that should?

To evaluate the value of this recommendation, the Treasurer’s Office envisions analyzing relevant outcomes over time. This may include measures like the following or others:

- Climate Finance-related Federal funding flowing into the state (overall numbers in collaboration with the CAO)
- New partnerships created as a result of these discussions
- New policy proposals surfaced and discussed
- Cost savings identified or secured through these meetings
- Regular survey of participants: Is this meeting helping clarify roles, highlight opportunities, and share information about Federal funding programs? Can you

point to a new partnership, grant application, deconfliction, or piece of information you learned as a result of this meeting?

- Internal Treasurer team survey: Do the meeting discussions allow new ideas to be shared, particularly across public, private, and non-profit sectors? Are the meetings clarifying who is doing what (and establishing regular communication channels)? Are the meetings helping highlight and deconflict overlapping priorities among participant groups and accelerate new funding for the State?

**Recommendation #2: Coordinate climate infrastructure financing technical assistance discussions to reduce costs and identify barriers to effective implementation in a way that complements Recommendation #1.** This meeting would occur twice a year several weeks in advance of the Cross-Sector Climate Finance Coordination Meeting outlined in Recommendation #1. The meeting is envisioned as a two-hour discussion of TA providers on the ground in communities and working lands sites across Vermont that surfaces implementation hurdles that could impact climate infrastructure financing decisions. The discussion should help inform the agenda for the Cross-Sector Climate Finance Coordination Meeting. There are several reasons for this approach:

- Many Vermont communities do not have the capacity to implement climate infrastructure projects independently, so organizations like the RPCs, PTV, VCRD, VHCB, VNRC, and more help act as connectors with primarily public and non-profit resources and at times private sector actors. This meeting should reveal if that is happening, patterns of problems encountered, and potential solutions for future discussion.
- Beyond some insight into the barriers to accessing finance for climate infrastructure projects, these organizations know some of the available funding options – a regular meeting among this group would help clarify challenges, identify successes, and grow the knowledge base of all parties on potential funding options.
- It would be valuable to include private sector voices in this meeting – for example, why did SunCommon or Bullrock Renewables or other entity run into roadblocks in town X around solar siting, even though the community signaled it was interested in new community solar or EV charging or another related topic?

The agenda would focus on what people are hearing, what is working, what is not working at a community or more granular level, ideas for change, and presentations about different potential funding sources all parties should know about. It should end with an explicit discussion of potential high-level issues that could be raised at the Cross-Sector Climate Finance Coordination Meeting.

**Recommendation #3: Complete further study of potential Green Bank models across the United States and the potential applicability of elements of these models in Vermont.** Valuable public comment advocates for establishing a Green Bank or providing Green Bank-like authorities to existing institutions in the state. Evaluating the pros, cons,

alternative models, and necessary partnerships for the establishment of an effective Green Bank would take some time to sort out.

While moving immediately to improve coordination of the various actors involved in climate infrastructure financing using the convening ability of the Treasurer's Office as described in Recommendations #1 and #2, the Treasurer's Office also recommends further study of Green Bank models across the United States. This study should identify what elements could be most useful and how those elements could best be structured for greatest effectiveness in Vermont. Such an approach could also allow for different impacted organizations and members of the public to weigh in on these elements in the context of a clear and precise definition of what is meant by Green Bank. This report should also highlight the value created, the possible trade-offs, and the potential risks of the creation of a Green Bank in Vermont.

**Recommendation #4: Identifying the CAO as the climate infrastructure financing information clearinghouse.** Multiple stakeholders emphasized that a single entity holding knowledge and information about climate infrastructure funding opportunities would be helpful to end users and technical assistance providers supporting communities across Vermont.

Given the central role of the Climate Council and the Climate Action Office (CAO) within the Agency of Natural Resources (ANR) in leading the prioritization of climate mitigation in activity, the partnership between the Treasurer's Office and ANR on this issue, and the fact that the CAO is already preparing to provide regular reporting on the drawdown of State-supported climate financing programs, this report recommends explicitly identifying the CAO as the climate infrastructure financing clearinghouse.

Further, the central role of the CAO in Recommendation #1 helps ensure that the CAO's efforts to track the spending of programs the Governor's team and Legislature have put in place (i.e., the Municipal Energy Resilience Program (MERP), the Municipal Technical Assistance Program (MTAP), and various Housing-related energy efficiency or weatherization programs) will be regularly shared and help highlight financing opportunities or deployment barriers.

Finally, in the public comment, participants have noted that the scope of climate infrastructure financing is quite broad, particularly when defined to include energy efficiency funding programs related to housing renovation or construction. The range of knowledge required – from Federal programs like the Inflation Reduction Act or the Infrastructure Investment and Jobs Act, to various State programs on weatherization, MERP, MTAP or others, to the roles and capacity of Vermont's implementation architecture like Regional Planning Commissions or Regional Development Corporations – makes the CAO an entity well suited for the role. The CAO currently coordinates within State government through the IABB, though it has fewer formal mechanisms for regular interaction with non-state entities and the private sector.

**Recommendation #5: Establish a credit facility for up to 2.5 percent of the average daily cash balance of the State to augment existing climate infrastructure and resilience lending facilities.** The Treasurer has the authority to leverage up to 10 percent of the average daily cash balance of the State, subject to written guidelines adopted by the Treasurer. This 2.5 percent allocation would come in the form of a low interest loan to an entity or entities well established in providing green-infrastructure lending programs and could enhance loan-loss capacity for this purpose. This approach complements efforts to secure Federal funding, with the low-interest loan readily available to increase the recipient's financial flexibility in the near-term.

## **SECTION 4 – Summary of Public Input**

This section provides a summary and categorization of the public input received by the Treasurer’s Office regarding climate infrastructure financing coordination. The comprehensive compilation of public input is included as Appendix A.

The Treasurer’s Office received 39 distinct public input submissions – 25 email submissions and 14 formal letters – as well as about 100 form letters encouraging the office focus on making Big Oil contribute to the cost of climate infrastructure (rather than, or in addition to, maximizing Federal funding opportunities).

### **Categorization**

The public input can be broken into the following 9 categories of recurring themes.

|                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|-------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Increasing Capacity</b>          | <ul style="list-style-type: none"> <li>• For the State, instrumentalities, or other entities to apply for, secure, and manage Federal funding in a coherent and coordinated way</li> <li>• For towns or non-profit organizations to apply for funding and advance projects</li> <li>• For towns or other entities to implement new decarbonization regulations (particularly into building codes)</li> <li>• For new cross-municipal supports on a regional level</li> <li>• To take inventory and monitor GHG levels and related Federal grant funding received</li> </ul>                                                                                                                                                                        |
| <b>Regarding Various Incentives</b> | <ul style="list-style-type: none"> <li>• Continue or expand solar, EV charging, geothermal heat pump, weatherization labor and materials, eBike purchases at the point of sale, battery backups, sustainable transportation, mixed use transit-oriented development, windows and doors, and sustainable transportation incentives</li> <li>• Restructure incentives away from rebates or credits and toward pre-bates or direct funding up front (if uptake is the goal)</li> <li>• Concern about misaligned incentives, in particular for residential transition to solar – how should utilities be incentivized to respond to such transitions?</li> <li>• Create new Keyline Design incentives or other land use planning incentives</li> </ul> |
| <b>Use Existing Programs</b>        | <ul style="list-style-type: none"> <li>• Many programs work well – i.e., VSECU’s green incentive programs or the Public Financing Climate Collaborative of VHFA, VBB, and VEDA. No need to recreate the wheel.</li> <li>• Some programs could benefit from expanded funding or scope. Named programs include the Municipal</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                              |



|                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|----------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                  | <p>Energy Resilience Program (MERP), the Municipal Technical Assistance Program (MTAP), VHCB's energy efficiency, conservation, and rural economic development programs, Payment for Ecosystem Services efforts, weatherization programs.</p> <ul style="list-style-type: none"> <li>○ MERP could be expanded to include schools and non-profits; BGS's revolving loan fund could be expanded to serve municipalities.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <b>Green Bank Considerations</b> | <ul style="list-style-type: none"> <li>• Many comments focus on using existing institutions – i.e., PFCC or VHCB or in some comments unnamed instrumentalities of the state.</li> <li>• One comment from REV encourages the creation of a new entity as the Green Bank</li> <li>• Comments generally focus on the potential expand public funding sources, rather than looking at integration across sectors or incentives for private investment.</li> <li>• Naming Green Bank responsibilities, even within existing organizations, could open the door for additional designations (i.e., State Energy Finance Institution) that could help drawdown additional funds.</li> <li>• Some comments note the interrelated questions related to a Green Bank, including discerning purpose, benefits, risks, trade-offs, and long-term efficacy and accountability.</li> </ul>                                     |
| <b>Maximize Federal Funding</b>  | <ul style="list-style-type: none"> <li>• Public comment focused on the Inflation Reduction Act (IRA), Infrastructure Investment and Jobs Act (IIJA), and the CHIPS and Science Act</li> <li>• As noted above, multiple comments identified that Vermont (state, instrumentality, non-profit, or otherwise) is not staffed to drawdown new Federal funding effectively or to coordinate that effort across sectors.</li> <li>• One comment noted that resilience funding, particularly from the Disaster Recovery and Resilience Act (DRRA) is also a resource the Treasurer's Office should consider in planning its coordination effort.</li> <li>• One comment noted that some kind of public facing one-pager that explains the various funding sources would be a helpful education tool (in addition to some institutional knowledge of these programs within State government or other entity).</li> </ul> |

|                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Look Beyond Federal Funding</b> | <ul style="list-style-type: none"> <li>• In addition to the form letters showing significant interest in seeking funding from Big Oil companies, several of these comments note the ongoing lawsuit run by the Attorney General's Office.</li> <li>• Some methods to make Big Oil pay are outlined in one comment and include fossil fuel subsidy reform, liability lawsuits, a carbon tax, divestment, and public pressure.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <b>Concerns</b>                    | <ul style="list-style-type: none"> <li>• Several comments raised significant concerns about investing in climate infrastructure or its particulars, including: <ul style="list-style-type: none"> <li>○ The cost of new incentives, and the general transition costs to green energy, are inflationary and borne often by those not well able to pay for them.</li> <li>○ Perhaps some of those championing the green energy transition would be willing to bear more than their share of the costs?</li> <li>○ Some incentives – like wood burning – carry environmental costs themselves</li> <li>○ Hybrid vehicles are the only realistic option in rural areas where there is no charging infrastructure...can we consider hybrid incentives at the state level?</li> <li>○ Electrifying transportation infrastructure causes massive environmental damages. How are we accounting for that? [<i>speculation – commenter may mean things like lithium mines</i>]</li> <li>○ Electrification is also creating lots of hazardous new waste in battery form. What are we doing about that?</li> </ul> </li> </ul> |
| <b>Resilience</b>                  | <ul style="list-style-type: none"> <li>• In thinking about Federal funding, please also consider long-term investments in community resilience. See specifically Vermont H.105 focused on a “Community Resilience and Disaster Mitigation Fund”</li> <li>• Consider the DRRRA, as noted above, as another climate infrastructure funding source</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <b>Coordination Questions</b>      | <ul style="list-style-type: none"> <li>• Comments focused on multiple potential coordination challenges: <ul style="list-style-type: none"> <li>○ Within the State (where the CAO and IABB have been established for this reason)</li> <li>○ Among instrumentalities like VHFA, VHCB, VBB, and VEDA.</li> </ul> </li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |

|  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|--|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  | <ul style="list-style-type: none"><li>○ Among non-profits applying for or managing grants (both Federal and State grants)</li><li>○ To support businesses, places of worship, rural electric coops, towns, or other entities that may be newly eligible to receive funds in the IRA's Direct Pay/Elective Pay program</li><li>○ The potential to coordinate across sectors (all of the above groups + other utilities and private actors)</li><li>• As noted above, the potential role for a Green Bank (like Connecticut) or Clean Energy Fund (like North Carolina) to secure Federal funding and coordinate across entities like those described above.</li><li>• The potential role of the Treasurer's Office or Climate Action Office)as a (i) coordinator; (ii) information clearinghouse; and/or (iii) funder for the entities described above</li></ul> |
|--|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

## **SECTION 5 – Appendices**

Appendix A contains all the public input in one consolidated document for reference. That Appendix is included as a separate attachment with this report.

Appendix B and Appendix C are also separate attachments. They contain the same information as Appendix A, though the information has been anonymized and reformatted in a way that an AI-enabled chatbot can query. It has also been broken into two parts – all emails received are included in Appendix B and all formal letters received are included in Appendix C. This breakdown is necessary given file size constraints for the free AI service. As noted in the introduction, these appendices does not include the White Paper submitted as part of the public comment for the same reason, and pleasantries and organizational descriptions have been eliminated as well.

The goal of Appendix B and Appendix C is to give interested parties an additional tool to learn about the different themes and concepts embedded in the public’s input. Because this is a new concept and a new tool, this section of the report includes directions for how to use the files in Appendix B and C with a chatbot, some potential prompts to use, and an important technical note are described here. These prompts are meant as possible examples only. Those that want to query the public input should of course decide what they are most interested in learning.

First, the technical note: Because of the large volume of public input the Treasurer’s Office received, different chatbots are better able to absorb that volume of information. For example, the popular ChatGPT (or specifically ChatGPT-3.5), which is free, cannot absorb all the information at one time. A user would therefore need to query many files or have questions specific to different types of input to effectively use that chatbot.

Instead, this report recommends using [Claude2](#), a chatbot produced by the company Anthropic. This chatbot is also free and is designed to absorb larger volumes of information. It can absorb all the public input the Treasurer’s team received from different submitters divided into the two files of Appendix B and Appendix C. While free, use of the Claude2 service does require an email and phone number to register.

Second, to query the chatbot, you will need to upload the file (Appendix B) so the chatbot can review that information, and then “prompt” Claude2 with questions that reflect your interests.

- To do this, go to the Claude2 website and register (you will need to provide an email and phone number)
- Then, ask Claude2 to read the attached file and tell you when it has reviewed (click on the file icon and upload Appendix B before hitting the return key).

Once Claude2 confirms it has read the file, consider one of the prompts below or something of your own. For example, a prompt could be something like any of the following:

- “I am interested in the type of information included in this file. Could you tell me the top ten themes that are reflected in the information that makes up this file?”
- “What concept appears most often in this file?”

Again, it is important to note the information in Appendix B and C is actually less than the information in Appendix A. The use of an AI chatbot here is intended to give those interested in that public input a new tool to learn and understand the different concepts put forward by the public.

Thank you.

## **Climate Infrastructure Financing Report**

### **Appendix A - Consolidated Public Input**

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#### **1. Northeastern VT Development Association (NVDA)**

Treasurer Pieciak,

Funding municipal positions that could be shared between two or three municipalities would help address capacity issues in the Northeast Kingdom (NEK). Those job descriptions should include responsibilities related to advancing climate, energy, resilience, and sustainability goals within their communities and that are aligned with regional and state efforts.

Many thanks for reading this brief and belated feedback.

--

Allie Webster (she/her)

Energy Planner

Northeastern Vermont Development Association (NVDA.net)

#### **2. CT River Conservancy**

Mike,

Thanks so much for the time and creating these forums for discussion to finance climate resilience. Here are a few thoughts, reiterating what many people on the call mentioned today:

The Connecticut River Conservancy (CRC) is a nonprofit citizen group established in 1952 to advocate for the protection, restoration, and sustainable use of the Connecticut River and its four-state watershed. As an organization that manages natural resources projects for landowners, CRC has noted that the bottlenecks that we run into generally are focused around lacking organizational capacity to accommodate the already existing funds that we have access to. We have multiple projects lined up based on communication that has already happened with willing landowners, and access to the funding streams to do them, but we don't have the staff to carry them out – basically managing the projects for the landowners, applying for grants, writing the RFPs and contracting with designers and construction crews. As an organization, we are desperately in need of additional funds to increase staff capacity, both in the management of projects, but also in the administrative management of those larger federal funds and the associated reporting and auditing required to accommodate them.

We have also noticed the gap in funding needed to do basic education and outreach to help landowners understand how natural resource projects can create community resilience, and how to access the funding and technical assistance to implement those projects. Many of the NGOs and watershed groups in the state are reaching out to do direct community education that can

result in projects – we need additional funds to support organizational capacity around this type of education and outreach.

An additional very practical gap is that there are not enough nurseries in the state to accommodate the amount of natural resource projects that are currently being done. We need someone to be growing more native trees and bushes to supply for restoration projects.

The natural resource-based climate change resiliency work that we do is done in partnership with the local RPCs, Conservation Districts, watershed groups and other NGOs directly in relationship with local landowners who are willing to have these projects (such as dam removals, floodplain restoration, upsizing of culverts, riparian buffer plantings) done on their land. On the eastern side of the state there is a very collaborative effort to coordinate our work. We often refer a landowner to another partner that may have more expertise on a particular project, or we consolidate projects to bundle them to access funding, or if one organization does not have the capacity to take on a project, we may pass it off to a partner to manage. Information sharing is done through our DEC Tactical Basin Planners and regional check in meetings.

As a four-state watershed organization, we routinely apply for federal funds through the Regional Conservation Partnership Program, the National Fish and Wildlife Foundation, the Long Island Sound Futures Fund, etc., and we are one of the partners working to help stand up the Connecticut River Watershed Partnership Act. We are a large enough organization to cobble together multiple federal, state, and private foundation grants to provide match internally for our work, but we are in a privileged position. Most of the smaller watershed organizations do not have the internal organizational infrastructure to access federal (or sometimes even state) funds. Developing a mechanism to pass through federal and state funding to smaller organizations without too much bureaucracy is key.

Centralizing access to federal and state funds in a way that is easy to access and flexible to use would help move the money into resilience projects more effectively. To be more effective in moving state Clean Water Fund money out, over the past several years the ANR developed block grants that consistently go to the same entities to distribute. This mechanism and the Clean Water Service Providers were put in place to solve the Agency's struggle with trying to get grants out and manage them, without being able to hire additional staff to do that. The process for this is better since the block grants have been established, but it is still complicated and cumbersome given the small amount of funding provided. CRC has consistently turned to relying on larger federal grants for a watershed wide approach to do multiple projects over several years, instead of applying for state funding that has to be focused on one aspect (eg. Design or implementation) of one project at a time. It would be amazing if the State could establish a pathway for block grants to be given to the partners already doing the work to use more flexibly to move multiple projects forward through multiple stages of project development. Could entities such as CRC, the Conservation Districts, and other NGOs be vetted through a preferred vendor process for the pass through of larger lump sums for work over multiple years?

I hope that these comments provide some context from our perspective. I'm glad to provide additional information or have a follow up conversation if that seems useful.

Thank you for this effort!

Best,  
Kathy Urffer

~~~~~

Kathy Urffer

*She/Her/Hers*

River Steward, VT

**Connecticut River Conservancy**, formerly *Connecticut River Watershed Council*

PO Box 6219 | Brattleboro, VT 05302 | [www.ctriver.org](http://www.ctriver.org)

### **3. Jack Hanson, Burlington**

Hi there,

Thank you for the opportunity to give input on how the state can best spend money to address the climate crisis. I'd be more than happy to elaborate on any of my suggestions below if you'd like. These are some of my ideas.

#### **1. Green Workforce Development**

-Including bonus pay for weatherization workers to ensure that weatherization work pays more than other home contracting work. (This is important because folks skilled in weatherization are choosing to use their overall skillset to do easier work for the same pay. Similarly, folks skilled in home contracting see no need to gain skills in weatherization as they already have as much work as they want, at the same pay as weatherization, that is more pleasant to do than weatherization)

#### **2. Sustainable transportation infrastructure, including bus only lanes on major corridors**

#### **3. Fare-free, expanded, electric public transportation**

#### **4. Larger subsidies at the point of sale for ebikes, as well as greater ebike marketing/advertising**

#### **5. Major expansion of EV charging infrastructure**

#### **6. Incentives for sustainable, mixed use, transit-oriented development, particularly when that development occurs on top of existing parking lots**

#### **7. Regulatory assistance for communities that adopt stronger building codes/decarbonization requirements than the state**

Thank you for reading!



Sincerely,  
Jack Hanson, Burlington resident and former City Councilor

#### **4. Jamie Feehan, Primmer Piper**

Hi, Ashlynn,

I am one of those who read of these outreach meetings and signed-up for the business sector meeting. I work with a number of local and national property and casualty insurance companies on legislative and regulatory matters that are very interested in climate impact, both in terms of the impact on their own infrastructure (such as downtown Montpelier) but also mitigation efforts or incentives that help states, municipalities and residents invest in readiness for and resilience from climate impacts. I also work with municipalities (including the City of Burlington) and electric utilities that are interested in this issue.

Can you please add me and my colleague, Michelle Farnham (copied here), to your email distribution list going forward? Please let me know if you need anything further from me related to this request.

Finally, I noticed the slide that identified certain, federal avenues for financing. It may have been referenced but I nevertheless wanted to bring to your attention the following:

In February 2018, Congress enacted key provisions of the Disaster Recovery Reform Act (DRRA), comprehensive legislation that created a national strategy for investing in disaster mitigation and response. The DRRA was part of a larger \$81 billion emergency supplemental disaster relief package. Specifically:

- the provisions amended the Robert T. Stafford Disaster Relief and Emergency Assistance Act to allow the federal government's share of the eligible cost of repair, restoration, reconstruction, or replacement assistance to be increased from a minimum of 75% to 85%.
- The increase in funding is based on incentivizing states to invest in measures that improve the states' "readiness for and resilience from, a major disaster." Most importantly in the suggested listing of measures, states are encouraged to adopt and enforce the latest codes and standards for design and construction of residential structures and facilities.
- Other incentive measures for the states include: 1) the adoption of a mitigation plan; 2) investments in disaster relief, insurance, and emergency management programs; 3) facilitating participation in the Community Rating System; and 4) funding mitigation projects or giving tax incentives to projects that reduce risk.
- Remaining provisions of the DRRA were signed into law in October 2018. These provisions focused the federal government's efforts on proactively preparing communities before the next catastrophe while freeing up new resources for states and localities to implement and enforce resilient building codes.
  - o A key provision allows the President to place an amount equal to 6 percent of annual disaster spending into a new national pre-disaster mitigation account,

providing new resources for states and communities to invest in preventive measures.

- o This fund, called the Building Resilient Infrastructure and Communities (BRIC) Program, provides resources to assist states, tribal governments, territories, and local communities in their efforts to implement a sustained pre-disaster natural hazard mitigation program. For Fiscal Year 2022, FEMA will distribute \$2.295 billion in pre-disaster assistance. Enactment of the DRRA represents a major shift in the disaster mitigation landscape and lays the groundwork for potentially even larger reforms going forward including forestry management, statewide building codes, enforcement, education, and certification.

The Community Disaster Resilience Zones (CDRZs) Act of 2022 (S. 3875) requires FEMA to use data from its National Risk Index to establish CDRZs and designate communities across the country most in need of mitigation projects. These communities would be assisted in accessing federal funding for mitigation and resiliency purposes.

Thanks again, and please let me know if you have any questions or comments.

Jamie Feehan

**James F. Feehan** | Government Relations Director  
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## 5. Paul Perry, W. Newbury

Thank you for requesting input from Vermonters.

1) burning wood for heat has a larger net carbon footprint than propane or fuel oil (not to mention the particulate matter pollution from burning wood) so why provide incentives for wood burning appliances? Wood should be used for construction where it will store carbon for at least another century. Discourage burning wood for heat.

2) a) if reducing greenhouse gases is Vermont's priority why are the incentives income sensitive? If the incentives were not income sensitive more people that can actually afford to buy energy efficient appliances or electric vehicles may choose to do so. We would reach our carbon reduction goals faster if the incentives were not based on income.

b) what are the current lower income ev purchasers going to do when they need to replace the battery pack or purchase a replacement vehicle? They won't be able to do either without more assistance or they will purchase a used gasoline powered vehicle that they can afford. And then we will be back to square one : producing more greenhouse gases.

c) why phase out the incentives as the the vehicles become more expensive? Incentives should be available to all no matter how expensive the electric vehicle is.

d) greater incentives to purchase hybrid vehicles would be more valuable to owners living in cold rural regions like Vermont.

3) Food for thought: I'm not sure offering incentives for heat pumps is reducing our greenhouse gases because the heat pumps are installed to reduce carbon produced from our heating systems but now more electricity is used to also cool houses, a comfort benefit yes, when those houses did not have air cooling prior to the heat pump installation and may never have installed air condition if not for the heat pump. ( this happened within my household).

Hopefully this will be helpful in tweaking Vermont's incentive program aimed at decreasing our greenhouse gas output as quickly as possible.

Thanks again,

Paul Perry  
West Newbury, VT

## **6. Carl Bayer, Ryegate Energy Committee**

Good morning Commissioner - I wanted to be sure that you knew that Global Partners owns P/H in Newbury on route 302. They have now purchased the Jiffy Marts in Vermont and New Hampshire and now are Vermont's version big oil in our state. Our committee tried twice to engage them in getting Phase 3 EV chargers and Patrick Murphy at AOT has also tried twice. In his last email to me, Patrick said he was making no progress.

I wanted you to know that his fortune 500 company is taking a lot of money out of our state and is committed to fossil fuels. They won't talk to the Governor's office. What do you think? Carl

Carl Bayer, Ryegate Energy Committee  
Ryegate and Climate Change

## **7. Sylvie Desautels, Tunbridge**

Hello,

Here are my thoughts on how to finance climate change infrastructure. The Utilities in Vermont have been the winners with huge financial profits AND have largely contributed to the emissions causing climate warming. It's time to tax those profits and penalise the damage they have contributed to.

It's kind of a no brainer.  
Sylvie Desautels  
Tunbridge, Vt

## **8. Amy Ludwin, Bolton**

Dear Treasurer Pieciak, and the VT Climate Finance Team,

Thank you for your coordination of the State's climate infrastructure financing effort; we need all the ideas and strategies we can get for financing this crisis in Vermont's climate infrastructure; and thanks for gathering public input!

I hope you and your team will take a serious look at what responsibility Big Oil has for the damage they've caused to our state. How will you consider what they knew about, and when, and what their legal liabilities are now here in Vermont?

While I understand that most of the focus is on maximizing federal funding, this is a great opportunity for policymakers to be aware that it shouldn't just be taxpayers who pay to repair the damage caused by the changing climate – those Big companies that knowingly had an active hand in creation of this mess while making billions in profits should pay, too.

Sincerely,  
Amy Ludwin. Bolton, VT

## **9. John Snell, Montpelier**

Mr. Pieciak,

With regard to strategies for financing climate infrastructure, I would strongly recommend the following worthy of investment:

- supporting roof top solar with more incentives, ideally installed in local networks
- continue to support installation of heat pumps and induction stoves
- FULL support of the Weatherization program. I have worked extensively with these programs all over the country and the one here in Vermont is among the very best anywhere. They need to be able to count on long term support of both personnel and training funds.

I'd be happy to discuss these thoughts further.

Thank you,

John Snell

Montpelier

## **10. Deborah Messing, Montpelier**

Dear Treasurer Picciak,

I have been researching just this topic since my town of Montpelier was flooded on July 11, so I am grateful for the invitation to express my opinions to you

Soon after the “adrenaline phase” of the flood receded, I began to think how this was not a “natural disaster” but largely a product of deception and greed on the part of the fossil fuel companies. Although Vermonters have been incredibly generous in contributing personal money toward rebuilding, it has become obvious that the monies needed to both recover in the short term and to plan for the long term far exceed the ability of individuals to cover, and for a state of our small size and limited resources, to finance.

We must hold these companies accountable and require that they pay their fair share. While all the profits (\$220 billion last year) have accrued to the companies, all of the costs have been paid by the taxpayers, including, by the way, FEMA.

Different states have followed different routes to finance their climate mitigation efforts.

New York State has decided to amend their state finance law to include a special revolving fund to be known as the “Climate Change Adaptation Fund.” The bill,

[nysenate.gov/legislation/bills/2023/S2129](https://nysenate.gov/legislation/bills/2023/S2129)

has passed the Senate and is making its way through the Assembly. They have used the standard of “strict liability”; that is, that the use of their products was responsible for damages to the environment.

Companies would be required to contribute to the fund according to formulas assessed by the state. Advances in “attribution science” using computer technology have allowed accurate determination of the extent to which the industry, and even individual companies, have caused the damages that now need to be addressed, and for the future, mitigated.

Penalties for non-compliance would be charged, including liquidating or selling assets.

California has taken a different route, filing a civil case which would create such a fund. A precedent for that route was established when several California cities sued makers of lead paint on similar grounds in order to create an abatement fund. In their version of a climate fund, the state of Maryland has determined that it has the authority to mandate that companies that do business within the state contribute. It is anticipating that many companies would sue but that the courts would most likely hold up the authority of the state:

<https://www.wmdt.com/2023/03/md-bill-would-create-superfund-for-companies-that-contribute-climate-change-with-mandated-contributions/>

And here in Vermont, a bill to create a Climate Superfund is being introduced to the Legislature. I hope that you support this and that we can join the other states in this endeavor.

As you must be aware, Vermont already has a lawsuit in the State court, Vt. vs. Exxon submitted by T.J. Donovan in 2021 and currently stewarded by Charity Clark. If successful, the settlement could be large; either fines for individual violations of the Vermont Consumer Protection law, and/or “disgorgement” of any profits realized over the years from the deceptive practices employed by the fossil fuel companies being sued. Although lawsuits take time, this one is already 2 years into the process.

Another option is filing a separate suit, based on the specific event of the July 11th flood. Precedents here include the Oregon suit around the “Heat Dome “ event and the suit by 16 Puerto Rican municipalities around the damages from Hurricane Maria.

I realize that Vermont has few resources that can be devoted to litigation, especially compared to the deep pockets of the oil/gas companies, BUT possibilities exist to overcome this hurdle:

for example, contingency lawyers, pro-bono or “low-bono” lawyers, and climate philanthropists who underwrite climate lawsuits brought by states or municipalities. A great source of information about these options is the Center for Climate Integrity:

[climateintegrity.org](https://climateintegrity.org).

They also have a pdf on their site which tracks the status of climate lawsuits nationally. [climateintegrity.org/cases](https://climateintegrity.org/cases).

As these initiatives proliferate, whether in the form of legislative acts or lawsuits, Vermont can learn from other states and, as we move forward, can be a model for other states to follow.

As in the case of the tobacco industry, fossil fuel companies knew about the damage their products caused; they lied, and they now must be held accountable.

Regards,  
Deborah Messing

Montpelier, Vt.

## **11. Kathy Bizzoco, Vermont**

Dear Treasurer Pieciak,

Absolutely, bad long-term planning on the part of the Wrightsville Damn players caused the flood in Montpelier this summer.

My question to you is, were they naive by failing to anticipate that the United States government would allow consumers to use a product that not only causes a range of health diseases (placing an immense strain on our healthcare system),(1) but also causes a range of "climate disease/disasters?"(2)

No one back in the 1920s could have anticipated all world governments allowing the sale of such a product. No one could have anticipated the ensuing consumer products created from the initial toxic product—plastic,(3) and how that plastic would poison and kill a major source of our food supply(4) further burdening our healthcare system.(5)

The producers of this product knew about its toxic effects at least forty years ago.(6) As far back as 1943, smog from fossil fuels was so thick in Los Angeles that residents thought they had been under attack.(7) Not until thirty years later did President Richard Nixon form the Environmental Protection Agency, which the Supreme Court gutted in 2022.(8)

America needs heroes, now more than ever, to speak for America, our infrastructure and food supply, to stop the use of this product for the sake of humanity. Do you have the courage to demand fossil fuels pay for the damage their products have caused Americans, our infrastructure, and our climate?

I understand the problem is Wall Street. Fossil fuel stocks pay some of the highest dividends, and are in everyone's IRAs, ETFs, Mutual Funds, and stock portfolios. Everyone holding these stocks made financial decisions that were not only harmful to themselves but to humanity and our infrastructure.

When Americans make bad financial decisions, we accept the results—it's called Capitalism. I am constantly baffled by people concerned about climate change while holding fossil fuel stock. The disconnect is a bit surreal.

Thank you for your time and consideration.

Kathy Bizzoco

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## 12. Scott Garren, Cuttingsville

Here are some suggestions.

- Carbon tax: A carbon tax is a tax on the carbon content of fossil fuels. It would make fossil fuels more expensive, which would encourage people to use less of them and invest in cleaner energy sources. The revenue from a carbon tax could be used to fund climate infrastructure and other climate change mitigation and adaptation efforts.
- Fossil fuel subsidy reform: Governments around the world subsidize fossil fuels to the tune of hundreds of billions of dollars each year. This taxpayer money could be used



instead to fund climate infrastructure and other climate change mitigation and adaptation efforts.

- Liability lawsuits: Fossil fuel companies are facing a number of lawsuits from communities and governments that are seeking compensation for climate change damages. These lawsuits could force fossil fuel companies to pay for some of the costs of climate change.
- Divestment: Divestment is the process of selling off investments in fossil fuel companies. Divestment campaigns have been successful in putting pressure on fossil fuel companies to change their behavior and to invest in clean energy.
- Public pressure: Public pressure can also be used to convince fossil fuel companies to help pay for climate change. For example, people can write to their elected officials, attend protests, and boycott fossil fuel companies.

Scott Garren  
Cuttingsville, VT

### **13. Rev. Kim Hornung-Marcy, Burlington**

Dear VT State Treasurer Picciak:

1. Please come up with loans for green solutions to UVM MED center's need for more energy and heat THAT DO NOT involve BURNING ANYTHING. Or just keep the focus on housing per the Seven Days article on McNeil.

2. There is no excuse for allowing the continued burning of wood in Vermont at this scale at McNeil, our single largest greenhouse gas emitter in Vermont. How are we going to meet our emission reductions in Global Warming Solutions act when strange use of words like renewable and sustainable don't apply to anything that burns. Calling them something else and not counting these emissions does not slow climate change.

3. Wood is worse than coal.

It is the MOST toxic for human health and emits huge amounts of toxic fine particulate matter and other chemicals in the low income neighborhoods of Old North End and Winooski. See attached excel spread sheet from McNeil. This is what is dumped in our air even with the Electrostatic Precipitator taking out some of the pollution on their stack. Figures on pollutants are most accurate for 2020 and 2021 before that they are too low. I ran the numbers by the State employees who monitor McNeil. The 2020 and 2021 figures for fine particulate matter are the most accurate because they started counting condensate fine particulate matter—which counts. In 2020-5.6 tons, in 2021 3.5 tons. Medical science recognizes no amount of fine particulate matter as healthy. That our top Medical Center is ignoring its own scientists is disgusting.

3. Also do the math on the CO<sub>2</sub>— 2021 (last full year of emissions) is

906,941,600 lbs = divide by 2,000 to get tons = 453,470.8 tons of CO<sub>2</sub>!

Wood emits the most green house gasses per kilowatt hour of energy produced of ANY burned fuel.

CO2 is CO2 the atmosphere does not care where that CO2 comes from. It is driving the climate crisis. Which brought us all the suffering this summer of wild fire smoke and flooding and non-stop rain. We are in a crisis, time to stop burning anything.

4.The best sequester of carbon is a mature tree. Vt native trees take 200-300 years to reach maturity to call wood “renewable” makes NO SENSE.

Climate Scientists say we only have 5-10 years to turn things around and prevent the worst of climate change.

5.Time to say and act on "the emperor has no clothes" when it comes to burning anything. It makes NO sense to replace fossil fuels with renewable gas or biomass (wood) when they emit the same or worse toxic stuff and green house gasses. And green solutions that are cheaper in the long run, healthier and reduce green house gasses already exist.

Green solutions exist, IRA has huge pay back and point of sale for non-profits.

If Jay ski resort can put in a green system so can a hospital.

Sincerely

Rev. Kim Hornung-Marcy

She/her/hers

Chair New England United Methodist Conference Board of Church and Society

Member NEAC Climate Care Task Force

Member 350Vt Clean Heat Task force

Member Burlington node 350Vt

#### **14. Joseph Wutzbacher, Waterbury Center**

Treasurer Pieciak,

With all the tax increases we have seen and will continue to see, this is just more wasteful spending. When Vermont legislators get a grip on spending, solving its current problems (taxing Social Security and retirement benefits, crime, reasons for increasing homelessness, increased drug abuse, overdoses and so much more) then maybe we can have the conversation about climate change. In the meantime, let's be more fiscally responsible and address infrastructure issues related to severe weather events.

Thank you,

Joseph Wurtzbacher

Waterbury Center, VT

## **15. Tom Nelson, Putney**

Another thing you should do with the IRA money for green tech is purchase battery backup systems. Like Tesla powerwalls. Then give them to whoever wants one. Doing this would be a win win win for Vermont as we already generate too much solar electricity to be used as it is collected. Giving battery backups to people would mean that we can continue to collect more solar power, convert more homes to electric heat and hot water AND not have to upgrade the grid to do so! (So I guess that is a win win win win)

As I've said before, just give this tech to people. Don't thwart efforts by trying to create rebates and tax credits. Just give it to people who will use it. Or at least scale discounts starting with 100% for people who have household incomes below the median.

Vermont is a bit off our goals because program designs lose sight of their purpose. We don't have enough republicans in legislature to worry about what anyone thinks about spending. Just use the money in the most efficient and effective way. Which is to implement the technology NOW! :)

Thank you for your consideration.

Tom Nelson - Putney, Vermont

## **16. Rep. Katherine Sims, Craftsbury**

Hi Folks -

As you dig into long-term financing strategies for funding the climate action plan, I hope that you'll consider the mechanism outlined in H.105 An act relating to the Community Resilience and Disaster Mitigation Fund.

[The purpose of the H.105](#) is to create the Community Resilience and Disaster Mitigation Fund to provide funding to municipalities for disaster mitigation and community resilient infrastructure. The bill is modeled after [legislation passed by Colorado](#).

As we all know, over the last 40 years, there have been large-scale shifts in weather patterns. Our state has become both warmer and wetter. Escalating weather extremes have resulted and will continue to result in increased residential and commercial property losses. From 2010 to 2019, extreme weather caused \$67M in insured losses across Vermont from approximately 12 percent of all policyholders.

Although State and federal funding is routinely made available to help local communities rebuild after a disaster, there is no long-term, consistent source of funds to support the investments needed to prevent disasters from happening and to make local communities more resilient against future disasters.

What this bill does is establish the Community Resilience and Disaster Mitigation Fund to award grants to municipalities to provide support for disaster mitigation activities. Those disaster mitigation measures could include things like grid hardening, slope stabilization, watershed restoration, drought mitigation, construction of emergency shelters, and similar activities that directly reduce risks to communities, lives, and property and decrease costs associated with disaster recovery. Revenue for the fund is generated by increasing the assessment on certain casualty insurance company premiums. Funding would be awarded to municipalities with priority for projects that use funding as a match for other grants, projects that are in hazard mitigation plans, and projects that are in communities identified as high on the municipal vulnerability index.

Many of our communities are not prepared for the impact of extreme weather. This bill will provide critical support that ALL municipalities, especially our most vulnerable, can access to be more resilient against future disasters and climate change. Making these upfront investments will decrease losses that would otherwise be largely paid by insurers.

best, ks

Katherine Sims (she/her)  
State Representative, Orl-4  
Serving Albany, Craftsbury, Glover, Greensboro  
[KatherineSimsforHouse.com](http://KatherineSimsforHouse.com)

## **17. Robert S. Childs, Tunbridge**

While currently available resources, time and need will ultimately determine our future with regard to energy it should be up to the inventors, and users of trending technology to pay for it. It should not be placed on the backs of those that work hard, live within their means and pay their own bills.

The climate alarmists have duped Vermonters into paying for their attempt to reduce climate change. Since the beginning of time earth has had continuous changes to its climate. While some of the most recent changes have been influenced by the increased human population and their actions, much of the proposed energy changes will contribute just as much if not more to climate change and negatively impact our environment.

While the current proposals of these alarmists creates a financial cost to Vermonters that is unsustainable, the climate and environmental impacts of the many changes proposed are astronomical.

The mining of the materials needed for the production of solar panels and batteries is destroying thousands of acres of the earth's outer crust penetrating hundreds of feet into the surface. Dust

and the massive amounts of toxic fumes emitted into the atmosphere during the mining and refining of these raw products alone out ways the current carbon emissions. Say nothing about the labor atrocities occurring in the countries that produce these raw materials.

The waste products of the current proposed electrification of everything are not recyclable and hazardous to dispose of. Solar farms are creating micro climates contributing much to climate change within our state and destroying our once beautiful vistas. Current battery design is a fire hazard that is killing and injuring hundreds as well as creating additional financial burdens on all.

Without a doubt there will come a time that an alternate energy source will be developed that will meet the needs of Vermonters without the climate and environmental impacts of the current and proposed energy.

Just as in the 1920's when there were more electric cars than gas, it was the inventors and users that ultimately determined the most effective means of utilizing the energy available and where to apply it. So, too it should be, that the same process be utilized today to meet the future needs of our citizens.

Robert S. Childs  
Tunbridge, VT

## **18. Kevin Downey, Wilmington**

Mr. Treasurer, Mike,

My name is Kevin Downey retired Union Millwright from Wilmington. I'm excited to finally see an effort to take the Energy Transition seriously. You asked, so here are my ideas for an energy transition plan.

1. As someone who began his personal transition in '08 by installing a geothermal heat pump system to replace my propane furnace, I strongly urge some sort of State subsidy or tax credit formula for homes to tackle such aa project. It's not cheap, but a State assist will bring a larger number of converts than without the help. As to new construction of homes AND businesses, it seems some sort of "green mandate" would push those too stubborn to change or hesitant and uncertain about new green technologies. With new construction, it should be suggested that by pairing any geothermal system with solar designed into the roof, the owner will save additional money by buying less energy off the grid. Over a 5 or 10 year period, the savings of \$\$\$ and cutting greenhouse gases out of the equation will show impressive results in personal pocketbook savings AND a significant reduction in the State's climate goals of greening the Green Mountain State.

2. Routes 7, 100, and 5/10, our N/S routes, and 9, 4 and 2, our E/W routes, should be prioritized to installing strategically placed EV charging stations in preparation for EV adoption here in Vermont. Perhaps team with the Feds and come up with a plan to do the same thing on I-91, a

true artery of Vermont travelers. Perhaps contracting with cafe' type businesses to occupy these charging areas to make EV stops to recharge much more relaxing and convenient for their time.

3. There are numerous Vermont roads that have significant acreage on their sides for applying solar panels for GMPC to tap into for electricity. My 1st thought in this regard is Route 7 out of Bennington going North. I dare say the miles of wide clearings along 7 would likely generate several megawatts of power if utilized. I believe the formula for solar is roughly 2 acres /megawatt, meaning, the hundreds of acres on both sides of Route 7 would generate at least 50 Mw, maybe even more than that. Now that takes a bite out of our State's carbon footprint, doesn't it?! As it is currently, this fallow land just sits there having to be mowed once or twice costing the State \$\$\$; why not employ these acres to offset these expenditures, even add \$\$\$ to State coffers. No brainer to me.

4. While the technology hasn't fully matured yet, thin layer solar is an up and coming technology that will apply solar to many latent surfaces around us in our everyday lives. Perhaps Vermont could start a pilot program employing these products and over a years time to determine if it is indeed something worth investing in. The potential of applying this product to building wall faces and bridge structure and any inanimate structure with square footage to exploit is vast.

5. Every parking lot in Vermont should have solar canopies over them. My 1st thought on this is Hospitals. With their enormous use of energy 24/7, and their very large parking lots, building parking lot canopies would bring major savings to their bottom line. But my design envisions these canopies as multi purpose, not just solar generation. With these large 'roofs over the area, You'll have large amounts of runoff during rainstorms. Instead of the rain being directed into the gutter and eventually the sewer system, the rain water is diverted into a cistern system that would supplement the Hospital's water use, thereby saving on their water bill's with their host city or town. This diversion would also have a positive effect of the city's water infrastructure and supply. Additionally, these canopies would also host EV chargers that could generate more monies for the Hospital. These canopies would also, by shading the parking areas, lower the reflective albedo effect of asphalt parking lots "reflecting" heat into the atmosphere raising ambient air temps that make our summer days that much hotter and uncomfortable. Therefore, this canopy idea is a multiple pronged positive asset; money generator/saver, water saver, EV charger, and greenhouse gas reducer. Not just Hospitals; municipal parking lots abound throughout Vermont. By installing canopies over these as well, I dare say Vermont could possibly avoid the import of power, certainly importing far less than sans canopy.

Thank-you for a piece of your valuable time, Mike, I appreciate what you're doing by putting out this request. Someone should have done this long before you. I've formulated these ideas over the last decade, believe it or not. I've shared them with the likes of Bernie, Leahy, GMPC, and the Feds too regarding I-91, all to no avail. As a grandfather of 3 precious children, my purpose here is to make every effort to save what I can for them and their generational peers. We've dragged our feet for far too long in regard to climate change, and there is nothing I'd rather do than to stick it to Big Oil and Big Business in general for their blinders-on attitudes towards those of us who follow the TRUTH!! If you'd like to further discuss my ideas I'd be more than welcoming to your emails and/or calls, as I'm an idle retiree. Do have a good Wednesday; hope to hear from you soon.

Sincerely,  
Kevin Downey  
Wilmington, Vt

PS: I have no scientific background, but I think the simultaneous solar panel absorption/shading of the pavement thus reducing reflected heat into the atmosphere could be a very big deal. I'd love someone with number crunching skills to see if this is correct. KD

### **19. Ed Bonnyman, South Burlington**

States can have their own banks. Start a state bank, get nh to start their own bank, loan each other money at 0.15% or whatever, and you just fractional reserve printed a crapton of money for yourselves. It is what large private universities do, and the balance sheets cancel basically. This is how you float bonds essentially, without having to pay usurious rates. It only really works like this if you issue the loans between entities that have the power to tax, and are large. Dont do this for municipalities. The catch with this is that constitutionally, for a state, it has to be backed by gold or silver. Not a big deal though, because youre only loaning between states, in equal amounts from one state to the other. If you write the loans correctly, if one is callable, the other is callable, and they cancel.

Separately, you want to build this so that the legislature isnt doing dumb crap with the money and blowing up the whole system. Idk how you do that without creating a different monster, but you could probably do some sort of underwriting requirement thing in an agreement with the other state such that you cant finance dumb things, or things which dont have x return in real dollars within x years, or something, with no substitutions of arbitrary or semiarbitrary values for nonmonetary results of projects. While there are a bunch of projects that are good and just and wise etc etc for the government to undertake, it would be better if they were financed the normal way so that the infinite free money button isnt an option for them by current or future legislatures that may decide to be irresponsible. Ie, fund weatherization/efficiency/infra repair etc that has measurable fuel savings results rather than carbon capture or something. Cant put a true value on that reliably, even within two orders of magnitude. People have pretended to make such calculations, but if you dig into them, theyre functionally arbitrary. Given that vt is so small, this is not something for us to lead on.

Instead, could fund other things like keyline design which have other extremely valuable returns and which also sequester a stupid amount of carbon. In Vermont, current keyline design results add about an inch of topsoil per year, more or less depending on location. Would boost ag yields, lower or eliminate fertilizer use, and reduce runoff sharply from farms, restoring our waters and making farms more productive, and restore lost ecosystems if patches of hill farming were added to existing stock of farms. Keyline design makes that viable, and is pretty low cost. Wouldnt expand ecosystems if most hills were completely farmed, as they were 100 years ago, but some farms on on some of most hills utilizing keyline design would do that, and considerably faster

than letting beavers go wild (the process before colonization) would do. We're not going to let beavers run rampant anyway though because it would trash most of our roads and lots of people's property, but some increase of them is desirable, and keyline design would facilitate that.

Thank you for considering my comments. I will close with the thought that any infrastructure work that yields 2% or even 1%, or better, \*in real terms\* indefinitely, is an excellent project. Consider all of the beautiful Roman infrastructure built 1900 years ago that is still being used today, or which was still being used 500 years ago. Build things that people will always appreciate, and build them to last.

Sincerely,  
Ed Bonnyman  
South Burlington

## **20. Matthew LeFluer, Alburgh**

Greetings

My Name is Matthew LeFluer From Alburgh Vermont and I was suggest an idea when making climate change funding messaging easy to understand read documentation materials curriculums one pager / glossary or summary of the individual ask or the Statewide ask of stakeholders advocates community Partnership climate partnership etc moving forward so accessibility and accommodation would be helpful for individuals with disabilities and other specific learning needs.

I think this is very exciting and the perfect opportunity to design programs that work. What I mean by that is that many programs miss their goals by attempting to make participants liable for some of the cost of the products and services. In my opinion, that is a foolish way to design programs. Programs, instead, should focus on function and meeting goals. If those goals are decarbonization and efficiency, then apply the money directly to those efforts. Give everyone the opportunity to participate by making products available to them directly, without discounts, rebates, tax credits... etc..

So, if working with VT companies is important. Then give money directly to those companies in exchange for their services. For example, you could give \$1 million to a local HVAC company to install 200 heat pumps. Then the company just says to the public "hey we have free heat pumps, who wants one?" Do the same with solar installers, power storage, e bikes, electric cars, weatherization... just use the money and get it done!

## **21. Isaac Evans-Frantz, Vermont**



Hi Mike,

Hope you're doing well. Thanks for asking for ideas about climate finance. I'd like to ask you to recommend creation of a climate superfund. We need large-scale action to protect people who are most vulnerable.

Thanks for thinking ahead on this,  
Isaac

Isaac Evans-Frantz  
[isaacforvermont.com](http://isaacforvermont.com)

## **22. Catherine M. Nelson, Vermont**

My husband and I couldn't have purchased solar panels without the special financing available, now some years ago. I advocate more of the same and even more help for low-income families who can benefit more from lower electric bills.

Without those solar panels, I can't be sure that I would have installed mini-split heat pumps this year. I'm counting on a lower propane bill this winter and an overall lower energy bill because of solar panels.

We also had a lot of new insulation installed, and I've replaced windows and doors. For some people, these costs would be overwhelming, yet they are money-savers over time. Assistance with such expense needs to be another route to ameliorate climate change and help people live more cheaply.

Ultimately, I think all the things I've mentioned will benefit Vermonters and the state of Vermont.

Sincerely,  
Catherine M. Nelson

## **23. Phil Harrington, Bolton**

Hello,

It should be noted that not all households currently have electrical service to their house. I recently built a small house in Bolton but Green Mountain Power was going to charge an exorbitant price of \$20,000 to install the power service, compounded by the fact there is a 30% state tax on new power services. This made it too expensive to do. I instead use a few solar panels to charge a couple batteries but mostly a fossil-fuel generator for my electricity.

The State should instead give a 30% tax CREDIT for new power service so my family can enjoy reliable electricity and can participate in the green energy movement, rather than using a fossil fuel generator.

Thank you,  
Phil Harrington

#### **24. Jeanne and Kurt Norris, East Berkshire**

Mr Pieciak,

The best thing Vermont can do to help VERMONTERS, is not to make our fuels so expensive! Last year we paid more for heating our house then we have Ever paid!! We have been here since 1992!!

We are not rich, and are trying to get by as best we can. Both my husband and I have fixed incomes we have tried our best to scale back so we can afford to live in Vermont, but we are getting down to the wire! There is not much left to cut!! Please please do whatever you can to help VERMONTERS like us!! Everything has gone up ! But not the amount of money we have to get by! I am all for green energy, but Sensibly spaced out so people don't get hit in the face over and over again!!

Thanks for your time

Jeanne and Kurt Norris  
East Berkshire, Vt.

#### **25. Sara Boucher, Williston**

I read the article on [WCAX.com](http://WCAX.com) about this office getting green energy ideas from Vermonters. We have solar energy at our house, and could not be happier. We have not had an electric bill in 10 years, and use electric heaters, and our wood stove in the winter to keep our oil usage to a minimum.

Here are some of my ideas that I preach to my husband constantly:

1. All new buildings should be required to be solar. Particularly industrial or public buildings. I think it is an outrage that the new State Police building in Williston has no solar panels. And the parking lots at 'park and rides' could have awnings of solar panels (what a great thing to have covered parking!).
2. We live in Williston (luckily on the Vermont side, not the New Jersey side), and I find it such a wasteland of flat roofed buildings that could all be used to hold solar panels that would generate more than enough electricity for their own buildings and more.

3. There was such attention to the new development in South Burlington that will be designed as energy efficient/solar. However that is only one of probably 5 new developments going up in South Burlington. And many of the apartment buildings going up are flat-roofed- and could support solar panels on the roofs. Lost opportunity and wasted space.

Thanks for listening,  
Sarah Boucher  
Williston VT



Putting the public sector back to work.

November 3, 2023

**State of Vermont, Office of the State Treasurer**

**Attn: Treasurer Picciak**

Office of the State Treasurer

109 State Street

Montpelier, VT 05609

**Green Finance Recommendations to the Vermont State Treasurer**

Dear Treasurer Picciak,

The Center for Public Enterprise is grateful for the chance to submit comments in the stakeholders' process launched to comply with the legislature's mandate to coordinate the State of Vermont's climate infrastructure financing efforts with a view to submit recommendations to the Vermont legislature before January 15, 2024.

The Center for Public Enterprise is a non-profit think tank based in Vermont and New York that specializes in building the capacity to accelerate publicly financed housing and energy development. The authors of this letter are experts in energy project financing and in Inflation Reduction Act implementation, particularly with regards to the Act's elective pay provisions.

We wholly endorse the creation of a statewide green finance entity to meet Vermont's mitigation, adaptation, and resilience needs by mobilizing sources of private, philanthropic, and public funding at scale and in a coordinated manner. To that end, our letter focuses on two topics: **(1) the need for Vermont's climate financing entity to be housed within an existing state financial institution and (2) the kinds of functionalities and capabilities this entity should have in order to meet the state's climate, equity, and community development missions.** Our Appendix provides more detail into our arguments on both these topics.

## **(1) Deploying an Existing State Financial Institution**

Vermont's climate financing entity should be more than just a financial institution. It must be an entity that can balance complex public goals, empowered to coordinate among state, nonprofit, private, and community actors to achieve those goals. To that end, this entity must be a public entity housed within an existing state instrumentality like the Vermont Housing & Conservation Board.

A public financing entity with a public mission, accountable governance structure, and sufficient financial and technical capacities can avoid excluding vulnerable, particularly rural, communities and displaced workers. Direct affiliation with and accountability to state leaders ensures that it can internalize legislative mandates and prioritize equity goals.

A public financing entity can coordinate among Vermont state institutions, federal financing programs (*e.g.*, Solar For All), nonprofits, and philanthropies to meet economic development goals, provide technical assistance, and target financial support toward vulnerable communities. As a central coordinator of both financing and administrative programming, the entity can more easily integrate and balance climate, development, equity, and justice goals by aligning the missions of its partners to Vermont's climate planning and goals. And as a state instrumentality, it can be designated as a SEFI, or state energy financing institution, making it eligible for federal loan guarantees from the LPO.

This central coordinator function allows the public financing entity to build administrative capacity within Vermont's state government to plan and execute the kinds of complex legal, procurement, and financial activities needed to prepare clean energy and nature-based resilience projects, mobilize investment toward them, and provide support to vulnerable communities.

A public financing entity can already take on more risk and undertake longer-term investment plans than its private and nonprofit counterparts could, especially by making use of the existing creditworthiness of the Vermont state government when issuing bonds and providing credit enhancements. As a centrally coordinated institution for raising public finance for green investment, this entity avoids the transaction costs associated with raising funds for state investment needs outside state financial instrumentalities. It may also be eligible for particular federal benefits or programs geared toward state instrumentalities, such as SEFI lending, the elective pay credits, and Solar for All.

A nonprofit housed outside the Vermont state government apparatus will have a harder time executing these functions because it would lack the convening authorities and public mandates necessary to work with the many instrumentalities that currently undertake lending or investment programs. It would be less accountable to the state, legislature, and communities; less able to coordinate the expertise and financing sources required to meet these goals; and would place the administrative capacity needed to manage a complex green transition process outside the state government. It is also likely that a nonprofit would be less able to utilize certain financial tools or would eventually have to be empowered by state legislation to use those tools anyway. Empowering an existing entity that already has experience with some of these tools will save valuable time.

## **(2) Potential Capabilities and Functionalities for a Climate Financial Institution**

We believe a public green financing entity must be able to exercise certain capabilities and functionalities in order to deliver on climate and community development goals. Below, we describe some of the most necessary capabilities and functionalities. This list is not exhaustive—see our Appendix for a more detailed list—but we believe it allows stakeholders like your office to better understand what a green financing entity is capable of doing and why empowering one with these functionalities can serve public goals.

This public green financing entity should seek not simply to access funds, but to design and deploy innovative financing tools to leverage all available forms of capital to meet the state’s climate and just transition goals. Such tools include but should not be limited to: co-financing alongside other investors; issuing concessional loans; building loan underwriting capacity; providing short-term construction bridge financing; deploying revolving funds; offering credit enhancements like loan guarantees, loan loss reserves, first-loss guarantees, and interest rate buydowns; buying out private developers’ stranded projects; making equity instruments and swaps (debt-to-equity and debt-to-grant swaps); warehousing assets and securitizing them; monetizing tax credits through the Inflation Reduction Act’s elective pay provisions; centrally procuring key project inputs through bulk orders; allocating grants; and developing partnerships with state universities.

Tools like concessional loans and credit enhancements, enable the entity to mobilize and complement private investment. And other tools such as providing short-term construction bridge financing, perhaps through a revolving fund, and executing bulk orders for key input materials empower the entity to do what the private and nonprofit sectors cannot do at reasonable cost. Ensuring that the

entity can securitize and warehouse assets, deploy revolving funds, and buy out stranded projects also allows it to become a financial backstop and central counterparty institution for green investment across the state. And loan underwriting capacity is absolutely essential for building the entity's capacity to develop close working relationships with borrowers, particularly to assess their creditworthiness.

And partnerships with state universities can serve a key capacity-building function: close collaboration builds a pipeline of interested students, researchers, professors, and workers whose scientific, business, policy, and technical expertise can be directed toward state climate investment goals.

On top of the above functionalities, such a public green financing entity should support project preparation and pre-development activities, including site identification, contract structuring, tax credit and elective pay advisory work, project labor agreement and community benefit agreement advisory, and other forms of technical assistance as necessary to meet Vermont's needs. This kind of coordination work is not easily executed by private or nonprofit stakeholders; undertaking it allows the public green financing entity to build key technical assistance and political coordination expertise.

Building these capabilities is critical given today's market conditions and private investor hesitance to commit to large capital expenditures. These capabilities also generate positive externalities. For example, by creating steady demand for construction work, a public green financing entity will decrease volatility of construction costs and supply chains for *all* capital investment statewide while backstopping the work of civil engineering firms, which stakeholders are worried will leave Vermont.

Our Appendix has a more detailed explanation of how these functionalities work and how empowering a state financial institution to deploy them will serve Vermont's climate and just transition goals.

Thank you for taking the time to read our letter, and thank you for your leadership in driving this process forward to ensure that Vermont becomes a leader in nationwide efforts to establish high-quality, transformative green financial institutions.

Yours truly,  
The Center for Public Enterprise

**Contact:**

Advait Arun, Energy Policy Associate

[advait.arun@publicenterprise.org](mailto:advait.arun@publicenterprise.org)

Chirag Lala, Energy Policy Director

[chirag.lala@publicenterprise.org](mailto:chirag.lala@publicenterprise.org)

**Appendix: Additional Resources**

1. [Potential Functionalities and Structural Goals for a Vermont Green Bank | Center for Public Enterprise](#)
2. [State and Local Government and the Formation of Green Banks | David Wood & Jordan Haedtler](#)
3. [Letter to VT Treasurer's Office | Vero Bourg-Meyer](#)
4. [Letter to VT Treasurer's Office | Authors of July 2023 whitepaper](#)



# Overview of the Vermont Soil Health Trust

The **goal** of the Vermont Soil Health Trust (the Trust) is to support the transformation of farming in Vermont toward **dramatically improved environmental and financial performance**. The trust will achieve this goal by helping farmers transform their operations to build soil health and pay farmers for the environmental benefits that their healthy soil creates. Initially, the Trust is focused on dairy farms because they are in a financial crisis and they are facing pressure to reduce their environmental impact. However, other types of farms could and should also be included.

There are many ways to improve soil health. Although **not prescriptive** on specific practices, the Trust is focused on the concept of **“all-in soil health”** which is achieved by **stacking multiple agronomic practices in appropriate combinations**, such as cover crops, no-till, and soil-conserving crop rotations, or through well-managed grazing systems. This approach is known as **“regenerative agriculture.”** Regenerative agriculture can **generate several crucial ecosystem services (ES)**, such as mitigating global climate change, improving water quality, and reducing the severity of flooding events. Regenerative agriculture can improve soil productivity and reduce costs of production, which will improve farm financial performance and resilience. As more farmers realize the benefits, regenerative agriculture will become an on-going and permanent approach and adoption will increase.

Regenerative agriculture produces improved water quality, carbon sequestration and flood resilience. These ESs are of great and increasing value to society and paying farmers is a very cost-effective way to secure them, as well as the rural community benefits that a healthy farm sector provides. Many farms will need to transform their production system to deliver these ESs. Transformation can be risky and/or expensive and farms are likely to need financial and technical support.

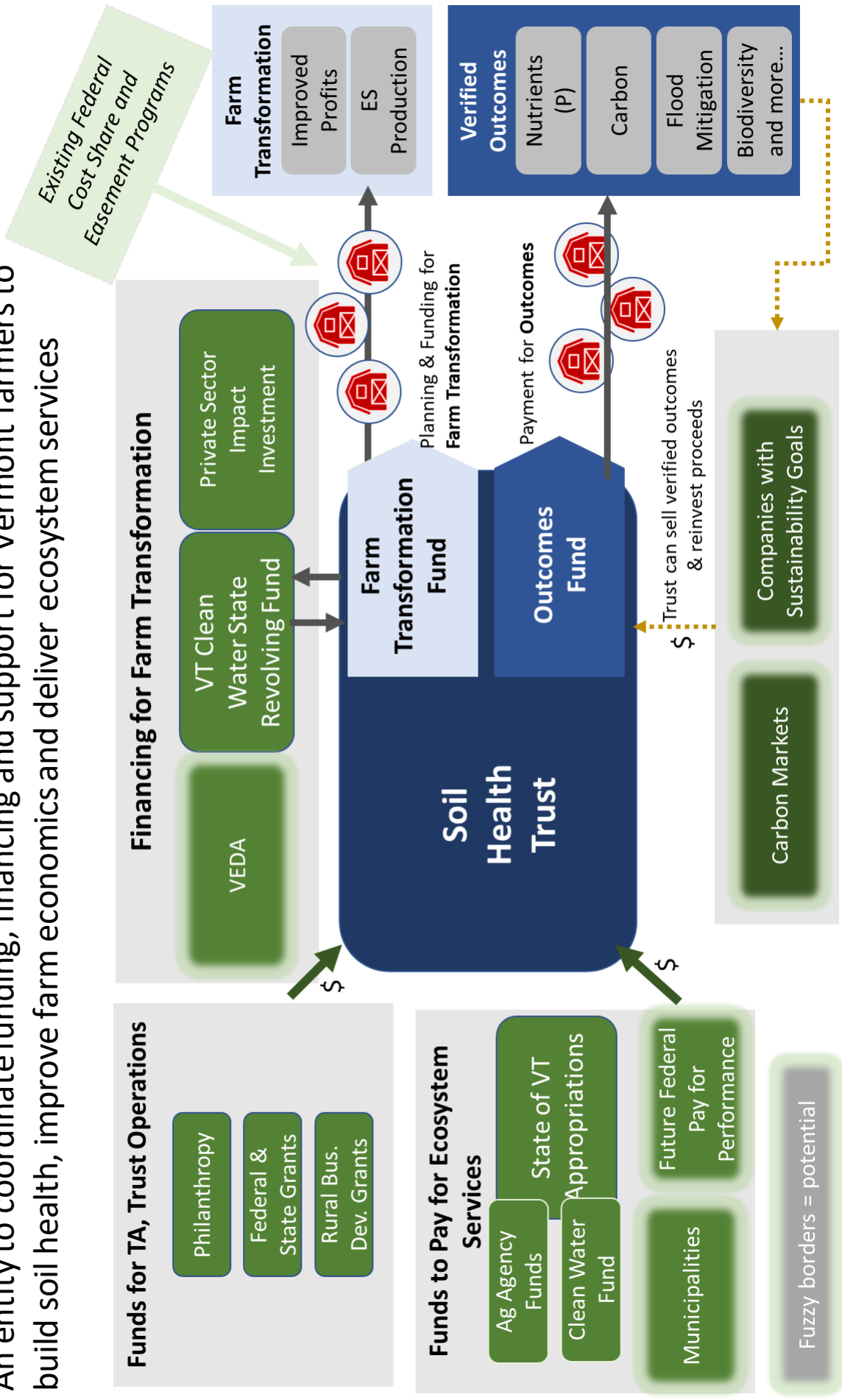
To help build and maintain a healthy farm sector in Vermont, **the Trust would provide coordinated financing and technical assistance (TA)** to farmers interested in transformation, **as well as ES payments** to any interested farmer based on quantified outcomes. For maximum effect, the Trust would operate two related funds:

- **The Outcomes Fund** would implement one or more pay-for-performance (PFP) programs that provide the framework, metrics and tools to quantify the relevant ESs and pay farmers for what they produce. The Outcomes Fund would aggregate carbon and water quality credits and market them through all available channels. Revenue from credit sales would be used to reward more farmers for environmental outcomes.
- **The Farm Transformation Fund** would provide interested farmers with the financial and TA resources necessary to achieve all-in soil health. A TA team of agronomy, dairy/livestock, and farm finance experts would work with each farmer to develop a farm transformation plan. Each farm-specific plan would contain estimates of productivity and financial performance, as well as ES generation. Improved profitability and divestment of unnecessary equipment would free up cash for new investment. Debt restructuring may be necessary for some farms. The projected flow of ES could inform financing terms and justify public investment in the transformation.

The environmental, rural community, and farm financial benefits produced by the Trust could generate significant interest from the private sector. Based on its success, the Trust will also seek to harness funding and financing from impact investors, as well as companies in the supply chain.

# Framework for the Vermont Soil Health Trust

An entity to coordinate funding, financing and support for Vermont farmers to build soil health, improve farm economics and deliver ecosystem services



October 27, 2023

**State of Vermont Office of the State Treasurer**

**Attn: Treasurer Pieciak**

Office of the State Treasurer

109 State Street

Montpelier, Vermont 05609

**Re: Comments pertaining to Vermont's climate infrastructure coordination efforts**

Treasurer Pieciak,

It is our great pleasure to offer these comments in the stakeholders' process launched to comply with the legislature's mandate to coordinate the State's climate infrastructure financing efforts with a view to submit recommendations to the Vermont legislature before January 15, 2024.

The authors, a group of individuals with experience across a range of disciplines relating to green finance, forest conservation and watershed protection, regenerative agriculture, and ecosystem protection, drafted a white paper in July 2023 proposing **the creation of a comprehensive financing strategy by a new climate financing entity, most likely a restructured existing organization with the authority and capacity to coordinate, prioritize, and guide the state's efforts to invest in a manner that will achieve meaningful progress in climate mitigation, adaptation and resilience, and to ensure that the state's more rural, marginalized or underserved communities are also benefiting from these investments.**

The paper is summarized below for your consideration during the stakeholders' process, along with additional thoughts on the type of activities that could be investigated by the State team as part of the development activities of a comprehensive and unified climate finance strategy. The white paper is available in Appendix 1 below.

Vermont needs a comprehensive climate financing strategy developed and implemented by a broad group of stakeholders to enable the state to achieve related and overlapping climate, energy, and environment-related goals. A climate finance strategy is immediately needed because we are missing opportunities to leverage available public, private, and philanthropic funding sources, including financing, to support the coordinated and targeted deployment of climate mitigation, adaptation, and resilience solutions.

To successfully leverage the myriad existing sources of federal, state, local, private and philanthropic funds, and support the implementation of climate mitigation, adaptation and resilience projects to the measure of our ambitions, the state of Vermont must provide the state infrastructure with adequate and sustainable funding sources and the human resources to seek and deploy funds.

This is particularly necessary to help the rural, marginalized, and underserved communities benefit from once-in-a-generation levels of investments in climate mitigation, adaptation and resilience from the federal government, a fact made all the more visible as we witness the recovery from the 7/11 flooding.

In addition to the obvious benefits of bringing a maximum amount of funding to Vermonters in need, growing in-state climate financing would support a vibrant workforce, and economic and job opportunities for all Vermonters.

Investing in both mitigation (e.g., low-carbon energy generation, weatherization, or conservation) and adaptation and resilience activities (e.g., watershed management, ecosystem restoration) is a necessity for the state to meet our climate goals, and to improve community resilience to future flooding and other hazards, contributing to public safety, and the health and wellbeing of our communities.

Multiple gaps need to be addressed in our current approach. First and foremost, the state lacks a comprehensive strategy and no institution has clear authority, agency, and staffing to lead the development of such strategy. Progress does not happen in a vacuum; what the state needs now is clear vision, and the leadership to confer that authority and agency to a dedicated team. That team would:

- Coordinate existing state agencies and instrumentalities, funds, and initiatives to achieve broad strategic goals;
- Develop comprehensive, transparent, and iterative investment plans;
- Make use of federal financing programs and technical assistance, avoiding missed opportunities to secure financial support and achieve complementarity with other public, private, and philanthropic partners; and
- Respond quickly to the needs of the market, and of Vermonters, including underserved communities, to urgently address the climate crisis.

The quasi-public agency or fund that is reorganized to define such strategy along with stakeholders, and proactively and forcefully organize Vermont's climate finance programs for mitigation, adaptation and resilience actions should meet project developers' specific financing needs with creativity and flexibility. It should seek to develop its own administrative capacity as well as that of all of its in-state partners, and offer a range of new programs and products or seek additional funding for existing successful programs that could be made more impactful with adequate funding sources.

The organization should seek not simply to access funds, but to use innovative financing tools to leverage all forms of available capital to meet the state's climate and economic goals. Such tools include but should not be limited to: co-financing alongside other investors; issuing concessional loans; building loan underwriting capacity; providing short-term construction bridge financing; deploying revolving funds; offering credit enhancements like loan guarantees, loan loss reserves, first-loss guarantees, and interest rate buydowns; buying out private developers' stranded

projects; making equity instruments and swaps (debt-to-equity and debt-to-grant swaps); warehousing assets and securitizing them; monetizing tax credits; allocating grants; and developing partnerships with state universities.

In addition, such an organization should support project preparation and pre-development activities, including site identification, contract structuring, tax credit and elective pay advisory work, project labor agreement and community benefit agreement advisory, and other forms of technical assistance as necessary to meet Vermont's needs.

Areas in need of investment are plenty. Most urgently, the state has a duty to mitigate greenhouse gas emissions through increased adoption of efficiency measures and renewable energy, but also to reduce the substantial costs associated with the damages and economic disruption that follow natural disasters through nature-based solutions. Long-term carbon sequestration and storage, land conservation, air and water quality, soil health, and working landscapes are all areas dear and near to Vermonters' hearts that tax funding alone will not be sufficient to address.

Lastly, we urge the state to accelerate priority projects in rural, underserved, and disadvantaged communities and empower communities to take action to achieve a more climate resilient future through a climate-oriented economic development and redevelopment.

Thank you for your leadership.

Warmly,

Vero Bourg-Meyer, resident of Montpelier, VT

Robin Jeffers, independent Consultant, BOD- VT Regenerative Agriculture Ctr

Chirag Lala, Energy Policy, Center for Public Enterprise

Trey Martin and Katie Michels, Vermont Housing and Conservation Board

David K. Mears, Executive Director, Audubon Vermont

Andrew Perchlik, State Senator, Washington District

Shelby Semmes, Vice President New England, Trust for Public Land

Peter Stein, Managing Director, the Lyme Timber Company and resident of Norwich, VT

Tee Thomas, Vice President, Quantified Ventures

# Appendix 1: Establishing a Comprehensive Climate Financing Strategy for Vermont - July 21, 2023

## Authors

The list of undersigned individuals have experience across a range of disciplines relating to green finance, forest conservation and watershed protection, regenerative agriculture, and ecosystem protection. We share a common interest in helping the State of Vermont achieve its climate and environmental goals through a coordinated investment strategy supported by public, private and philanthropic sources. This white paper provides background and summary of our conclusions formed over the course of discussions, research and partner engagement over the past six months. We offer the following information in support of the State of Vermont Treasurer’s Climate Infrastructure Financing recommendations, due to the General Assembly in 2024.<sup>1</sup>

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<sup>1</sup> Language from the Fiscal Year 2024 State of Vermont Budget: Sec. E.131 TREASURER CLIMATE INFRASTRUCTURE FINANCING 10 COORDINATION 11 (a) The Treasurer may use funds appropriated in fiscal year 2024 to coordinate the State’s climate infrastructure financing efforts. Use of funds can include administrative costs and third-party consultation. The Treasurer shall collaborate with, among others, the Vermont Climate Council, the Agency of Natural Resources – Climate Action Office, the Public Service Department, Vermont members of the Coalition for Green Capital, and the three financial instrumentalities of the State to create a framework for effective collaboration among Vermont organizations, agencies, and the financial instrumentalities of the State to maximize the amount of federal Greenhouse Gas Reduction Funds the State may receive and effectively coordinate the deployment of these and other greenhouse gas reduction funds. The Treasurer shall submit recommendations to the General Assembly regarding legislation for Vermont’s climate infrastructure financing on or before January 15, 2024.

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## Overview

A comprehensive climate financing strategy developed and implemented by a Vermont climate center<sup>2</sup> with input from stakeholders will enable Vermont to achieve a broad range of related and overlapping climate and environment-related goals including the following:

- Greenhouse gas emissions reductions;
- Adaptation and resilience to natural disasters resulting from climate change such as flooding;
- Long-term carbon sequestration and storage;
- Land conservation; and
- Air and water quality, and soil health.

A climate finance strategy is needed immediately because we are missing opportunities to leverage public, private and philanthropic funding sources available to support coordinated and targeted financing and deployment of climate mitigation, adaptation and resilience solutions.

Further, Vermont is already experiencing the impacts of a changing climate, such as the severity and frequency of severe weather events, heat waves and droughts, economic hardship in managing our working lands - our farms and forests - public health risks, and impacts to the health of our ecosystems. These impacts are disproportionately affecting rural and underserved communities and, as the recent impacts of severe flooding on our roads and downtowns reminds us, our community and economic infrastructure is also at risk. As we invest in carbon mitigation efforts to curb emissions, we must also invest in actions to help our human and ecological communities adapt in order to become more resilient.

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<sup>2</sup> For short-hand purposes, our group frequently references such a climate finance center as a “Green Bank”. We use the term “green bank” in this case to refer to the type of quasi-public entity created by the State of Connecticut, not a commercial “bank” in the common use of that term. Vermont may decide on a different type of entity, or a different name. This entity could be a new entity, or result from a restructuring or enhancement of an existing entity.

# Background

## State of Vermont Plans and Strategies

Vermont’s climate mitigation, adaptation and resilience commitments require greenhouse gas emission reductions across all major sectors, as well as improvements in adaptation and resilience statewide. Relevant to this need, Vermont already has the following plans and strategies in place or under development:

- Statutorily required greenhouse gas emission reduction goals along with a Climate Action Plan to achieve those goals (Vermont Global Warming Solutions Act of 2020 -- Act 152)
  - o Climate Council of stakeholders to offer on-going public engagement in support of this work
  - o Climate Action Office within the Vermont Agency of Natural Resources supports monitoring, assessing and tracking climate-related activities
- 2022 Comprehensive Energy Plan to ensure that, among other goals, Vermont meets its energy needs in manner that will meet greenhouse gas emission reduction goals;
- State Hazard Mitigation Plan that identifies strategies to help build more resilient communities
- Vermont Agriculture & Food System Strategic Plan, 2021-2030 to revitalize Vermont’s agricultural economy in the face of climate change
- Community Resilience and Biodiversity Protection Act of 2023 (Act 59) creating a statutory framework and mandated public process to oversee conservation and land protection goals
- Public Financing Climate Collaborative made up of the state’s financing instrumentalities to help support the financing as projects develop.

What is missing, and what we propose, is the creation of a comprehensive financing strategy by a new climate financing entity, which could be a new or restructured organization to function in the same manner as the State of Connecticut’s Green Bank. This new or restructured organization would have the authority and capacity to coordinate, prioritize and guide the state’s efforts to invest in a manner that will achieve meaningful progress in climate mitigation, adaptation and resilience, and ensure that the state’s more rural, marginalized or under-served communities are also benefiting from these investments.

## Vermont’s Landscape

Vermont is a rural state with a working landscape of farms and forests, surrounding compact town centers and villages largely built along or at the confluence of major waterways. Over 75% of the state is in forest cover, and nearly 20% is in agriculture (crop and pastureland). The economic, social, carbon storage and sequestering capacity, and ecological importance of Vermont forests cannot be overstated. In fact, Vermont’s forests sequester four times the amount



of greenhouse gas emissions that vehicles emit in Vermont, and our forests, floodplains, and wetlands, where they have been protected, provide critical protection to our built landscape. Vermont has a tremendous opportunity and obligation to invest in both emissions-reducing solutions and practices that improve long-term carbon sequestration and storage in the agriculture and forestry sectors, as well as prioritizing investments in conservation and land protection that achieve the multiple goals of flood resilience, water quality, and ecosystem functions and services (including habitat protection, species passage and connectivity).

## Nature Based Solutions

The 2021 Vermont Climate Assessment recommends nature-based solutions as proven, low-cost strategies for climate adaptation and resilience. For this reason, the Vermont “Initial Climate Action Plan” issued in 2022 includes recommendations for nature based solutions. Such investments in our farms, forests, and natural-based solutions are not only cost-effective in helping Vermont make progress in meeting its climate mitigation, adaptation and resilience objectives, but these investments support a whole host of other benefits such as economic vitality, enhancement of local food systems, improvements in clean water and clean air, improvements in ecosystem functions, and access to recreational and open spaces.

Finally, as noted above, Vermont has just enacted Act 59 of 2023 (aka H.126 or 30x30), an act relating to community resilience and biodiversity protection. This first-in-the-nation legislation mandates a comprehensive, multi-year strategic planning process to prioritize investments that support carbon sequestration and storage, enhance climate resilience, sustain working lands, conserve biodiversity and maintain ecosystem functions. A comprehensive climate financing strategy is a necessary component of this process, and will enhance the state commitment to maximize these important public benefits.

## Funding Opportunities

Establishing a comprehensive strategy will help Vermont pursue its share of the substantial amount of federal funding that is available now and over the next four to six years, including:

- Federal Inflation Reduction Act (IRA): Includes a Greenhouse Gas Reduction Fund that provides \$27 billion in direct or financing support to reduce greenhouse gas emissions, with 40% of those funds dedicated to low-income and disadvantaged communities. Includes increased funds for climate mitigation (through carbon sequestration and storage) and to achieve greater climate resilience of our working lands.
- Tax Credit Features and Adders in the IRA, including Elective pay: Broadens the range of actors that can benefit from tax credits such as Vermont state and municipal governments, nonprofits, and tribal governments to claim payments from the IRS on decarbonizing investments that they own, and operate, and provides additional funding for projects that

meet certain additional requirements, e.g., domestic content or location in disadvantaged communities.

- IRA and Farm Bill: Contains an additional \$1.4 billion for the Farm Bill’s Agricultural Conservation Easement Program.
- Federal Land and Water Conservation Fund, Forest Legacy Program: Is now permanent, containing \$1 billion annually for working forests.
- Federal Infrastructure Investment Jobs Act (or the Bipartisan Infrastructure Framework, BIF): Adds \$2.34 billion annually for each water infrastructure state revolving fund (SRF) to support both gray and green infrastructure.
- Federal Emergency Management Agency (FEMA) Building Resilient Infrastructure and Communities (BRIC) program: Contains a greater focus on improving climate resilience.

In addition to direct investment into climate mitigation, adaptation and resilience solutions, greater access to these public financial resources will help Vermont leverage those funds to attract private investment and innovative financing structures, while also augmenting the state’s ability to serve as a partner in decarbonization. Pooling these resources together can reduce risk facing private investors and mobilize more capital to achieve strategic, targeted outcomes. It would also enable Vermont to drive advancement in carbon sequestration and storage, and climate resilience, including flood resilience, such as establishing various incentives to deploy climate-smart practices across all sectors or through direct investments that the private sector cannot.

**For these reasons, we the undersigned, propose the following:**

## Vision

- A climate finance center coordinates and targets financing and deployment of climate mitigation, adaptation and resilience solutions according to a climate finance strategy developed with broad public and stakeholder support and input.
- Strategic investments support and sustain Vermont’s working farms and forests, rural enterprise, and our burgeoning outdoor recreation economy.
- Natural solutions sequester and store carbon as well as enhance connected and functioning ecosystems that support biodiversity, species passage, and provide valuable ecosystem services.
- Innovative water financing achieves multiple benefits including climate mitigation, adaptation and resilience including flood resilience, and clean water.
- Rural, marginalized or underserved communities benefit from Vermont’s investments in climate mitigation, adaptation and resilience.
- Climate financing supports a vibrant workforce and economic opportunities.

## What: Providing a Big Opportunity for a Small State

Public (especially Federal), private and philanthropic funding opportunities provide Vermont with a once-in-a-generation opportunity to promote initiatives that will provide environmental and economic benefits for generations to come. It is imperative and urgent that state leadership build a comprehensive climate financing strategy, accompanied by a new climate finance entity, that accesses all of these sources of funding, optimizes the ability of Vermont state government to leverage those funds with state funding and bonding authority, and taps into the broad and varied mix of private, philanthropic and local dollars in a coordinated and strategic manner.

- Statewide Coordination: Vermont would benefit from statewide coordination to cultivate, compete for, leverage, and deploy funding opportunities for climate change mitigation, adaptation and resilience.
  - o Sources of funding include federal, private, and philanthropic sources.
  - o Vermont has a number of state agencies, a climate council and state financing instrumentalities involved in climate mitigation, adaptation and resilience but with limited resources to support strategic planning and coordination.
  - o Vermont's wealth in natural rural and working land resources presents a tremendous opportunity for the State to promote and maximize forest and agricultural carbon sequestration and storage. For this reason, Vermont would benefit from an increased and better coordinated effort to establish and expand markets that create value for carbon sequestration and storage, as well as innovating markets for other environmental outcomes.
  - o Vermont has well-established stakeholder supported networks, creating a ready platform for coordination, collaboration and major investment for climate-based outcomes.
  - o With a more coordinated approach, Vermont can be a magnet for climate funding, especially in sustainable forestry and agricultural investments for carbon sequestration and storage.
- Expanding potential for decarbonization, climate mitigation, adaptation, and resilience: Pursuing this strategy would increase the federal dollars flowing to public and private actors in Vermont and increase the number and diversity of actors participating in climate mitigation, adaptation, and resilience efforts in the state.
  - o Elective pay eligible projects in Vermont can stack tax credit financing with additional sources of federal, state, private, and philanthropic money.
  - o Diverse sources of financing must be paired with technical assistance and cohort building to ensure it is used effectively or that opportunities can be made known.
  - o Builds capacity to proactively pursue resources including private investment. Meeting our climate mitigation, adaptation and resilience needs with taxpayer funds alone is neither effective nor efficient. Mobilizing more resources will help the state achieve its targeted climate mitigation, adaptation and resilience outcomes.

- Statewide Accountability:
  - Investing in a climate finance strategy and climate finance entity to implement that strategy would ensure that dollars invested help to meet statutory objectives and deliver public benefits, including support for rural, marginalized or underserved communities.
  - Meeting Vermont’s climate ambitions, as set in Act 153, the Global Warming Solutions Act (GWSA), will require extensive funding for clean energy, efficiency, and nature-based solutions to climate change.
  - Investing in climate resilience efforts requires funding to help communities adapt and be more resilient to the impacts from a changing climate that are already underway.
  - As part of Act 59, the act relating to community resilience and biodiversity protection, on-going funding is necessary to build upon the planning process, continue to engage the public, employ the state’s Conservation Design framework, and conduct strategic investments to meet the land conservation targets to further communities’ resilience objectives and ensure landscape scale ecosystem functions.

## Why - Overcoming Barriers

The reasons for pursuing a comprehensive climate finance strategy and a new climate finance entity include the following:

- Avoid “Missing Out:” Federal funding opportunities for climate mitigation, adaptation and resilience have brought on a once-in-a-generation opportunity for the state. Given our small size and relative lack of capacity compared to larger states, Vermont runs the risk of leaving resources “on the table” and missing this opportunity to secure its share of available federal, private, and philanthropic sources. Federal funding and the private investment it spurs often go to states with more climate financing infrastructure and clear investment pipelines.
- Provide a State Strategy and Coordination: Vermont does not have in place a coordinating body to cultivate, compete for, leverage, and deploy funding opportunities (some of federal funds listed above).
  - Individual agencies or quasi-public agencies focus on building and deploying individual programs that answer a small portion of the universe of climate needs and solutions. These programs can be pooled or partnered with for greater effectiveness.
  - Vermont’s well-established stakeholder driven networks require capital, capacity and coordination to employ their planning processes and networks to meet outcomes.

- Creative solutions require policy coordination at the highest level of the state, a broad view, and a clear measure of Vermont’s funding needs against Vermont’s statutory greenhouse gas emission reduction goals.
- Establish a State Level Climate Financing Team: Vermont is endowed with outstanding agencies, programs, and organizations deeply experienced in one or more topical areas of climate mitigation, adaptation and resilience. However, these entities typically work within their jurisdictions, and the state lacks a team dedicated to strategic statewide climate financing solutions.
- Bolster Existing Staff Resources: Agencies, programs, and organizations have limited staff and capacity to take on the additional work that will be required to deploy funding at scale.
- Accommodate as Climate Policy and Technology Continues to Evolve: As climate finance grows, the policy and the technological landscape is becoming increasingly complex, technical and specialized. A Vermont statewide strategy is an opportunity to clarify which avenues the state is investigating and developing and to assign responsibilities to new or existing state or partner entities.
- Utilizing a Broad Set of Climate-Focused Financial Tools: Lending is but one type of financial tool. An effective strategy establishes the state’s approach to raising, deploying, and recycling capital, in addition to marketing and technical assistance (described below).
  - Raising Capital: Currently, our approach to raising capital is not centrally coordinated. Ideally, a Vermont green bank or similar entity would bring visibility, transparency, and leverage in all aspects of climate finance program design and project structuring, including proactive coordination with federal, state and market actors.
  - Deploying Capital: Capital deployment tools at our disposal for investment (e.g., direct equity investment, working capital loans, subordinated loans within a project finance structure, on-lending structures) and investment support (e.g., grants and credit enhancement tools such as guarantees, loan loss reserves, interest rate buydowns) are distributed across multiple organizations. A statewide climate financing strategy promotes exploration into a broader array of financial tools and a greater sharing of experiences.
  - Recycling Capital: Vermont does not currently have a statewide strategy to approach capital recycling for its investments across the climate space. A Vermont green bank, for example, could manage the revenue from investments and facilitate program designs that leverage accelerated repayments through securitization.
  - Standardizing capital: A Vermont green bank could create pro-forma portfolios of loans, grants and tax equity as models for future projects and also purchase assets from other lenders in the state. This would decrease capital costs, simplify the financing process, and allow the state to set standards on financing.

- Focus on Market Development: The state wide adoption of solar in Vermont showcases the impact of effective market development. The same level of coordinated market development is needed to active investors, operators, producers, and other actors relevant to other climate mitigation, adaptation and resilience actions, such as in nature-based solutions, sustainable forestry, green infrastructure, weatherization, and food system infrastructure.
- Help Vermonters Access Resources Via Education, Outreach, and Technical Assistance: Federal funding is complex, shaped by extensive regulation and sometimes contradictory precedents. Applications are released on short timeframes while requiring extensive documentation and compliance with often murky, ambiguous terms. Existing technical assistance networks are already at capacity.

## How - Next Steps

In the past, targeting and implementing climate mitigation, adaptation and resilience solutions, including nature-based solutions, have been siloed and targeted to address local opportunities. Vermont needs a comprehensive strategy led within the state infrastructure by a coordinated team sharing deep expertise across sectors which will help the state to:

- Take advantage of federal resources that are available now.
- Improve Vermont's competitiveness in seeking federal and private resources.
- Pool and leverage available federal, state, local, philanthropic and private resources.
- Pursue large scale solutions.
- Target priority investments to maximize public benefits.
- Sustain the state's farms and forests.

### Proposed Strategy: Scale Through Alignment

In keeping with the successful models of the Connecticut Green Bank (CGB) and the Rhode Island Infrastructure Bank (RIIB), a Vermont coordinated entity (green bank) can accelerate and leverage all-sector investments in climate mitigation, adaptation and resilience needs. Vermont's small size, comprehensive climate planning, and public support for climate investments makes it an ideal candidate to create a model for rural states across the country.

A Vermont green bank can be a quasi-governmental centralized entity with a holistic plan to match investments to necessary greenhouse gas reductions and resilience measures across the state. Beyond setting standards for outcome measurements, reporting, and bringing expertise in financial offerings to achieve these outcomes, a green bank will spur significant private co-investment (surrounding state green banks have shown that every \$1 a state invests in this mechanism equates to \$6 of private capital investment).

Governance for a Vermont green bank can capitalize on a partnership with a number of state institutions including Vermont Economic Development Authority, Vermont Bond Bank,

Vermont Treasurer, and Vermont Housing and Finance Authority. Representatives of these organizations would serve on a deployment committee that would approve and help shape all offerings of the Vermont green bank.

#### Preliminary List of Organizations to Involve in Planning Discussions

- Center for Public Enterprise
- Council of Development Finance Agencies (CDFAs), Vermont Community Loan Fund, Sustainable Jobs Fund, others?)
- Energy Action Network Vermont
- Environmental Organizations (Vermont Natural Resources Council (VNRC), Audubon Vermont, Vermont Public Interest Research Group (VPIRG), The Nature Conservancy Vermont (TNC), Conservation Law Foundation (CLF), Trust for Public Land Vermont (TPL), etc.)
- Gund Institute for the Environment / The University of Vermont
- Renewable Energy Vermont
- Vermont Agency of Agriculture Food and Markets
- Vermont Agency of Natural Resources (ANR) - Climate Office
- Vermont Bankers Association
- Vermont Climate Council
- Vermont General Assembly Climate Solutions Caucus
- Vermont General Assembly, House Agriculture, Food Resiliency and Forestry Committee, House Environment and Energy Committee, Senate Agriculture Committee, Natural Resources and Energy Committee
- Vermont Housing and Conservation Board (VHCB)
- Vermont Instrumentalities of the State: Vermont Economic Development Authority (VEDA), Vermont Housing Finance Agency (VHFA), Vermont Bond Bank
- Vermont Public Service Department (PSD)
- Vermont State Employees Credit Union (VSECU) & other interested credit unions

## Case Studies

The case studies below are examples of models, both policies and programs, that a Vermont green bank could adapt to the Vermont context. They are offered here to demonstrate the breadth of activities that an organization with an ambitious climate finance strategy could undertake.

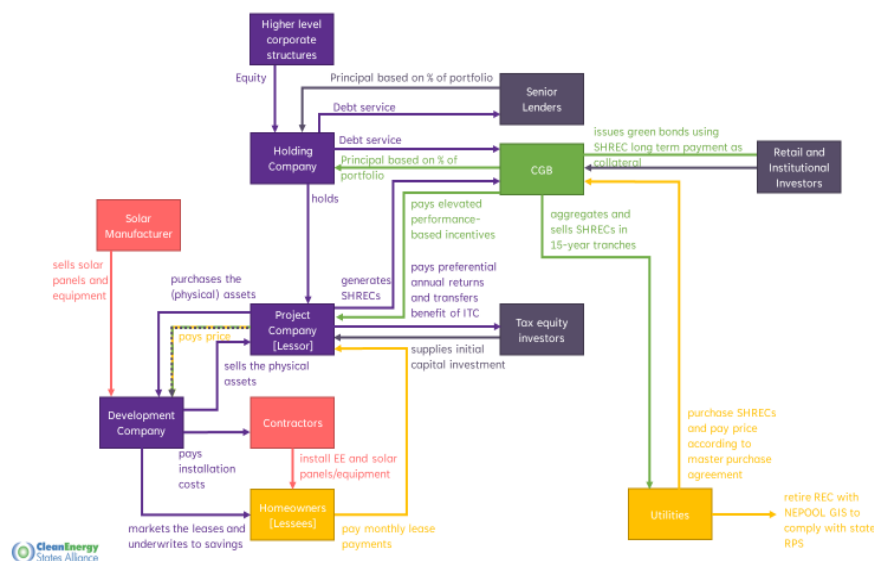
### 1. Low- and Moderate-Income Solar and Solar+Storage

The Inflation Reduction Act (IRA) offers opportunities to fund clean energy projects focused on serving disadvantaged communities and low-income customers. The Connecticut and Rhode Island approach to low- and moderate-income (LMI) solar is a public private partnership where a

state via a competitive process selects a third-party developer to finance, deploy, and own solar (and related assets as relevant) for the benefit of LMI consumers. The no-money down cash flow positive from day one model allows the monetization of the investment tax credit (ITC) to flow down to consumers and uses community-based marketing techniques that are appropriate and effective with low-income populations. The model led to the adoption of more than 3,000 solar projects for LMI homeowners in Connecticut in just a few years. Under the Rhode Island model, developers compete to set a level of incentives that will achieve a specific savings target. Vermont has a burgeoning solar industry, which would greatly benefit, along with LMI customers, from a dedicated support from the state using federal funds such as the Greenhouse Gas Reduction Fund (GGRF).

Additional resources are available about the program model on the Clean Energy States Alliance’s website, which includes a template RFP and a guidance document designed to comply with the GGRF NOFO requirements as well as work in tandem with the program administration proposed by the U.S. Treasury for the low-income tax credit bonus program. Among other things, it includes “enabling upgrades,” such as efficiency measures and roof repairs by default. It also proposes a flexible approach to customer eligibility using both geographic and income criteria.

- Request for Proposals (RFP) Template for States: <https://www.cesa.org/resource-library/resource/single-family-home-lmi-solar-program-request-for-proposals-template>
- Clean Energy States Alliance (CESA) Program Design Guidance: <https://www.cesa.org/resource-library/resource/single-family-home-lmi-solar-program-design-guidance/>
- Notice of Funding Opportunity (NOFO): <https://www.grants.gov/web/grants/view-opportunity.html?oppId=348957>



### *CT Program Financial Structure*



Additional models exist to support solar and solar+storage, in tandem with efficiency, for LMI customers, including for multifamily affordable housing residents and manufactured homes.

- Solar for manufactured homes: <https://www.cesa.org/resource-library/resource/solar-for-manufactured-homes/>

## 2. Leveraging Tax Credits in the Inflation Reduction Act

The Inflation Reduction Act allows tax-exempt entities (state, local, and tribal government agencies and instrumentalities and nonprofits) to receive certain tax credits for applicable projects they own and operate—even if those entities do not owe or file federal income taxes. This significantly reduces public and nonprofit weighted average cost of capital on energy projects - a measure of financing costs accounting for the total mix of tax credits, loans, subsidies, and grants (see the figure below for illustrative capital stacks). Elective pay in conjunction with green bank financing would lower project costs even further.

- Elective Pay and Transferability (IRS): <https://www.irs.gov/credits-deductions/elective-pay-and-transferability>
- Elective pay one-pager: <https://www.irs.gov/pub/irs-pdf/p5817.pdf>
- List of elective pay tax credits: <https://www.irs.gov/pub/irs-pdf/p5817g.pdf>
- Relevant application information for [state and local governments](#), [tribal governments](#), and [tax-exempt organizations](#)
- Center for Public Enterprise Elective Pay (Direct Pay) Report: <https://www.publicenterprise.org/reports/direct-pay-uncapped-ira>
- Update on Elective Pay Rulemaking (implementation details): <https://www.publicenterprise.org/blog/june-update-elective-pay>
- Clean Energy States Alliance FAQs on the Low-Income Adder to the ITC: <https://www.cesa.org/resource-library/resource/low-income-communities-bonus-energy-investment-credit-program-faqs/>

## 3. Climate Investment Using Water Infrastructure Financing

Clean Water State Revolving Fund (CWSRF): The CWSRF is a federal and state partnership to deliver low-cost financing for water quality infrastructure projects. As money is paid back, states then make new loans. The program is flexible, allowing states to use innovative approaches to address priority needs. Eligible projects include wastewater treatment, stormwater mitigation, green infrastructure and runoff-related pollution control projects. For example, New York created a Storm Mitigation Loan Program as part of its SRF Program to implement storm resilience and mitigation projects. New York also established a Green innovation Grant Program to support grey and green infrastructure, an example of which is the restoration of floodplains

and wetlands in the Upper Susquehanna Watershed. Some states are using the SRF’s Green Project Reserve (GPR) to finance green infrastructure projects. The City of El Cerrito in California, for example, used the GPR to implement a green streets project to improve water quality, reduce the risk of sewer overflows, and improve the livability of the urban community.

- Case Studies: [https://www.epa.gov/sites/default/files/2018-09/documents/srf\\_gpr\\_case\\_studies.pdf](https://www.epa.gov/sites/default/files/2018-09/documents/srf_gpr_case_studies.pdf)
- Green Project Reserve: [https://www.epa.gov/sites/default/files/2015-04/documents/integrating\\_green\\_infrastructure\\_with\\_community\\_needs-california.pdf](https://www.epa.gov/sites/default/files/2015-04/documents/integrating_green_infrastructure_with_community_needs-california.pdf).

## 4. Conservation Financing for Climate Mitigation

Over 75% of Vermont’s landscape is in forest cover. Vermont’s forests sequester 4 times the amount of GHG emissions that vehicles emit in Vermont, making forest conservation a crucial part of our climate mitigation, adaptation and resilience strategy. However, Vermont forests are under threat from conversion to non-forest uses such as real estate development, poor management practices and fragmentation. The U.S. Forest Service estimates that Vermont is losing upwards of 12,000 acres of forestland every year. If this rate continues, more than 300,000 acres of Vermont’s forestland may be lost by 2050 with significant negative consequences for ecosystem health, habitat for wildlife species, the ecological viability of natural lands, and our working lands economy.<sup>3</sup>

The Trust for Public Land (TPL) received interim financing under the Vermont Clean Water State Resolving Fund (CWSRF) to fund three natural solutions-based projects to improve water quality and flood resilience and avoid more costly gray infrastructure stormwater and flood resilience solutions. These projects involved financing of \$6.2 million to permanently conserve and restore over 10,000 acres of forested headwaters, focused on the headwaters of the North Branch of the Winooski River in Worcester and Middlesex (Hunger Mountain Project), the Huntington River in Huntington and the headwaters of tributaries to the Connecticut River and Lake Champlain in Chittenden, Killington and Mendon – all regions highly vulnerable to flooding. The latter project helped to connect and insulate 140 thousand acres of adjacent and existing conserved public lands. Both projects offer added benefits of water quality protection and public access.

This Conservation Finance Case Study above demonstrates the tremendous opportunity for Vermont to continue to bring together non-governmental organizations (NGOs), state and Federal agencies and private investment firms to address the challenges facing Vermont’s forests

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<sup>3</sup> USDA Forest Service. 2021. Forests of Vermont, 2020. Resource Update FS-337. Madison, WI: U.S. Department of Agriculture, Forest Service. 2p. <https://doi.org/10.2737/FS-RU-337>.)

in order to maximize carbon storage/sequestration, water quality, economic, recreational and ecological benefits that our forests can provide.

- Hunger Mountain Headwaters <https://www.tpl.org/our-work/hunger-mountain-headwaters>
- Rolston Rest: <https://www.tpl.org/our-work/rolston-rest>



*Headwaters Resilience Projects (left to right): (a) Huntington River; (b) Rolston Rest; (c) Hunger Mountain*

## 5. Climate Investment Using Nature-Based Solutions: Forestland Conservation

The ability to monitor and measure forest carbon sequestration and storage have led to the creation of forest carbon markets. Selling forest carbon credits to companies and individuals working to reduce their carbon footprints provides a new source of income for individual forest landowners which helps them protect their forests. However, forming a carbon market can be costly, creating a barrier for smaller forest parcel owners to participate in them.

The Vermont Land Trust formed Vermont Forest Carbon LLC and teamed up with The Nature Conservancy, the Carbon Dynamics Lab at the University of Vermont, and Cold Hollow to Canada, a local land stewardship and conservation organization. The Vermont Forest Carbon LLC helps landowners overcome the cost barrier by working together as a single carbon project. This is the first large-scale aggregated forest carbon project in the country, with fifteen neighbors teaming up to sell carbon credits from their land. Together the landowners and organizations proved that not only can forest carbon offsets be a viable revenue stream for Vermont forestland owners, but through improved management practices, that they can provide enhanced water quality, flood mitigation, and ecological functions.

- <https://familyforestcarbon.org>.

## 6. Commercial Property Assessed Clean Energy

There are 151 Property Assessed Clean Energy (PACE) programs operating in 32 states and Washington DC. Vermont has yet to establish a PACE program. The Weatherization Repayment

Assistance Program (WRAP) that the Vermont Housing Finance Agency (VHFA) administers works similarly in that the financing for the energy improvements are secured by the electric bill and connected to the electric meter instead of through a loan.

Commercial PACE (C-PACE) is widely considered an easier program to get up and running than a residential program. Local governments collect C-PACE repayments through annual property taxes. C-PACE financing has an advantage over conventional financing because it is attached to the property, rather than the building owner and is transferrable upon sale. Vermont has the enabling legislation for residential PACE which could be used as a template to establish C-PACE in Vermont.

- <https://www.npaonline.org/> (National PACE Association)
- Case studies from Mid-Atlantic states: <https://www.pacealliance.org/case-studies>

## 7. Regenerative Agriculture

Vermont has 30% of the farmland in New England and only 4% of the population. This breadbasket role, producing food for millions of households in the Northeast, has sustained Vermont's agricultural base in working farmland for generations. When managed with regenerative practices, the landscape also provides a host of tangible ecological, community and economic benefits. In doing so, regenerative agriculture practices preserve an active landscape of farms and forests, increasing water retention to mitigate flood and drought, sequestering carbon, preventing erosion and nutrient runoff, and supporting dignified rural livelihoods alongside rich biodiversity across the state and region.

A [Sector-Based Framework for Investment in Vermont Agriculture](#) completed in early 2023 identifies \$194M in food system investment needed in Vermont alone, but it is challenging and time consuming to secure – let alone effectively deploy – financial resources on an individual project basis. A primary barrier to wider adoption of regenerative practices is the lack of appropriate scale infrastructure to reliably process, transport, and market regional food products from the many small farms of the Northeast – especially those practicing organic, regenerative, and perennial management. This ‘middle’ infrastructure is essential for a resilient regenerative regional food system to scale and succeed. Vermont Sustainable Jobs Fund ([VSJF](#)) and [Larklea](#) are collaborating to establish a self-sustaining, well-capitalized team and impact fund for this food system development – a partnership that engages VSJF's role as a collective impact backbone organization for Vermont and the Northeast, and Larklea's experience securing values-aligned capital and developing regional food infrastructure.

Signatories

**Vero Bourg-Meyer** - Vermont Resident

**Jared Carpenter** - Public Policy Professional

**Tad Cooke** - Principal, Larklea

**Kari Dolan** - Vermont Resident

**Robin Jeffers** - Director, VT Regenerative Agriculture Research & Education Center

**Chirag Lala** - Center for Public Enterprise

**Trey Martin** - Director, Vermont Housing and Conservation Board

**David Mears** - Executive Director, Audubon Vermont

**Andrew Perchlik** - Vermont Resident

**Peter Stein** - Managing Director, Lime Timber Company

**Shelby Semmes** - Vice President New England, Trust for Public Land

**Tee Thomas** - Vice President, Quantified Ventures

## Signatory Biographies

Vero Bourg-Meyer is the senior project director for solar and offshore wind at the Clean Energy States Alliance, where she works with states and green banks on developing clean energy programs and policies that benefit LMI communities and accessing the Greenhouse Gas Reduction Fund.

Jared Carpenter is an environmental lawyer who works with conservation, environmental advocacy, and watershed organizations.

Tad Cooke brings over a decade of impact finance experience in conservation and regenerative agriculture. Through his work with Larklea, LLC, he shepherds capital and resources into regional food systems, resilient landscapes, and natural climate solutions.

Kari Dolan is a Vermont State Representative. She has nearly 30 years of work experience in water quality restoration and protection, Clean Water Fund administration, state floodplain and river management, toxics mitigation, and civil rights compliance.

Robin Jeffers is an independent consultant working directly with farmers and other key persons in Vermont's nature based solutions work through regenerative agriculture practices to find funding solutions to meet their ever present needs to stay in business, and Executive Director of the VT Regenerative Agriculture Research and Education Center.

Chirag Lala is a doctoral candidate in economics at the University of Massachusetts Amherst and specializes in macroeconomics, finance, and the economics of industrial policy and public investment. His research focuses on the implementation of the Inflation Reduction Act—particularly its elective pay tax credits— and the macroeconomic policies necessary to sustain rapid decarbonization.

Trey Martin is an environmental lawyer, currently serving as Director of Conservation and Rural Community Development at the Vermont Housing and Conservation Board.

David Mears is an environmental attorney with over three decades of experience in environmental law and policy and is the executive director of Audubon Vermont.

Andrew Perchlik is a Vermont State Senator representing the Washington District. He has over 25 years of experience in Vermont working on renewable energy policy, program development, and market development.

Shelby Semmes serves as the New England Region Vice President for Trust for Public Land (TPL) and brings over a decade of experience in conservation and community engagement.

Peter Stein is the Managing Director of The Lyme Timber Company and serves as an Investment Committee member for Sustainable Land Management Partners, and member of the advisory board for Upstream Technology, Quantified Ventures and Center for Geospatial Solutions for Lincoln Institute of Land Policy. Mr. Stein is also the Former Senior Vice President at The Trust for Public Land.

Tee Thomas brings 15+ years of water financing and environmental equity experience to Quantified Ventures. Most recently, she served as the Water Finance Director for the state of Vermont. In this role, she managed more than \$500M worth of loans, grants, and contracts related to water financing.

## Appendix 2: Additional Resources

- [Webinar on Financing Nature-Based Solutions Using Green Banks](#)
- [Potential Functionalities and Structural Goals for a Vermont Green Bank](#)
- [Yale School of Management Case Study on the Connecticut Green Bank Formation and Operation](#)
- [State and Local Government and the Formation of Green Banks](#)

November 1, 2023

Office of the State Treasurer  
109 State Street  
Montpelier, Vermont 05609  
Re: Stakeholder Outreach on Climate Financing Report



Dear Treasurer Pieciak,

On behalf of VSECU, a division of New England Federal Credit Union, we thank you for the opportunity to submit public comments to inform your report to the General Assembly regarding climate infrastructure financing coordination as the Federal Green House Gas Reduction Funds (GHGRF) become available and are deployed.

VSECU is a Vermont-based credit union, recently merged with New England Federal Credit Union. We are now a combined organization with assets of just over \$3B. In addition to traditional credit union deposit, loan products, and in-person and digital banking services, we operate a unique long-standing green lending program. The program started in 2012 and grew organically through relationship building and partnerships to address the needs of members and the green economy. Our green loan portfolio is now \$133M.

We have extensive partnerships and experience in deploying grant program funds through credit enhancements such as interest rate buydowns and loan loss reserves. We are a legacy lender in Efficiency Vermont's Home Energy Loan program, a low- to moderate-household income program that deploys zero or low-interest loans to qualifying Vermonters for thermal upgrades and electrification transition improvements. We also lend in a complementary program for businesses. In the past we have participated as a grant subrecipient to deploy low interest solar loans to targeted areas in Vermont, and we work regularly to consider energy savings in our underwriting criteria.

At our organization, we are focused on providing affordable, accessible financing products for our members and building our capacity to scale up this work to serve more diverse communities. We are investing significant capital and time into the clean energy transition and in low income and disadvantaged communities and see this as a core part of our mission.

We submit the following comments as you develop your recommendations:

- **Scale Up Existing Programs** – We have several successful programs and partnerships developed in Vermont aimed to finance investments to increase energy efficiency and reduce carbon emissions for municipalities, businesses, families, and individuals. Some of these programs have built-in income sensitivity to enable low- and middle-income borrowers to access affordable lending options for project financing. Standing up new programs takes time and resources, and this should be considered for identified gaps in Vermont's funding/financing landscape. With the existing program infrastructure in place, we have opportunities to efficiently scale up deployment of available funds to reach deeper into the low- to moderate-income communities across the state.





- **Fund Outreach, Technical Assistance, and Project Management** – Our experience shows that technical assistance and coaching is essential for uptake in energy efficiency investments in low-income communities. The day-to-day demands on low-income families make it incredibly difficult to plan for the benefits of energy efficiency, navigate the complexities of lending and rebate programs, and manage contractors. Strategic outreach to enroll individuals and significant assistance and coaching to support through the process will be essential to meeting the GHGRF intent to deliver lower energy costs and economic revitalization to communities that have historically been left behind.
- **Pre-bate, Not Rebate** – In the financing instruments used to deploy funds, seek the ability to lower the loan total to the borrower by pre-bating incentives when possible. Pre-bate funds can be delivered to project builders/contractors directly when appropriate to avoid the borrower needing to have a loan that includes the expected incentive. When the traditional ‘downstream’ rebate is moved to the front of the process, the project cost is reduced from the start, so more Vermonters can participate.
- **Enable Coordination, Performance Reporting, and Monitoring** – Currently there is not an entity established to receive and coordinate climate funds, collect performance reporting, or monitor outcomes. Establishing a centralized entity, or assigning the role to an existing entity, would support clarity among deployment partners, utilities, agencies, and grant seekers and efficacy for the funds drawn down.

Thank you for considering these comments as you finalize your report and recommendations to the legislature. We are available at your request to further illustrate these comments or offer additional feedback and support as we move towards financing a more resilient Vermont.

Sincerely,

A handwritten signature in black ink, appearing to read 'Robert Miller', with a stylized, flowing script.

Robert Miller  
President, Chief Operating Officer

November 2, 2023

Treasurer Mike Pieciak  
Office of the State Treasurer  
109 State St, Ste 4  
Montpelier, VT 05609-6200

Re: Stakeholder Outreach on Climate Financing Report

Dear Treasurer Pieciak:

This letter is authored by three instrumentalities of the state of Vermont: the Vermont Bond Bank (VBB), the Vermont Economic Development Authority (VEDA), and Vermont Housing Finance Agency (VHFA). Together, operating as the Vermont Public Finance Climate Collaborative (PFCC), we would like to describe our current work to finance climate infrastructure and access emerging funding opportunities, as well as sharing our vision for how statewide coordination could further leverage resources to support Vermonters and achieve the state's climate goals.

The Public Finance Climate Collaborative (PFCC) was formed in 2022 by the VBB, VEDA, and VHFA. Our three organizations are united as state instrumentalities that fill market gaps and accelerate capital deployment in the municipal, commercial, and housing sectors. Our organizations have decades of experience in financing energy efficiency and resiliency projects in these sectors and our quasi-governmental roles make us uniquely well-placed to access both private capital and public dollars.

We originally organized the collaborative because we saw a need to create a collective home for project development and information sharing for climate financing initiatives in Vermont as new resources become available through the Inflation Reduction Act (IRA). Our organizations are prepared to leverage IRA funding to ensure that low-income households and disadvantaged communities are equitably reached by these resources. Proof of this concept is described in more detail below.

We feel that the outreach process being led by the Treasurer's Office can be a valuable opportunity to inform the public about what resources are available through the IRA and Infrastructure Investment and Jobs Act (IIJA), and when and how that funding will become available. Both pieces of legislation are an extensive patchwork of tax credits, grants and financing programs. Currently, the Department of Energy (DOE), the U.S. Environmental Protection Agency (EPA) and other federal agencies are in the rule-making process or have released Notices of Funding Opportunities for many related programs.

Relatively little of the funding available from IRA is yet available to be deployed in Vermont. Some pieces will require state sponsorship, while others will benefit from the experiences of the PFCC, and still others will directly benefit project owners. This diverse range of applicants and uses of funds speaks to the informational barriers among participating entities that would benefit from information sharing to ensure the greatest impact of the funding and financing opportunities.

The \$27 billion Greenhouse Gas Reduction Fund (GGRF) is one of the IRA opportunities available to financing entities. The Vermont Department of Public Service has already submitted an application to EPA for the \$7 billion Solar for All competition of the GRRF. The remaining \$20 billion in GRRF funds will be distributed through a number of national entities, such as the Coalition for Green Capital and Climate United, which will be announced in Spring 2024. PFCC members joined coalitions, submitted project pipelines, and intend to seek financing from these national entities for funding to support greenhouse gas reduction projects in Vermont across the sectors we serve.

Our statewide mission-driven roles, with 50 years of experience and strong balance sheets, make us uniquely positioned to work with these national intermediaries to maximize the funding available to Vermont. Underscoring this capability is the utility recognized by our national partners in our collective capacity as they conceive of us as “green banks” for our respective constituencies and place us side by side well known entities like the Connecticut Green Bank.

Our ability to access these resources will be largely dependent on the terms and uses these national organizations set for awards. As GGRF awards increasingly appear targeted to specific sectors, PFCC members will likely apply individually to the national entities rather than as a single application. However, we intend to coordinate amongst ourselves to ensure that we are fully aware of potential funding opportunities.

A brief summary of the work our organizations are doing to leverage IRA and other energy financing opportunities is below.

#### Joint PFCC efforts

- Submitted joint feedback to the EPA in response to their RFI on the development of the GGRF in December 2022, advocating for a framework that encouraged collaboration and leveraged the capacity of public instrumentalities.
- Coordinated with the Treasurer to lead a Green Lending Webinar in February 2023 to inform stakeholders of potential opportunities available under the GGRF.
- Followed discussions with national organizations applying to administer GGRF funds, laying the groundwork for collaboration once awards are announced. PFCC members submitted project pipeline data and letters of support to several organizations that may serve our respective sectors.

## VBB

- Modernized the Bond Bank's statute via Act 72 to allow the Bond Bank to enter all types of municipal loans that are otherwise allowed in statute. This includes municipal loans under the "alternative financing of assets" provision that is the preferred method governmental units use to authorize energy projects that pay for themselves with savings or energy production.
- Received a \$40 million commitment from the USDA's Rural Energy Savings Program that will provide a loan to the Bond Bank at 0%. In turn, the Bond Bank will relend these dollars at an estimated rate of between 2 and 3%. Eligible activities include both energy savings projects as well as renewable energy production and battery storage.
- Financed nearly \$17 million in energy efficiency, net zero energy buildings, and waste diversion projects.
- Responded to the needs of borrowers following the Summer Floods of 2023, which included opportunistic debt restructurings and new loan products to enhance Vermont's climate resiliency.
- Formed strong partnership with Climate United with a focus on net zero school buildings that informed a Vermont specific case study used by the organization.

## VEDA

- Updated VEDA's energy lending policies to enable greater public financing support on clean energy projects.
- Applied to USDA's Rural Energy Savings Program (RESP) for \$10 million which, if approved, will provide up to 0% financing to VEDA which will be used to provide capital and subsidize interest rates on clean energy projects.
- Applied to the State Treasurer's "10% for Vermont" local investment program for up to \$25 million in a low interest loan which will be used to subsidize interest rates on clean energy projects.
- Submitted pipelines and letters of support to Coalition for Green Capital's NCIF and CCIA grant applications and the Council of Development Finance Agencies' CCIA application.

## VHFA

- Collaborated with the Vermont Department of Public Service on their Solar for All application to EPA, which was submitted on October 12th. Should Vermont receive its requested award, VHFA expects to receive a subgrant for solar arrays and community solar projects supporting subsidized affordable housing.
- Led outreach to multifamily property owners to inform them of opportunities under HUD's Green and Resilient Retrofit Program (GRRP). The GRRP is an IRA program for comprehensive energy efficiency and carbon reduction projects in housing supported through HUD rental assistance contracts. Applications are currently open in rolling waves, and property owners must apply directly to HUD.
- Launched the Weatherization Repayment Assistance Program (WRAP), an on-bill program to help moderate-income Vermonters participate in comprehensive home energy projects. VHFA continues to explore new funding sources to expand the program beyond the state-funded pilot.

Although the PFCC members are actively pursuing the IRA funding that we are currently eligible to receive, *we feel that the Treasurer's Office could play an important role as an information clearinghouse*, ensuring that all new and existing federal climate funding opportunities are identified and brought to the attention of the entities or the state agencies that are the intended recipients.

Further, we believe the *Treasurer should also help to evaluate the supply and demand for climate related funding and financing sources* on an on-going basis in consideration of the risks faced by the state from a changing climate as well as the mandates outlined in Vermont's Climate Action Plan and Comprehensive Energy Plan. This evaluation would incorporate the missions, competency, and existing programs of PFCC members in their sectors. This should also include advocating for climate infrastructure financing to be broadly inclusive of adaptation programs. From insurance to grants, these programs may take many forms but should not be ignored from climate discussions around climate finance.

We know that some states have, or will, pursue setting up a new Green Bank as a way of accessing federal funds and we do not recommend that path for Vermont. Because of the PFCC's willingness – and eagerness – to work together and ensure there are no market gaps or lost funding opportunities for our small state, we feel confident in our ability to apply for, access, and deploy the available funding without adding a new entity. Any new organization would require tens of millions of dollars to capitalize a balance sheet similar to the PFCC, and would not have the 50-year history of lending that investors and rating agencies would need to see. The organizational overhead, untested governance, and additional coordination that a duplicate agency would add to the state would be wasteful.

Instead, the PFCC sees a role for itself as a shared “front door” for the state's climate financing. Our organizations will continue our work in our respective fields, while coordinating with stakeholders and amongst ourselves. Using existing organizations within a new framework will allow us to utilize and expand our programs and leverage our existing funding streams, private partnerships, and credit capacity. This structure will allow us to avoid duplicative efforts and ensure that all parts of Vermont and all the different sectors we serve have equitable access to funding opportunities.

This effort will require continued outreach to Vermont's energy stakeholders, including the State, nonprofits, and the private sector. We will need to form expanded partnerships to reach consumers, connect with the state's contractor workforce, leverage new technology, and measure the impact of our joint work.

We welcome your input on this framework, and we applaud your efforts to ensure that Vermont is effectively using all available resources to assist our communities in responding to climate change.

Sincerely,

Vermont Bond Bank  
Vermont Economic Development Authority  
Vermont Housing Finance Agency

From: **Vero Bourg-Meyer**  
Montpelier resident

To: **State of Vermont Office of the State Treasurer**  
Attn: **Treasurer Pieciak**  
Office of the State Treasurer  
109 State Street  
Montpelier, Vermont 05609

November 2, 2023

**Re: Comments Pertaining to Climate Infrastructure Finance in Vermont**

Treasurer Pieciak,

I am delighted to submit these comments in the stakeholder process organized by your office to comply with the legislature's request to "coordinate the State's climate infrastructure financing efforts."<sup>1</sup> Thank you for your leadership and the opportunity granted to Vermonters to participate in this process and shape your recommendations to the General Assembly in January 2024. I write today as a resident of Montpelier, informed by my decades of experience working with governments across the world and the U.S. on public private partnerships for infrastructure, on project finance structuring, and on clean energy policy.

**It is time for the Vermont legislature to imbue one of our existing governmental or quasi-governmental entities with the authority, the mandate, the staff, and the funding to (a) create a statewide climate finance strategy, (b) raise capital, (c) deploy, recycle, and leverage capital, (d) coordinate and support the work of relevant partner agencies, (e) provide technical assistance and train the market, and (f) promote and market its own and others' programs to achieve our climate goals.**

Transitioning from OPEX-heavy fossil fuel infrastructure to CAPEX-heavy clean energy systems and nature-based solutions requires an *upfront* supply of capital, which tax funding alone will not sufficiently address. Without access to upfront capital and innovative leveraged financing solutions, Vermont will simply not meet its climate ambitions.

Vermont's Climate Action Plan recognizes that for the plan to be successful "the support and engagement of Vermonters is critical — to mobilize a broad coalition of state, local, and regional

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<sup>1</sup> Sec. E.131 e of the Fiscal Year 2024 Appropriations Act

governments, nonprofits, academic institutions, and private interests taking collaborative, decisive action. Significant and sustained investments, well-financed programs, properly capitalized lending entities and individual financial commitments will all be needed to implement the Climate Action Plan and realize important outcomes (...).”<sup>2</sup> The Climate Council goes on to state, “No single funding stream will achieve our climate goals. **Climate action requires leveraging a variety of sources — existing and new, private and public, local, state, and federal — and innovative financing mechanisms to support sector-level transformations and the ability of Vermont lenders to make crucial long-term investments in climate-focused projects and initiatives.**”<sup>3</sup>

Yet, no one entity has been given a clear mandate by the Governor’s office or the Legislature to do all it can to develop these “innovative financing mechanisms” or only minimally so. While we have many programs, driven by more existing entities than in most states, we do not have a coordinated statewide strategy for climate finance. Each one of our quasi-public organizations dutifully pursues the mandate it was given, and it is unlikely, without specific authority, expert staff, or adequate funding, that one of them will suddenly find itself moving beyond what it currently does. More of the same, perhaps slightly bigger, will not cut it.

Promoting coordination across organizations is indeed necessary, as many have said, but climate finance is technical, broad-ranging, and cross-sectoral so our government should not expect a loosely connected web of existing organizations without sufficient funding, staffing, or authority to successfully tackle what is the most consequential challenge of our generation and that of our children.

This is not to say that we lack institutional knowledge or goodwill. I do not in any way impugn the usefulness of our existing programs or institutions. On the contrary, I am immensely grateful for the many public servants dedicated to meeting clean energy and conservation goals in Vermont. Without them, we would not see any progress toward meeting our climate and conservation goals.

I do, however, very much question the scale that we purport to achieve without an entity with the designated authority to steer the state in a clear direction when it comes to financial strategy, and to guide partners, existing and new, along with it toward our decarbonized future. It does not take much vision or work experience to recognize that accessing the once-in-a-generation opportunities afforded by the federal Infrastructure Investment and Jobs Act (IIJA) and the Inflation Reduction Act (IRA) will be impossible without dedicated staff and funding.

If I find this letter hard to write, it is because it argues the very fundamental notion that good ideas do not materialize into reality unless a champion makes them so and unless we give ourselves the resources to meet our goals. The “action” part of the Climate Action Plan requires that we do not stop at saying “we need innovation and funding” but that we move on to the “do” part with renewed vision and ambition.

Therefore, I propose that the legislature should take the following concrete steps.

**First, and most urgently, the legislature should require that the Treasurer’s Office be given the explicit authority, mandate, and funding to aggressively pursue funding opportunities for climate**

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<sup>2</sup> [Vermont Climate Action Plan](#), page 250

<sup>3</sup> Id.

**mitigation, adaptation, and resilience, across both clean energy and nature-based solutions spaces.** The Treasurer’s Office does not need to be the organization that ultimately will be responsible for all of the activities listed in the second paragraph above in (a) through (f). However, the Treasurer’s Office should coordinate with other entities on the short-term deployment of such funds and help them apply to funding. This would include supporting financial intermediaries with existing networks as appropriate, as well as existing agencies working on climate solutions and communities.

The Treasurer Office is the right organization to pursue funding this way as its expressed function is to “serve as the State’s (...) chief investment officer.”<sup>4</sup> In the wake of transformational federal legislation, many states have launched funds dedicated to help the state apparatus and communities seek federal funding, to provide cost-share funds, to enable leverage, or to provide technical assistance to communities. For example, in [Colorado](#), the Infrastructure Investment And Jobs Act Cash Fund provides \$80,250,000 in funding to the Governor’s Office as a nonfederal match for the state or a local government for certain categories of infrastructure projects allowed under IIJA.<sup>5</sup>

In [Connecticut](#), Public Act 22-25, the Commissioner of the Connecticut Department of Energy and Environmental Protection (**DEEP**) was required to “establish and administer a grant program for the purpose of providing matching funds necessary for municipalities, school districts and school bus operators to submit federal grant applications in order to maximize federal funding for the purchase or lease of zero-emission school buses and electric vehicle charging or fueling infrastructure.” The Act requires that the DEEP Commissioner give preference to applications relevant to environmental justice communities.<sup>6</sup>

In [Kansas](#), the \$200 million Build Kansas Fund provides matching dollars to Kansas communities for infrastructure projects approved under IIJA. Projects that can receive funding include “water, transportation, energy, cybersecurity and broadband through Fiscal Year 2027.” At least \$10 million will be reserved for investment in eight “Economic Development Districts.” The Build Kansas Fund is administered by the Kansas Infrastructure Hub.<sup>7</sup> The Kansas Infrastructure Hub includes “representatives from the Kansas Departments of Administration, Agriculture, Commerce, Health and Environment and Transportation, along with the Kansas Corporation Commission and the Kansas Water Office, will manage the Build Kansas Fund, offering technical assistance, tracking funds and promoting grant opportunities.”<sup>8</sup>

In [Kentucky](#), the legislature appropriated \$17.3 million from the general fund to match \$69.4 million in IIJA funds for fiscal years 2022-2023 for IIJA electric vehicle charging infrastructure support programs.

In [Minnesota](#), the State Competitiveness Fund was created as a special revenue fund in the Minnesota State Treasury and \$115 million appropriated and remain available until June 30, 2034,

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<sup>4</sup> See [Homepage of the Treasurer’s Office](#).

<sup>5</sup> See [Colorado Senate Bill 22-215](#).

<sup>6</sup> See [Connecticut Public Act 22-25](#).

<sup>7</sup> See additional details, including application processes and eligibility requirements [here](#) and [here](#).

<sup>8</sup> Shayndel Jones, *Gov. Kelly announces launch of \$200M fund to accelerate infrastructure projects*, 13WIBW, September 19, 2023



under the management of the Minnesota State Treasury to facilitate accessing federal funding under IIJA and the IRA. The State Competitiveness Fund is meant to “(1) pay all or any portion of the state match required as a condition of receiving federal funds, or to otherwise reduce the cost for projects that are awarded federal funds; (2) award grants under subdivision 4 to obtain grant development assistance for eligible entities;<sup>[9]</sup> and (3) pay the reasonable costs incurred by the department to assist eligible entities to successfully compete for available federal funds.”<sup>10</sup> These funds can be applied to a large array of uses, including accessing formula funding, funds directed to political subdivision of the state or Tribal governments, nonprofits, businesses, utilities, and other grant opportunities “directed to eligible entities that do not require a match but for which the commissioner determines that a grant made under this section is likely to enhance the likelihood of an applicant receiving federal funds, or to increase the potential amount of federal funds received.” The broad-ranging nature of Minnesota’s matching funds strategy demonstrates how serious the state is about accessing federal funding and utilizing all available dollars to boost its competitiveness and investments.

In [North Carolina](#), Governor Cooper’s administration established a \$225 million Federal Match Reserve investment for state agencies to meet federal matching requirements from IIJA, the CHIPS and Science Act, and the IRA. The Federal Match Reserve “allows the state to participate in the paradigm shift created by these catalyzing federal bills and access an extraordinary amount of federal funds for infrastructure, research, climate initiatives, manufacturing, and STEM education [and] [p]ositions our state to compete for hundreds of billions of dollars, bringing our share of taxpayer funds back to North Carolina.”<sup>11</sup>

In Oregon, the legislature passed the climate resilience package ([HB 3409](#) and [HB 3630](#)), which included over \$90 million in new climate spending “to access as much as \$1 billion from IRA programs. The new law provides funds to help marginalized communities, local governments and community organizations apply for federal grants.”<sup>12</sup>

While Vermont may not have the same level of resources at its disposal, these examples highlight that **these states, both red and blue, understand that accessing federal funds takes resources, both human and financial. The political and geographic diversity should be enough to give the Vermont Legislature pause about its strategy so far to support the implementation of the Climate Action Plan and of the Vermont Global Warming Solutions Act (GWSA).** Enabling access to funding is but a step for the legislature, and should not replace other necessary steps to develop and implement a coordinated strategic approach to climate finance, executed by a centralized team. A lot of the states above have both “matching funds” and green banks as is the case for Connecticut, Minnesota, Colorado, or North Carolina, among others.

**Second, the legislature should pick one to two existing organizations to lead the development of Vermont’s climate finance strategy, fund it/them adequately, requires that it/they hire staff,**

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<sup>9</sup> Eligible entities are those that will provide grant development support to regional development commissions, the West Central Initiative Foundation, the Minnesota Municipal Utilities Association, the Minnesota Rural Electric Association, consumer-owned utilities, Tribal governments and others.

<sup>10</sup> See [MINN. STAT. 216C.391 \(2023\) Subd.2\(b\)](#).

<sup>11</sup> See [Governor Cooper Recommended Budget 2023-2025](#).

<sup>12</sup> [US Green Building Council](#)

**including shared staff for key functions, and place them under the authority of a shared governing body within the Treasurer's Office.**

The explicit modified mission/mandates of such organization(s) should be to stimulate market transformation in Vermont for the benefit of Vermonters and Vermont-based enterprises, to develop a climate finance strategy, to pursue funding sources and financing programs that will enable the climate policy goals of state agencies, as required by the legislature, to offer technical assistance, to lead the implementation of such state strategy, and to support the marketing of programs and products. Such organization(s) should also actively support and promote the activities of the quasi-public organizations and nonprofits pursuing climate goals in the state.

Ideally, one organization would lead financial activities for both clean energy and nature-based solutions. However, given the existing slate of organizations in Vermont, **I recommend that the legislature authorize and require that (a) the Clean Energy Development Fund (CEDF) and (b) the Vermont Housing & Conservation Board (VHCB) become Vermont's climate finance authority.** CEDF already has most of the attributes necessary for an expanded mission but will have to be given broad autonomy to pursue climate mitigation goals and the flexibility to hire new staff quickly and raise/deploy capital. Similarly, VHCB can rapidly scale operations to finance nature-based solutions in the state.

These organizations should work together, with guidance from the existing Local Investment Advisory Committee, and other relevant agency staff. Besides co-developing a strategy over time, working closely with the new staff at the Treasurer's Office on capital raise, these organizations under a new climate finance authority branding would be the main conduit for program development, and would have the option to deploy capital directly or through existing organizations, as relevant and appropriate.

They would provide clear communication to financial partners and private sector investors about the programs and policies of Vermont, act as a technical assistance provider, and proactively seek to grow the pipeline of projects in both their core areas. They would not seek to replace the existing organizations, but to lead the market, send clear signals, and develop opportunities for our climate economy.

Both organizations should be given broad latitude to utilize all of the tools in the financial toolbox and to invest using a range of debt and equity tools, including securitization and tax credit optimization, as well as to deploy grants, either directly or as a passthrough entity for other organizations such as Efficiency Vermont or VSECU. Both organizations should explicitly support low-income families and underserved communities in our rural and urban environments, not as an afterthought, but as a structural part of their vision and mission.

Key staff for financial, legal, marketing, and data/reporting functions should be shared to promote cross-learning, create efficiencies, and to facilitate strict compliance and reporting requirements attached with federal funding.

The legislature should seek to encourage flexibility, creativity, and engagement with the market and communities, including by allowing the Treasurer's Office, CEDF, and VHCB to create the special purpose vehicles or nonprofits that may be necessary to pursue philanthropic sources of funding or to create financial structures that are adapted to our state.

**Reaching the goals of the GWSA and implementing the Climate Action Plan will require your leadership** not to simply coordinate the good work already being done, but to proactively pursue funding sources for climate financing solutions, and to empower CEDF and VHCB to build and implement a statewide climate finance strategy that leverages public investment. We have many of the ships we need to get us where we committed to going. It is high time that we hired ourselves a captain.

Respectfully,

Vero Bourg-Meyer, Montpelier resident



November 3, 2023

Michael Pieciak  
Office of the State Treasurer  
109 State Street  
Montpelier, VT 05609

RE: Climate Infrastructure Financing Coordination Comments from CCRPC Staff

Dear State Treasurer Pieciak,

Thank you for the opportunity to provide input regarding climate infrastructure financing. Like many of our partner regional planning commissions (RPCs), the Chittenden County Regional Planning Commission (CCRPC) has had an enhanced energy plan as a part of the ECOS Regional Plan since 2018. Through developing an enhanced energy plan, our organization has developed relationships with state agencies, utilities, and non-profits working on energy and climate changes issues in Vermont. Our work has also involved assisting many of our member municipalities with the development of their own enhanced energy plans and climate actions plans. Both the local and regional enhanced energy plans identify actionable strategies for mitigating climate change. These strategies range from building and vehicle electrification to weatherization to nature-based solutions. These strategies are ripe for implementation. Therefore, the state's RPCs and municipalities are well positioned to assist with the effective coordination of funds to implement climate and energy plans.

Below are the questions posed by the Treasurer's public comment solicitation and responses from CCRPC staff:

**Topic 1: Why Pursue Federal Funding/Financing? How can we do this in a way that is more inclusive of local and underserved community priorities?**

New federal funding and programs present a great opportunity to enhance Vermont's climate related programs that are already successful, significantly reduce greenhouse gas emissions, and that meet the needs of underserved and rural communities. Here are our suggestions:

- [The Weatherization Assistance Program should be expanded.](#) This program reaches underserved, low-income residents in all areas of Vermont. Specifically, consideration should be given to the following programmatic changes:
  - Increase the cap on [income eligibility](#).
  - More funding should be provided specifically for heat pump installation and work related to decarbonizing home heating. This will help the State to reach its goal of significantly reducing greenhouse gas emissions. Heat pump adoption is a high priority action that can significantly reduce greenhouse gas emissions in the thermal sector.
  - The program must provide competitive wages to attract and retain the necessary workforce. Employee retention has historically been a challenge due to the working

conditions of weatherizing homes, low compensation, and the high demand for weatherization work in Vermont. This needs to be addressed for low-income Vermonters to continue to benefit from the program.

- The [Electric Vehicle Supply Equipment \(EVSE\) Grant Program](#) should be expanded to prioritize reaching underserved, BIPOC, low-income and older residents in all areas of the state. The expansion of the program for increasing EVSE at existing multi-unit properties, workplace charging, and public attractions will serve all residents, especially marginalized populations, who make the transition to electric vehicles. Transitioning to electric vehicles is a high priority action that can significantly reduce greenhouse gas emissions from the transportation sector. Expansion of the program in Chittenden County has the potential to reach the State's largest BIPOC population and Vermont's largest share of drivers statewide.
- The [Municipal Energy Resilience Program \(MERP\)](#) should be expanded to include schools and non-profit commercial buildings that serve underserved and rural communities. This program is currently being administered by the Vermont Department of Buildings and General Services in partnership with the State's Regional Planning Commissions.
- The [State Energy Revolving Loan Fund](#), administered by Building and General Services (BGS), could be expanded to include municipal projects. Payments back to the fund are made with energy savings on the project until the loan is repaid, resulting in no cost to the municipality. See how Harvard's energy revolving loan fund operates: <https://sustainable.harvard.edu/green-revolving-fund/>
- Some electric distribution utilities, in cooperation with [Efficiency Vermont](#), have a considerable number of rebate and incentive programs that could have more substantial impacts if additional funding was provided. Specifically, we recommend larger incentives to help cover the upfront costs of geothermal heat pump installations in new affordable housing projects. Geothermal heat pumps are often a better option for affordable multi-unit housing than air source heat pumps because they require less maintenance and cost the residents less to heat and cool than natural gas or air source heat pumps. However, geothermal heat pumps have a much higher up front capital cost for the owner/developer.
- The [Vermont Low Income Trust of Electricity](#) (VLITE) has historically supported a wide range of projects designed to support the energy needs of low- and moderate-income Vermonters. VLITE should specifically be consulted to see if there are opportunities for collaboration on existing programs. VLITE should also be consulted regarding how low-income Vermonters can be assisted with increased future electricity rates that will likely be necessary to support capital improvements to Vermont's electric transmission and distribution networks. CCRPC is particularly concerned about future electricity costs for low-income residents living in electric-heated multi-family buildings that do not have sufficient space to install solar panels for net-metering.

### **How can we better connect community groups and technical expertise, to mutually identify needs?**

The Department of Public Service's [Public Participation Plan](#) has effective actionable strategies for connecting to community groups about the energy transformation needed to reduce our emissions. [The State of Vermont's Climate Action Public Engagement Plan](#) is also a resource for understanding which community groups to reach out to marginalized communities.

Specifically working directly with marginalized communities to mutually identify needs is important. However, this typically ends up looking like those with the technical expertise "going into" community groups when something is needed, asking for feedback, and leaving. This practice is extractive. The challenge is that community groups in marginalized communities often lack capacity and are already struggling to carry out their own mission. To ask more of them adds to their already too-heavy load. Thus, we need to make sure that we can create reciprocal and ongoing relationships with key community organizations in marginalized communities in a way that supports and furthers their work before asking them to support additional work.

Lastly, community needs in marginalized communities have been, and continue to be shared, through a multitude of ongoing engagement efforts at any given moment. Another strategy for imbuing technical expertise with community knowledge and needs is to better collaborate with others on the back end to share community feedback that has already been collected before asking the same questions to the same groups of people. Only once we have determined what needs have already been recorded should governmental organizations determine where gaps remain.

### **What do small, underserved, rural communities need to pursue these funds? How do we maximize our ability to do this collectively, without competing with one another?**

Asking small communities and/or schools to work on complex grant applications and reporting as a way to access funds is unfair and burdensome due to limited administrative capacity. Applying for and administering grant funds takes resources and expertise that underserved and rural communities do not have.

Expansion of the [Municipal Technical Assistance Program \(MTAP\)](#), a program created by the Agency of Administration last year could create additional capacity for Regional Planning Commissions (RPCs) to assist small, underserved, rural communities. RPCs may also be able to help municipalities within the same region cooperate or collaborate on projects to avoid competition amongst each other. Creating programs that communities can opt into with minimal effort (e.g. Municipal Energy Resilience Program a.k.a. MERP) is another way to increase the accessibility of funds.

Future federal grant applications, like the EPA's Climate Pollution Reduction Act Implementation Grant, should ideally be coordinated through the State of Vermont. Municipal or RPC applications should be discouraged.

There is a higher probability of coordination and success if future State applications to federal grant programs treat Chittenden County equally to other geographic parts of the State. CCRPC is particularly bringing attention to this issue because recent State programs, like MERP and MTAP, have treated Chittenden County differently than more rural parts of the State. While this approach may work for State programs, it may put a coordinated statewide grant application in a disadvantageous position given Federal Justice 40 requirements. Chittenden County includes three of Vermont's disadvantaged areas, as defined by the Federal Justice 40 criteria. Additionally, Chittenden County is Vermont's most racially diverse region and has more households living in poverty than any other county in the State. The County also has several very rural municipalities with fewer than 2,000 residents. Statewide grant applications need to take this information into consideration when coordinating future grant efforts.

## **Topic 2: Who is proactively engaged and are there any barriers impeding Vermont's efforts?**

**Are you aware of any agency or entity that is pursuing or has recently pursued/applied for federal funding/financing, private capital or philanthropic funds for climate infrastructure improvements, such in the areas of clean energy, weatherization or climate resiliency? If so, what are the entities and how successful are they?**

CCRPC staff is aware of several active federal grants in Vermont related to climate infrastructure improvements:

- The Agency of Natural Resources' Climate Action Office has secured planning funds through the [EPA Climate Pollution Reduction Grant](#). The Agency intends to apply for [implementation funds](#) through the same program in April 2024.
- Energy Futures Group, a non-profit in Hinesburg, Vermont, recently received a grant from the US Department of Energy (DOE) to study state-wide building energy code compliance. Our understanding is that these funds have been used to support the work of the [Building Energy Code Study Committee](#), which was created as a part of the HOME Act.
- Northeast Energy Efficiency Partnerships (NEEP) and Vermont Clean Cities Coalition (VCCC) were recently granted an award from the US DOE Vehicle Technologies Office (VTO). The \$1.2 million grant will support the development of Community Driven Transportation Plans in New England (including Chittenden County).
- Burlington Electric Department (BED) and VELCO were both granted awards via the US DOE, Grid Deployment Office Grid Resilience and Innovation Partnerships Program (GRIP). The [BED grant](#) is to support better utilize Smart Grid technology (\$1.2M) and the [VELCO grant](#) is to install grid enhancing technology in Northwest VT.
- [Burlington International Airport Voluntary Residential Sound Insulation Program](#), funded partially through a Federal Aviation Administration (FAA) grant, will mitigate noise from the airport and also offer the co-benefit of weatherization for 2,500 homes in Winooski, South Burlington, Williston, Colchester, and Burlington.
- The [Energy Efficiency and Conservation Block Grant \(EECBG\) Program](#) allocated money to Vermont Counties (e.g. county courts) and the ten highest populated municipalities in the State. Each were

awarded around \$75,000 in funding. The program can be used to support energy efficiency and fossil fuel emission reduction-related work. Chittenden County Regional Planning Commission has provided funding and staff resources for energy planning for our member municipalities.

**What do you estimate as the total investment amount required by your industry to support necessary climate infrastructure needs in Vermont? How did you arrive at this estimate? Alternatively, do you have suggestions on approaches / frameworks to estimate this need?**

CCRPC does not have an estimate of total investment required to support necessary climate infrastructure.

[ISO-NE](#) and [VELCO](#) have some estimates about the cost of upgrading the transmission system. CCRPC recommends consulting with the Climate Action Office and the Public Service Department to understand if there are total cost estimates in the Climate Action Plan or the Comprehensive Energy Plan.

**How can we build on these efforts and unlock the door to additional capital import? How do we integrate various efforts so they are not competing for time, attention, etc.**

CCRPC recommends focusing on refining and enhancing existing programs with a renewed commitment to decarbonizing transportation and building thermal energy use (primarily via EVs and heat pumps) in conjunction with energy efficiency and vehicle miles traveled (VMT) reduction. Greenhouse gas reduction should be the primary goal.

Coordination among state agencies is necessary to efficiently and effectively combat climate change. RPCs are a key player in assisting and supporting the planning and implementing of state programs at the municipal level. RPCs have strong existing relationships and familiarity with municipalities. Additionally, RPCs have the ability to assist the state with making changes at a regional scale.

**What are the gaps or barriers in this work?**

Vermont's historical focus in the energy sector has been on energy efficiency because consensus regarding human induced climate change caused by the burning of fossil fuels had not yet been reached. Our investments now need to reflect a pivot from efficiency to decarbonization and reducing greenhouse gas emissions according to the Global Warming Solutions Act requirements.

This change will face some local opposition from businesses and workers that have historically made their living from fossil fuel consumption. Educating businesses on how to profit from decarbonized solutions, educating workers and Vermont residents regarding new technologies must be part of the investment and be a large part of the implementation of the Affordable Heat Act.

Climate change has been shown to disproportionately affect marginalized communities. These communities often face higher levels of vulnerability due to factors such as limited access to resources, inadequate infrastructure, and socioeconomic disparities. For example, VT Digger reports that "Market pressures ... are constantly pushing lower income people further and further toward options that reduce their quality of life — older, more degraded housing stock, or housing stock that churns through natural



disasters more quickly.”<sup>1</sup> This problem could be exacerbated as Vermont develops a national reputation as a climate refuge and people with the financial means relocate to Vermont to avoid the impacts on climate change in other parts of the country.

The initial up-front cost of transitioning to electrification in the renewable energy generation, heating, and transportation sectors will be burdensome to marginalized communities. Therefore, investments should tackle the needs of marginalized communities first by including targeted strategies that consider their specific histories, sociocultural, and economic realities.

Careful consideration of the cost of decarbonizing and upgrading grid infrastructure is needed to ensure that policies are not burdening Vermont’s electricity rate payers. Currently, rate payers are faced with substantial costs for paying for weatherizing buildings, converting to electric heating sources, purchasing cleaner vehicles, and for paying for grid infrastructure upgrades that are passed on to the customer through utility bills. Federal and state policy leadership is needed to reduce the cost to low-income households and marginalized communities. The responsibility to decarbonize and fight climate change should not completely be passed off to individual Vermonters or municipalities.

Lastly, the importance of land use planning that can effectively achieve [our state planning goals](#) to “maintain the historic settlement pattern of compact villages and urban centers separated by rural countryside” cannot be underestimated. Our state greenhouse gas emission reduction goals, our working lands goals, our housing goals, and our transportation goals (particularly related to public transit) are all directly tied to the effectiveness of our land use planning and regulation. This policy and planning work cannot be forgotten during our state’s energy transformation.

### **Topic 3: What does Vermont need to pursue its share of federal, private, or philanthropic funds to conduct climate infrastructure improvements?**

#### **How could financing address these barriers experienced by underserved and rural communities? What other barriers exist?**

Financing municipal projects with local tax revenues is unpopular and municipal officials are hesitant to raise municipal taxes for projects deemed not urgent. Free programs and grants are very popular as municipalities are constantly scanning for ways to show taxpayers that they are fiscally responsible by keeping tax rates low. However, staff resources to apply for grants at the municipal level are very limited so funding mechanisms should remove unnecessary applications or reporting processes for accessing funding. Consider learning more about [trust-based philanthropy](#) to remove funding barriers to make fighting climate change more just and equitable.

Financing is always considered a last resort at the municipal level; successful financing options must be very attractive and will be more popular when they provide a tangible return on investment, such as lower energy costs.

#### **What resources (including technical assistance) does Vermont need to pursue currently available federal funding/financing, private capital or philanthropic funds and be more competitive?**

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<sup>1</sup> Duffort, Lola. " The flood waters disproportionately hit Vermont's affordable housing stock — at the worst time." *VT Digger* July 31, 2023, Economy section. <https://vtdigger.org/2023/07/31/the-flood-waters-disproportionately-hit-vermonts-affordable-housing-stock-at-the-worst-time/>

Vermont needs to develop an updated greenhouse gas emissions inventory and monitoring program. This will be an ongoing requirement for future federal funding and state-wide policy decisions. This resource should also be shared with RPCs and municipalities to achieve alignment.

**What is needed to improve clean energy and resilience project identification and implementation? How would strategic planning or a focus on coordination among parties and/or financing entities support project implementation? What entities do you currently look to (can include your own) for this strategic coordination?**

The ANR Climate Action Office (CAO) is in the best position to coordinate state-wide strategic planning and funding allocation for greenhouse gas reduction and climate adaptation projects. Build upon the EPA's Climate Pollution Reduction Planning Grant (CPRG) model where the Vermont CAO tapped RPCs to help identify municipal projects to be included in the State's Priority Climate Action Plan. This CPRG-funded Priority Climate Action Plan is a prerequisite to apply for a portion of the \$4.3 billion available to states, tribes, and local governments for implementing the Priority Climate Action Plan by funding projects to substantially reduce greenhouse gas emissions by 2030.

The Vermont Public Service Department is an entity and resource for coordinating clean energy projects with RPCs and municipalities. Additionally, Vermont Department of Buildings and General Services in partnership with RPCs has developed the MERP program in a way that is relatively easy for municipalities to participate in decarbonizing public buildings.

RPCs provide coordination between state agencies and municipalities across a wide range of topics including energy planning. Many RPCs have a dedicated energy planner. Some larger municipalities also have staff dedicated to climate, energy, or sustainability issues. These folks should also be consulted with as a part of any statewide project.

**Are current state agency programs and existing nongovernmental organizations in Vermont sufficient to achieve these goals or does there need to be a new governmental, quasi-governmental, or nonprofit to assist in this? What do you envision its role to be and how would it work with current state agencies and groups?**

Current state agency programs are generally sufficient at providing adequate staffing of state agencies. The State CAO should coordinate work to achieve state-wide targets and goals. The CAO will likely need additional capacity to scale up into this coordinating role. The State should also consider funding existing organizations that can also assist with statewide coordination (such as RPCs), if deemed appropriate.

Thanks again for the ability to provide feedback. If I can provide any additional information, please contact me at 802-846-4490 or [cbaker@ccrpcvt.org](mailto:cbaker@ccrpcvt.org). Thank you for your consideration.

Sincerely,



Charles Baker, Executive Director



November 3, 2023

Mike Pieciak  
Office of the State Treasurer  
109 State Street  
Montpelier, Vermont 05609

Re: Financing Vermont's Climate Infrastructure

Dear Treasurer Pieciak,

The Vermont Housing & Conservation Board (VHCB) is pleased to submit comments about the needs we see for financing climate infrastructure in Vermont, and the role VHCB can play in addressing these needs. We see needs for investments across the spectrum of climate adaptation, mitigation, and resilience, and VHCB is interested to discuss what role we can play in any green finance initiative. In particular, we recommend further consideration of how to use our existing funding infrastructure to finance nature-based solutions that address our climate goals.

*1) Introduction and Background on VHCB*

The Vermont Housing & Conservation Board supports the preservation and development of affordable housing; the conservation of agricultural land, forestland, natural areas, and recreational land; the restoration of historic public properties; and provision of technical assistance to working lands businesses. Since our creation in 1987, we have worked with robust networks of affordable housing developers, land conservation organizations, farm and forest business planners, municipalities, and others to fund and implement projects. We have administered and awarded over \$400 million in Housing and Conservation Trust funds, leveraging \$2.2 billion in federal, philanthropic, and private funds. We are increasingly focused on climate resilience through our work - particularly in the area of nature-based solutions to climate change - and thank the Treasurer's Office for engaging in this process of exploring how to better coordinate, fund, and implement climate solutions in Vermont.

*2) VHCB's existing programs and how they support investments in climate solutions*

Since our creation in 1987, the Vermont Housing & Conservation Board (VHCB) has supported the creation and preservation of over 15,000 units of affordable housing in Vermont; the conservation of 446,617 acres of agricultural and recreational lands, forestland and natural areas;



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and the restoration of 81 historic community buildings for public use. We have awarded over \$400 million in state resources to nonprofit housing and conservation organizations, towns, municipalities and state agencies to conserve land, develop housing and restore historic community buildings in more than 200 towns. This investment has directly leveraged approximately \$2.2 billion from other private and public sources.

Since our founding 35 years ago, through our conservation investments we have helped keep 446,617 acres of land open and protected from development, and in so doing contributed to rural economic development, farm and forest viability, and ecological conservation goals. We have supported the protection of over 900 individual farm parcels, preserving 170,918 acres of open space and food production capacities. We have supported the protection of 275,699 acres of natural areas, forestland and public recreation lands, many of which yield important ecosystem functions such as clean water and air, water storage and retention, biodiversity protection, and protecting the ability of our natural communities to adapt and migrate to a changing climate. Our conservation programs match federal funds from agencies like the Natural Resources Conservation Service Agricultural Conservation Easement Program or the U.S. Forest Service's Forest Legacy Program. VHCB is recognized as a national farmland conservation leader, conserving more acres and utilizing more NRCS funding than most other states. We are also one of just a handful of NRCS certified entities nationwide, a designation which has eased our work with partners to draw down federal funds and conserve land at an expedited pace.

VHCB's Farm and Forest Viability Program supports business planning, technical assistance, and succession planning for farms, forest businesses, and forestland owners, and awards grants to support water quality improvements and business plan implementation. The Viability Program has worked with over 900 businesses since its inception 20 years ago. Our Rural Economic Development Program supports municipalities and working lands businesses with writing grant applications. In 2022 alone we used \$200,000 in REDI funds to help 27 small communities to apply for grants, resulting in more than \$3.1M in awards.

VHCB has also funded projects that cross the conservation and housing elements of our mission, particularly to reduce risk for homes located in flood-prone areas. For instance, following Tropical Storm Irene, we supported a project that included the buyout of 7 homes located on Water Street in Northfield. We leveraged FEMA and other funds to support the removal of homes that flooded during Tropical Storm Irene to create the Water Street River Park in Northfield. This park project included restoration of floodplain areas along the Dog River, so that in future floods this parcel can retain and slow the downstream flow of waters.

### *3) Enhancing Funding for Resilience, Adaptation, and Mitigation Through Nature-Based solutions*

VHCB is interested in enhancing our existing investments and developing new programs to support climate resilience through nature-based solutions. In particular, we can play a role in leveraging emerging federal and philanthropic sources and allocating funds to support nature-based solutions. We already fund projects with an established network of conservation and land trust partners. We are interested in drawing down federal funds that support climate mitigation and resilience and in bringing in new partners to implement and steward this work.

As we engage in the Vermont Conservation Strategy Initiative (Act 59, 2023), we will explore the types of investments that are needed to support biodiversity conservation and community resilience across the state. Notably, this legislation requires us to protect 30% of the state's lands and waters by 2030, and 50% by 2050. This will require both increasing the pace and scale of our existing conservation work, and exploring new tools, in new places, for accomplishing new types of conservation work (i.e. aquatic conservation tools). We are especially interested in working with partners to explore new areas of resilience work such as restoring floodplains, conserving wetlands, and river meanders. As we engage in our conservation strategy work, which is primarily a planning process, we are simultaneously beginning to explore new federal and other funding sources so that we are prepared to implement this vision.

Our Farm and Forest Viability Program sees many ways that enhanced investments in working lands businesses can support increased climate resilience outcomes. For instance, we see enabling land access for farmers as a critical part of climate infrastructure. Increasing affordable access to agricultural land makes it possible for young farmers to access land to grow food, invest in soil health, and implement conservation practices on their land. However, a lack of available, affordable farmland and few farmland financing tools limit this pathway. Most farm and forest businesses are actively seeking ways to increase their land stewardship, whether to meet RAPs or AMPs, or to exceed them. However, administrative burdens, long timelines, and low payments for incentive programs can be barriers to working lands businesses adopting new technologies or practices. Thus, we are supportive of new programs to support farmers in improving land management practices. Working lands businesses need financial support to access the next-generation equipment and infrastructure that will contribute to Vermont's energy reduction goals - such as increased use of solar, electrification, and harvesting equipment that has a low impact to soil health.

#### *4) Enhancing Funding for Mitigation through Energy Investments*

Through our housing investments, we encourage consideration of climate resilience through requiring (and funding) energy efficiency measures. Since 2008, VHCB has had policies in place requiring that advanced energy efficiency measures be considered in the design of housing projects. VHCB includes energy efficiency requirements in our design standards because of the critical economic and health benefits that accrue to the low- and moderate-income residents of these homes, and to help the state meet its goals for carbon reduction. According to VHCB's current building design standards, funded housing units must be developed to the Efficiency Vermont Multifamily high performance energy tier. These advanced energy efficiency standards increase the cost of affordable housing production substantially. VHCB commissioned a cost study in 2021 by Naylor and Breen that indicated that energy efficiency requirements increases the cost per unit by 16%. Vermont's energy incentives do not currently sustain this scale of investment.

VHCB views it as critical that Vermont continue to enhance its energy efficiency incentives as a key tool to help low- and moderate-income Vermonters share in the benefit of the state's energy efficiency policies. We see much existing strength in Vermont's energy sector and have confidence that existing service providers and funders of energy efficiency, weatherization, and renewable energy generation are developing systems to leverage energy infrastructure dollars.

However, we also believe it is critical that as we transition our energy systems to use more renewable sources and make investments in existing housing stock, equity must be a central guiding principle. Increased investment and coordination will be necessary to ensure that the benefits of energy investments are available to all. Affordable housing developers and partners can play a role in targeting energy investments to low income household, and VHCB can play a role connecting housing development partners to energy incentives.

#### *5) Working in Partnership*

Vermont is fortunate to have strong networks of state agencies, nonprofit, and for-profit entities who are working together to address climate adaption, mitigation, and resilience goals. VHCB has long worked across affordable housing, land conservation, community development, and working lands business assistance communities of practice, and in partnership with our state agencies, to enact our mission. We provide partner's with capacity funding so that they can develop a robust pipeline of projects, and we fund implementation of these projects. We are primarily a funder, administering both our own and federal sources of funds, and we rely on our

partners to have boots on the ground to develop and implement projects. We believe the same approach is needed as we explore how Vermont can access funding for and implement climate adaptation, mitigation, and resilience projects. We must work across existing organizations and networks of partners, while adding new connective tissue to ensure that investments are strategic and well-coordinated.

*6) In Conclusion*

We are ready to work with our existing and new partners to administer funding for nature-based solutions that support resilience and adaptation measures. We aim to support on-the-ground needs across multiple facets of climate finance: sequestering more carbon through improved land management practices; fostering adaptation and resilience through nature-based solutions; and encouraging investments in energy efficiency and renewable generations through our network of affordable housing partners to ensure that these investments reach all Vermonters. We also see increased roles we can play in funding new types of nature-based solutions, and administering new types of funds to support these investments. We look forward to doing this work together with our partners, and in coordination with other entities in the state focused on climate action, adaptation, and resilience.

Sincerely,  
Gus Seelig  
Executive Director  
Vermont Housing & Conservation Board

## MEMORANDUM

To: Office of the State Treasurer  
From: Climate Action Office  
Date: November 3, 2023  
Re: Request for Public Comment: Climate Infrastructure Spending

This memo is intended to provide comments to the Treasurer's Office to support the development of recommendations to the Legislature around how to coordinate the State's climate infrastructure financing efforts. In developing these recommendations, the Treasurer's Office has been collaborating with stakeholders to create a framework for effective collaboration among Vermont organizations, agencies, and the financial instrumentalities of the State to maximize the amount of federal Greenhouse Gas Reduction Funds the State may receive and effectively coordinate the deployment of these and other greenhouse gas reduction funds. These comments are intended to provide background information in support of this initiative. A more detailed conversation is expected when we have our one-on-one meeting with the Treasurer's Office.

### **Climate Action Office**

The Climate Action Office (CAO) is named as one of a few specific stakeholders the Treasurer's Office is required to speak with in the governing legislation driving this initiative. Housed in the Secretary's Office of the Agency of Natural Resources (ANR), the CAO plays a unique role in government and one that should be considered closely as an infrastructure for climate financing is contemplated. Vermont's Act 153 (2020) – the Global Warming Solutions Act, or GWSA – established an ambitious timeframe and scope of work to advance climate action in Vermont. The first objective was the development of the Initial Vermont Climate Action Plan ("Plan") which was developed by the Vermont Climate Council, with significant support from state staff, and adopted on December 1, 2021. The Plan identifies specific initiatives, programs, and strategies necessary to achieve the State's greenhouse gas (GHG) emission reduction requirements, enhance carbons storage and sequestration, achieve net zero emissions by 2050, and build resilience and adaptation in our natural systems and built environment. A key recommendation of the Plan was the creation of the CAO.

The policies, programs and tools needed to implement climate mitigation, adaptation, and resilience strategies require a long-term intergovernmental structure to coordinate and manage this statewide effort. The CAO coordinates and provides significant expertise and capacity on state-led climate initiatives, as well as the monitoring, assessment and tracking of climate adaptation, mitigation, and resilience activities necessary to evaluate progress over time in achieving the requirements of the GWSA through implementation of the Plan. To carry out this work, the CAO works closely with staff across ANR, other state Agencies, the state climatologist, and key stakeholders. This coordination is critical to ensure the programmatic functions of the CAO are additive and supportive of existing climate action work in state government.





The CAO supports a state vision for climate action across state government. To do so, it works closely with the Departments and Programs in ANR, but also across state Agencies, to understand the actions state government are taking to make measurable progress to meeting the requirements and goals of the Global Warming Solutions Act. To further advance coordination across state Agencies, an Inter-Agency Advisory Board (IAAB) was set up that meets regularly. It was a priority to stand up this advisory board early in the process as they were critical to the development of the CAO work priorities. It includes senior level officials from the various agencies engaged in climate action.

The objectives of this group are as follows:

1. To provide a space for proactive coordination on climate action across state government.
2. Articulating where policy and financial implications overlap around climate action to ensure resources are maximized.
3. To support the monitoring of progress over time in meeting the state's climate goals.
4. Identification and framing up of gaps where the climate action office might prioritize support.
5. Development of state positions on issues related to climate change.

It includes the following governmental agencies:

- Public Service Department
- Vermont Agency of Transportation
- Agency of Natural Resources
- Vermont Emergency Management
- Agency of Agriculture, Food, and Markets
- Buildings and General Services
- Agency of Human Services (Department of Children and Families and Vermont Department of Health)
- Agency of Commerce and Community Development
- State Climatologist

Over the last year, the IAAB to the CAO has collaborated on several notable efforts, including development of legislative talking points for the 2023 session, a comprehensive inventory of the status of actions in the Plan, an assimilation of priorities for the Congressional delegation in response to the flooding, and most notable to this effort, collaboration on the review and support needed to access funding from the Inflation Reduction Act (IRA). In support of the conversations around the IRA, CAO staff reviewed and prepared summary guidance to the IAAB on funding related to the covered Agencies. CAO efforts in this space were leveraged through its role representing the Governor on the U.S. Climate Alliance.

A particular example that highlights the significance of this Board in leveraging inter-Agency coordination to maximize resources to advance climate action is with respect to the Climate Pollution Reduction Grant (CPRG) authorized under the IRA. Through discussion with the IAAB, the CAO was determined to be best positioned to opt-in to the Planning Grant which was required to access the \$4.6 billion competitive implementation grant fund. In July of 23, ANR was awarded a \$3M Planning Grant as part of Environmental Protection Agency's CPRG Program. The first deliverable of the Planning Grant is a "Priority Climate Action Plan" or "PCAP". The PCAP is meant to include sector-specific climate mitigation measures that are ripe for implementation and that can have meaningful emissions reduction and sequestration impacts. The CAO has been taking a "whole of government" approach to determining what measures are appropriate for inclusion in the PCAP by working closely with the IAAB to review and prioritize actions included



in the Plan. This exercise has yielded a suite of measures that are based on the Plan's actions that have not been implemented or have been advanced or implemented but need further funding to achieve additional emission reductions or sequestration. The CAO will continue to work with our interagency partners to compile and submit the PCAP by the end of this calendar year.

Following the submittal of the PCAP, an entity of the state may submit an application to EPA for a CPRG Implementation Grant by April 1, 2024, which will fund measures put forward in the PCAP. Measures not included in the PCAP are ineligible for Implementation Grant funding. Guidance from EPA indicates that this will be a highly competitive funding opportunity, and only one round of funding will be awarded for the \$4.6 billion dollars in funding available. Therefore, this represents a significant opportunity to gain access to federal funding to make progress on mitigation and sequestration program implementation that is tailored to meet Vermont's specific needs.

Based on the current measures conceived in the PCAP, the Implementation grant will include measures that would be implemented by the Secretary's Office, ANR Departments, the Public Service Department, the Agency of Transportation, the Agency of Commerce and Community Development, the Agency of Agriculture, Food, and Markets, Buildings and General Services, and Regional Planning Commissions. Other partners may be added to the list as the number and types of measures evolve in the planning process. As we finalize the list of measures to include, we are weighing how to put forward the most competitive grant knowing that the funding floor is \$2 million, and the maximum is \$500 million but the CAO has provided valuable coordination and oversight to maximize the state's opportunity in this space.

### **Civil Rights and Environmental Justice Unit**

The communications and engagement work in the CAO is benefited and supported by the collaboration with the Civil Rights and Environmental Justice Unit (CREJU) which was established in the Secretary's Office of ANR in 2022. As a central theme of the stakeholder engagement questions asked by the Treasurer's Office focused on how to reach communities that have not traditionally been at the table, we recommend that the Treasurer's Office meet with the CREJU prior to drafting recommendations in this space. That conversation can be done in partnership with the CAO or separately as the two Offices work closely.

ANR is committed to ensuring that everyone living in and visiting Vermont has meaningful access and equal opportunity to participate in Agency programs, services, and activities and that everyone feels safe and welcome on Vermont's public lands. The CREJU supports and advances that mission. Additionally, the CREJU oversees the implementation of Vermont's Environmental Justice (EJ) Law. Also known as Act 154 of 2022, the Vermont EJ Law is the state's first law specifically meant to address environmental health disparities and improve the health and well-being of all Vermont residents. The EJ Law establishes Vermont's Environmental Justice State Policy.

The purpose of the EJ Law is to ensure all Vermonters regardless of race, cultural background, or income have equitable access to environmental benefits such as clean air and water, healthy food, and public transportation. The EJ Law also protects communities from disproportionate environmental burdens such as polluted air and water, climate change impacts, and limited access to green spaces. The Environmental Justice Law requires State agencies to meaningfully engage Vermonters in the environmental decision-making processes.



Similar to the implementation of the GWSA, the EJ Law creates an EJ Advisory Council and an Interagency Environmental Justice Committee. The Advisory Council is composed of a range of community representatives, and they provide independent advice to State agencies and the General Assembly on matters related to environmental justice. The Interagency Committee is composed of representatives from ten State agencies, and they coordinate State agency implementation of the EJ Law. Over the coming years, the Advisory Council and Interagency Committee will work together to implement the EJ Law and ensure that State agencies embed environmental justice throughout the development, implementation, and enforcement of environmental laws, regulations, and policies.

## **Technical Analyses**

The following technical analyses led by the CAO are relevant background information to support this initiative:

### [Final Pathways Analysis](#)

The final analysis and detailed scenario modeling using the Low Emissions Analysis Platform (LEAP) model, presenting details on the pathways, strategies, policies, and actions that meet the requirements of the GWSA across three time periods: 2025, 2030, and 2050 was finalized in February of 2022. The LEAP model was also the basis for the Comprehensive Energy Plan which was updated in 2022. One of the key findings of this analysis showed that meeting the pollution reduction requirements of the GWSA is not only possible, but that it would be good for the state's economy. The analysis noted that in comparison to the baseline or "business as usual," by 2050 the central mitigation scenario modeled in LEAP offers \$ 6.4 billion of net (economic) benefits.

### [Marginal Abatement Cost Curve Report](#)

This report provides additional analysis of the projected net costs and savings over time for the measures needed to meet our emissions reductions requirements. The "measures" which are analyzed were the ones included in the central mitigation scenario developed in the Final Pathways Analysis designed to meet our emission reduction requirements. The analysis indicates that there are mitigation measures that will result in net savings over time while others will never overcome their upfront costs. In part, this will reduce the overall cost of reducing emissions to the required levels over time. However, all the measures analyzed need to be implemented to meet the 2030 and 2050 targets in the central mitigation scenario. So, while ideally the GWSA targets could be achieved by implementing only measures with negative or low marginal abatement costs, those measures cannot be scaled to meet the targets. A presentation was delivered to the Cross-Sector Mitigation Subcommittee which explores the challenges of considering individual measures on their own.

## **Forthcoming Resilience Investment Analysis**

Through funding allocated to the CAO in the FY24 budget, staff are working to develop a resilience and adaptation investment analysis in collaboration with key stakeholders such as the Gund Institute and FEMA. This analysis will speak to the deferred damage cost savings of investing in resilience and adaptation strategies.



November 2, 2023

Michael S. Pieciak, Treasurer  
Office of the State Treasurer  
109 State Street  
Montpelier, Vermont 05609

Subj: Climate Infrastructure Financing

Dear Treasurer Pieciak,

Thank you for the opportunity to submit comments on Vermont's climate infrastructure financing needs and opportunities. We applaud your efforts to maximize the amount of federal Greenhouse Gas Reduction Funds the State may receive and effectively coordinate the deployment of these and other greenhouse gas reduction funds, but **we encourage you to think beyond federal (i.e., taxpayer) dollars and seek infrastructure funding from the giant fossil fuel companies that knowingly polluted our atmosphere and created the climate crisis in the first place.**

It's clear that climate change is hitting Vermont hard and costing us billions. A recent report by Rebuild by Design, the Atlas of Disaster: Vermont, found that our state has experienced the 7<sup>th</sup> highest number of climate-related disasters in the country and has the 5<sup>th</sup> highest per capita spending recovering from those disasters. Preliminary estimates are that over 4,000 homes, 800 businesses, and more than 100 farms were damaged in this summer's flooding. And those figures do not capture the harms (and costs) caused by one of the warmest winters on record that forced ski areas to close and impacted tourism in January; the freak frost in May that damaged crops across the state; the wildfire smoke that affected worker productivity; and the record heat that contributed to algae blooms and impacted the health of many of Vermont's most vulnerable citizens. All this damage can, in part, be attributed to our changing climate; but those most responsible for changing the climate are not being held accountable.

Companies like ExxonMobil and Shell have known for decades that their products – when used as directed – would alter the climate. Instead of acting responsibly, however, they acted to protect their profits. They covered up what they knew and funded a massive disinformation campaign designed to confuse the press, the public and policymakers. That disinformation campaign continues to this day.

As you are aware, this ongoing deception is central to the Attorney General's argument in *Vermont v. Exxon Mobil Corp.*, which contends that Big Oil companies with Vermont business presence have been:

*engaging over a long period of time in numerous deceptive acts and unfair practices in connection with their marketing, distribution, and sale of gasoline and other fossil fuel products to consumers within the State. Through their knowing, deceptive acts and practices, including multiple misrepresentations and knowing failures to disclose material*

Vermont Public Interest Research Group

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*facts, Defendants have sought to mislead Vermont consumers about the risks and dangers of their products, including the causal connection between the sale and use of their products and climate change, and thereby deny Vermont consumers their opportunity to make informed and different decisions regarding fossil fuel purchases and consumption. These unfair and deceptive acts and practices are ongoing.*

**Why should these companies – which are making billions in profits while deceiving Vermonters – be let off the hook for the damages their products have caused?** Taxpayers should not be the only ones paying to rebuild and harden Vermont's infrastructure.

Big Oil has been reporting staggering profits this year. Of just the co-defendants in *Vermont v. Exxon Mobil Corp.*, they have reported more than \$100 billion in profits so far this year:

Company	YTD Net Income (Billions)
ExxonMobil	\$28.38 thru Q3
Shell	\$11.84 thru Q2
Motiva Enterprises (Saudi Aramco)	\$62.00 thru Q2
Sunoco	\$0.23 thru Q2
Citgo	\$1.37 thru Q2
<b>Total YTD Net Income</b>	<b>\$103.77</b>

It is unconscionable that these massive corporations are allowed to pollute for free while raking in record profits off the backs of Vermont consumers. As you wrote on Earth Day earlier this year, "As Vermont explores ways to finance the necessary investments to help combat and adapt to climate change, it only seems fair to ask those who most significantly contribute to the problem to help foot the bill."

This is an opportunity to advance that sentiment. **The companies that created the mess in the first place should also pay a fair share and your recommendations to the General Assembly regarding legislation for Vermont's climate infrastructure financing should make that clear.**

Sincerely,



Thomas Hughes  
Senior Strategist



## **Climate Infrastructure Financing Report**

### **Appendix B – Public Comment (Email) for AI Query**

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Funding municipal positions that could be shared between two or three municipalities would help address capacity issues in the Northeast Kingdom (NEK). Those job descriptions should include responsibilities related to advancing climate, energy, resilience, and sustainability goals within their communities and that are aligned with regional and state efforts.

As an organization that manages natural resources projects for landowners, CRC has noted that the bottlenecks that we run into generally are focused around lacking organizational capacity to accommodate the already existing funds that we have access to. We have multiple projects lined up based on communication that has already happened with willing landowners, and access to the funding streams to do them, but we don't have the staff to carry them out – basically managing the projects for the landowners, applying for grants, writing the RFPs and contracting with designers and construction crews. As an organization, we are desperately in need of additional funds to increase staff capacity, both in the management of projects, but also in the administrative management of those larger federal funds and the associated reporting and auditing required to accommodate them.

We have also noticed the gap in funding needed to do basic education and outreach to help landowners understand how natural resource projects can create community resilience, and how to access the funding and technical assistance to implement those projects. Many of the NGOs and watershed groups in the state are reaching out to do direct community education that can result in projects – we need additional funds to support organizational capacity around this type of education and outreach.

An additional very practical gap is that there are not enough nurseries in the state to accommodate the amount of natural resource projects that are currently being done. We need someone to be growing more native trees and bushes to supply for restoration projects.

The natural resource-based climate change resiliency work that we do is done in partnership with the local RPCs, Conservation Districts, watershed groups and other NGOs directly in relationship with local landowners who are willing to have these projects (such as dam removals, floodplain restoration, upsizing of culverts, riparian buffer plantings) done on their land. On the eastern side of the state there is a very collaborative effort to coordinate our work. We often refer a landowner to another partner that may have more expertise on a particular project, or we consolidate projects to bundle them to access funding, or if one organization does not have the capacity to take on a project, we may pass it off to a partner to manage. Information sharing is done through our DEC Tactical Basin Planners and regional check in meetings.

As a four-state watershed organization, we routinely apply for federal funds through the Regional Conservation Partnership Program, the National Fish and Wildlife Foundation, the Long Island Sound Futures Fund, etc., and we are one of the partners working to help stand up the Connecticut River Watershed Partnership Act. We are a large enough organization to cobble together multiple federal, state, and private foundation grants to provide match internally for our

work, but we are in a privileged position. Most of the smaller watershed organizations do not have the internal organizational infrastructure to access federal (or sometimes even state) funds. Developing a mechanism to pass through federal and state funding to smaller organizations without too much bureaucracy is key.

Centralizing access to federal and state funds in a way that is easy to access and flexible to use would help move the money into resilience projects more effectively. To be more effective in moving state Clean Water Fund money out, over the past several years the ANR developed block grants that consistently go to the same entities to distribute. This mechanism and the Clean Water Service Providers were put in place to solve the Agency's struggle with trying to get grants out and manage them, without being able to hire additional staff to do that. The process for this is better since the block grants have been established, but it is still complicated and cumbersome given the small amount of funding provided. CRC has consistently turned to relying on larger federal grants for a watershed wide approach to do multiple projects over several years, instead of applying for state funding that has to be focused on one aspect (eg. Design or implementation) of one project at a time. It would be amazing if the State could establish a pathway for block grants to be given to the partners already doing the work to use more flexibly to move multiple projects forward through multiple stages of project development. Could entities such as CRC, the Conservation Districts, and other NGOs be vetted through a preferred vendor process for the pass through of larger lump sums for work over multiple years?

#### <sup>1</sup>. Green Workforce Development

-Including bonus pay for weatherization workers to ensure that weatherization work pays more than other home contracting work. (This is important because folks skilled in weatherization are choosing to use their overall skillset to do easier work for the same pay. Similarly, folks skilled in home contracting see no need to gain skills in weatherization as they already have as much work as they want, at the same pay as weatherization, that is more pleasant to do than weatherization)

2. Sustainable transportation infrastructure, including bus only lanes on major corridors
3. Fare-free, expanded, electric public transportation
4. Larger subsidies at the point of sale for ebikes, as well as greater ebike marketing/advertising
5. Major expansion of EV charging infrastructure
6. Incentives for sustainable, mixed use, transit-oriented development, particularly when that development occurs on top of existing parking lots
7. Regulatory assistance for communities that adopt stronger building codes/decarbonization requirements than the state

In February 2018, Congress enacted key provisions of the Disaster Recovery Reform Act (DRRA), comprehensive legislation that created a national strategy for investing in disaster mitigation and response.

The Community Disaster Resilience Zones (CDRZs) Act of 2022 (S. 3875) requires FEMA to use data from its National Risk Index to establish CDRZs and designate communities across the country most in need of mitigation projects. These communities would be assisted in accessing federal funding for mitigation and resiliency purposes.

1) burning wood for heat has a larger net carbon footprint than propane or fuel oil (not to mention the particulate matter pollution from burning wood) so why provide incentives for wood burning appliances? Wood should be used for construction where it will store carbon for at least another century. Discourage burning wood for heat.

2) a) if reducing greenhouse gases is Vermont's priority why are the incentives income sensitive? If the incentives were not income sensitive more people that can actually afford to buy energy efficient appliances or electric vehicles may choose to do so. We would reach our carbon reduction goals faster if the incentives were not based on income.

b) what are the current lower income ev purchasers going to do when they need to replace the battery pack or purchase a replacement vehicle? They won't be able to do either without more assistance or they will purchase a used gasoline powered vehicle that they can afford. And then we will be back to square one : producing more greenhouse gases.

c) why phase out the incentives as the vehicles become more expensive? Incentives should be available to all no matter how expensive the electric vehicle is.

d) greater incentives to purchase hybrid vehicles would be more valuable to owners living in cold rural regions like Vermont.

3) Food for thought: I'm not sure offering incentives for heat pumps is reducing our greenhouse gases because the heat pumps are installed to reduce carbon produced from our heating systems but now more electricity is used to also cool houses, a comfort benefit yes, when those houses did not have air cooling prior to the heat pump installation and may never have installed air conditioning if not for the heat pump. ( this happened within my household).

The Utilities in Vermont have been the winners with huge financial profits AND have largely contributed to the emissions causing climate warming. It's time to tax those profits and penalize the damage they have contributed to.

While I understand that most of the focus is on maximizing federal funding, this is a great opportunity for policymakers to be aware that it shouldn't just be taxpayers who pay to repair the damage caused by the changing climate – those Big companies that knowingly had an active hand in creation of this mess while making billions in profits should pay, too.

With regard to strategies for financing climate infrastructure, I would strongly recommend the following worthy of investment:



- supporting roof top solar with more incentives, ideally installed in local networks
- continue to support installation of heat pumps and induction stoves
- FULL support of the Weatherization program. I have worked extensively with these programs all over the country and the one here in Vermont is among the very best anywhere. They need to be able to count on long term support of both personnel and training funds.

Different states have followed different routes to finance their climate mitigation efforts.

New York State has decided to amend their state finance law to include a special revolving fund to be known as the “Climate Change Adaptation Fund.” The bill,

[nysenate.gov/legislation/bills/2023/S2129](https://nysenate.gov/legislation/bills/2023/S2129)

has passed the Senate and is making its way through the Assembly. They have used the standard of “strict liability”; that is, that the use of their products was responsible for damages to the environment.

California has taken a different route, filing a civil case which would create such a fund. A precedent for that route was established when several California cities sued makers of lead paint on similar grounds in order to create an abatement fund. In their version of a climate fund, the state of Maryland has determined that it has the authority to mandate that companies that do business within the state contribute. It is anticipating that many companies would sue but that the courts would most likely hold up the authority of the state:

<https://www.wmdt.com/2023/03/md-bill-would-create-superfund-for-companies-that-contribute-climate-change-with-mandated-contributions/>

And here in Vermont, a bill to create a Climate Superfund is being introduced to the Legislature. I hope that you support this and that we can join the other states in this endeavor.

As you must be aware, Vermont already has a lawsuit in the State court, Vt. vs. Exxon submitted by T.J. Donovan in 2021 and currently stewarded by Charity Clark.

Another option is filing a separate suit, based on the specific event of the July 11th flood. Precedents here include the Oregon suit around the “Heat Dome” event and the suit by 16 Puerto Rican municipalities around the damages from Hurricane Maria.

I realize that Vermont has few resources that can be devoted to litigation, especially compared to the deep pockets of the oil/gas companies, BUT possibilities exist to overcome this hurdle:

for example, contingency lawyers, pro-bono or “low-bono” lawyers, and climate philanthropists who underwrite climate lawsuits brought by states or municipalities. A great source of information about these options is the Center for Climate Integrity:

[climateintegrity.org](https://climateintegrity.org).

As these initiatives proliferate, whether in the form of legislative acts or lawsuits, Vermont can learn from other states and, as we move forward, can be a model for other states to follow.

As in the case of the tobacco industry, fossil fuel companies knew about the damage their products caused; they lied, and they now must be held accountable.

Absolutely, bad long-term planning on the part of the Wrightsville Dam players caused the flood in Montpelier this summer.

My question to you is, were they naive by failing to anticipate that the United States government would allow consumers to use a product that not only causes a range of health diseases (placing an immense strain on our healthcare system),(1) but also causes a range of "climate disease/disasters?"(2)

- Carbon tax: A carbon tax is a tax on the carbon content of fossil fuels. It would make fossil fuels more expensive, which would encourage people to use less of them and invest in cleaner energy sources. The revenue from a carbon tax could be used to fund climate infrastructure and other climate change mitigation and adaptation efforts.
- Fossil fuel subsidy reform: Governments around the world subsidize fossil fuels to the tune of hundreds of billions of dollars each year. This taxpayer money could be used instead to fund climate infrastructure and other climate change mitigation and adaptation efforts.
- Liability lawsuits: Fossil fuel companies are facing a number of lawsuits from communities and governments that are seeking compensation for climate change damages. These lawsuits could force fossil fuel companies to pay for some of the costs of climate change.
- Divestment: Divestment is the process of selling off investments in fossil fuel companies. Divestment campaigns have been successful in putting pressure on fossil fuel companies to change their behavior and to invest in clean energy.
- Public pressure: Public pressure can also be used to convince fossil fuel companies to help pay for climate change. For example, people can write to their elected officials, attend protests, and boycott fossil fuel companies.

1. Please come up with loans for green solutions to UVM MED center's need for more energy and heat THAT DO NOT involve BURNING ANYTHING. Or just keep the focus on housing per the Seven Days article on McNeil.

2. There is no excuse for allowing the continued burning of wood in Vermont at this scale at McNeil, our single largest green house gas emitter in Vermont.

How are we going to meet our emission reductions in Global Warming Solutions act when strange use of words like renewable and sustainable don't apply to anything that burns. Calling them something else and not counting these emissions does not slow climate change.

3. Wood is worse than coal.

It is the MOST toxic for human health and emits huge amounts of toxic fine particulate matter and other chemicals in the low income neighborhoods of Old North End and Winooski. See

attached excel spread sheet from McNeil. This is what is dumped in our air even with the Electrostatic Precipitator taking out some of the pollution on their stack. Figures on pollutants are most accurate for 2020 and 2021 before that they are too low. I ran the numbers by the State employees who monitor McNeil. The 2020 and 2021 figures for fine particulate matter are the most accurate because they started counting condensate fine particulate matter—which counts. In 2020-5.6 tons, in 2021 3.5 tons. Medical science recognizes no amount of fine particulate matter as healthy. That our top Medical Center is ignoring it's own scientists is disgusting.

3. Also do the math on the CO<sub>2</sub>— 2021 (last full year of emissions) is  
 $906,941,600 \text{ lbs} = \text{divide by } 2,000 \text{ to get tons} = 453,470.8 \text{ tons of Co}_2!$

Wood emits the most green house gasses per kilowatt hour of energy produced of ANY burned fuel.

CO<sub>2</sub> is CO<sub>2</sub> the atmosphere does not care where that CO<sub>2</sub> comes from. It is driving the climate crisis. Which brought us all the suffering this summer of wild fire smoke and flooding and non-stop rain. We are in a crisis, time to stop burning anything.

4. The best sequester of carbon is a mature tree. Vt native trees take 200-300 years to reach maturity to call wood “renewable” makes NO SENSE.  
 Climate Scientists say we only have 5-10 years to turn things around and prevent the worst of climate change.

5. Time to say and act on "the emperor has no clothes" when it comes to burning anything. It makes NO sense to replace fossil fuels with renewable gas or biomass (wood) when they emit the same or worse toxic stuff and green house gasses. And green solutions that are cheaper in the long run, healthier and reduce green house gasses already exist.

Green solutions exist, IRA has huge pay back and point of sale for non-profits.

With all the tax increases we have seen and will continue to see, this is just more wasteful spending. When Vermont legislators get a grip on spending, solving its current problems (taxing Social Security and retirement benefits, crime, reasons for increasing homelessness, increased drug abuse, overdoses and so much more) then maybe we can have the conversation about climate change. In the meantime, let's be more fiscally responsible and address infrastructure issues related to severe weather events.

Another thing you should do with the IRA money for green tech is purchase battery backup systems. Like Tesla powerwalls. Then give them to whoever wants one. Doing this would be a win win win for Vermont as we already generate too much solar electricity to be used as it is collected. Giving battery backups to people would mean that we can continue to collect more solar power, convert more homes to electric heat and hot water AND not have to upgrade the grid to do so! (So I guess that is a win win win win)

As I've said before, just give this tech to people. Don't thwart efforts by trying to create rebates

and tax credits. Just give it to people who will use it. Or at least scale discounts starting with 100% for people who have household incomes below the median.

Vermont is a bit off our goals because program designs lose sight of their purpose. We don't have enough republicans in legislature to worry about what anyone thinks about spending. Just use the money in the most efficient and effective way. Which is to implement the technology NOW! :)

As you dig into long-term financing strategies for funding the climate action plan, I hope that you'll consider the mechanism outlined in H.105 An act relating to the Community Resilience and Disaster Mitigation Fund.

[The purpose of the H.105](#) is to create the Community Resilience and Disaster Mitigation Fund to provide funding to municipalities for disaster mitigation and community resilient infrastructure. The bill is modeled after legislation passed by Colorado.

What this bill does is establish the Community Resilience and Disaster Mitigation Fund to award grants to municipalities to provide support for disaster mitigation activities. Those disaster mitigation measures could include things like grid hardening, slope stabilization, watershed restoration, drought mitigation, construction of emergency shelters, and similar activities that directly reduce risks to communities, lives, and property and decrease costs associated with disaster recovery. Revenue for the fund is generated by increasing the assessment on certain casualty insurance company premiums. Funding would be awarded to municipalities with priority for projects that use funding as a match for other grants, projects that are in hazard mitigation plans, and projects that are in communities identified as high on the municipal vulnerability index.

Many of our communities are not prepared for the impact of extreme weather. This bill will provide critical support that ALL municipalities, especially our most vulnerable, can access to be more resilient against future disasters and climate change. Making these upfront investments will decrease losses that would otherwise be largely paid by insurers.

While currently available resources, time and need will ultimately determine our future with regard to energy it should be up to the inventors, and users of trending technology to pay for it. It should not be placed on the backs of those that work hard, live within their means and pay their own bills.

The climate alarmists have duped Vermonters into paying for their attempt to reduce climate change. Since the beginning of time earth has had continuous changes to its climate. While some of the most recent changes have been influenced by the increased human population and their actions, much of the proposed energy changes will contribute just as much if not more to climate change and negatively impact our environment.

While the current proposals of these alarmists creates a financial cost to Vermonters that is unsustainable, the climate and environmental impacts of the many changes proposed are astronomical.

The mining of the materials needed for the production of solar panels and batteries is destroying thousands of acres of the earth's outer crust penetrating hundreds of feet into the surface. Dust and the massive amounts of toxic fumes emitted into the atmosphere during the mining and refining of these raw products alone out ways the current carbon emissions. Say nothing about the labor atrocities occurring in the countries that produce these raw materials.

The waste products of the current proposed electrification of everything are not recyclable and hazardous to dispose of. Solar farms are creating micro climates contributing much to climate change within our state and destroying our once beautiful vistas. Current battery design is a fire hazard that is killing and injuring hundreds as well as creating additional financial burdens on all.

Without a doubt there will come a time that an alternate energy source will be developed that will meet the needs of Vermonters without the climate and environmental impacts of the current and proposed energy.

1. As someone who began his personal transition in '08 by installing a geothermal heat pump system to replace my propane furnace, I strongly urge some sort of State subsidy or tax credit formula for homes to tackle such a project. It's not cheap, but a State assist will bring a larger number of converts than without the help. As to new construction of homes AND businesses, it seems some sort of "green mandate" would push those too stubborn to change or hesitant and uncertain about new green technologies. With new construction, it should be suggested that by pairing any geothermal system with solar designed into the roof, the owner will save additional money by buying less energy off the grid. Over a 5 or 10 year period, the savings of \$\$\$ and cutting greenhouse gases out of the equation will show impressive results in personal pocketbook savings AND a significant reduction in the State's climate goals of greening the Green Mountain State.

2. Routes 7, 100, and 5/10, our N/S routes, and 9, 4 and 2, our E/W routes, should be prioritized to installing strategically placed EV charging stations in preparation for EV adoption here in Vermont. Perhaps team with the Feds and come up with a plan to do the same thing on I-91, a true artery of Vermont travelers. Perhaps contracting with cafe' type businesses to occupy these charging areas to make EV stops to recharge much more relaxing and convenient for their time.

3. There are numerous Vermont roads that have significant acreage on their sides for applying solar panels for GMPC to tap into for electricity. My 1st thought in this regard is Route 7 out of Bennington going North. I dare say the miles of wide clearings along 7 would likely generate several megawatts of power if utilized. I believe the formula for solar is roughly 2 acres /megawatt, meaning, the hundreds of acres on both sides of Route 7 would generate at least 50 Mw, maybe even more than that. Now that takes a bite out of our State's carbon footprint, doesn't it?! As it is currently, this fallow land just sits there having to be mowed once or twice costing the State \$\$\$; why not employ these acres to offset these expenditures, even add \$\$\$ to State coffers. No brainer to me.

4. While the technology hasn't fully matured yet, thin layer solar is an up and coming technology that will apply solar to many latent surfaces around us in our everyday lives. Perhaps Vermont

could start a pilot program employing these products and over a years time to determine if it is indeed something worth investing in. The potential of applying this product to building wall faces and bridge structure and any inanimate structure with square footage to exploit is vast.

5. Every parking lot in Vermont should have solar canopies over them. My 1st thought on this is Hospitals. With their enormous use of energy 24/7, and their very large parking lots, building parking lot canopies would bring major savings to their bottom line. But my design envisions these canopies as multi purpose, not just solar generation. With these large 'roofs over the area, You'll have large amounts of runoff during rainstorms. Instead of the rain being directed into the gutter and eventually the sewer system, the rain water is diverted into a cistern system that would supplement the Hospital's water use, thereby saving on their water bill's with their host city or town. This diversion would also have a positive effect of the city's water infrastructure and supply. Additionally, these canopies would also host EV chargers that could generate more monies for the Hospital. These canopies would also, by shading the parking areas, lower the reflective albedo effect of asphalt parking lots "reflecting" heat into the atmosphere raising ambient air temps that make our summer days that much hotter and uncomfortable.

States can have their own banks. Start a state bank, get nh to start their own bank, loan each other money at 0.15% or whatever, and you just fractional reserve printed a crapton of money for yourselves. It is what large private universities do, and the balance sheets cancel basically.

Instead, could fund other things like keyline design which have other extremely valuable returns and which also sequester a stupid amount of carbon. In Vermont, current keyline design results add about an inch of topsoil per year, more or less depending on location. Would boost ag yields, lower or eliminate fertilizer use, and reduce runoff sharply from farms, restoring our waters and making farms more productive, and restore lost ecosystems if patches of hill farming were added to existing stock of farms. Keyline design makes that viable, and is pretty low cost. Wouldnt expand ecosystems if most hills were completely farmed, as they were 100 years ago, but some farms on on some of most hills utilizing keyline design would do that, and considerably faster than letting beavers go wild (the process before colonization) would do. We're not going to let beavers run rampant anyway though because it would trash most of our roads and lots of people's property, but some increase of them is desirable, and keyline design would facilitate that.

I suggest an idea when making climate change funding messaging easy to understand read documentation materials curriculums one pager / glossary or summary of the individual ask or the Statewide ask of stakeholders advocates community Partnership climate partnership etc moving forward so accessibility and accommodation would be helpful for individuals with disabilities and other specific learning needs.

I think this is very exciting and the perfect opportunity to design programs that work. What I mean by that is that many programs miss their goals by attempting to make participants liable for some of the cost of the products and services. In my opinion, that is a foolish way to design programs. Programs, instead, should focus on function and meeting goals. If those goals are

decarbonization and efficiency, then apply the money directly to those efforts. Give everyone the opportunity to participate by making products available to them directly, without discounts, rebates, tax credits... etc..

So, if working with VT companies is important. Then give money directly to those companies in exchange for their services. For example, you could give \$1 million to a local HVAC company to install 200 heat pumps. Then the company just says to the public "hey we have free heat pumps, who wants one?" Do the same with solar installers, power storage, e bikes, electric cars, weatherization... just use the money and get it done!

I'd like to ask you to recommend creation of a climate superfund. We need large-scale action to protect people who are most vulnerable.

My husband and I couldn't have purchased solar panels without the special financing available, now some years ago. I advocate more of the same and even more help for low-income families who can benefit more from lower electric bills.

Without those solar panels, I can't be sure that I would have installed mini-split heat pumps this year. I'm counting on a lower propane bill this winter and an overall lower energy bill because of solar panels.

We also had a lot of new insulation installed, and I've replaced windows and doors. For some people, these costs would be overwhelming, yet they are money-savers over time. Assistance with such expense needs to be another route to ameliorate climate change and help people live more cheaply.

Ultimately, I think all the things I've mentioned will benefit Vermonters and the state of Vermont.

It should be noted that not all households currently have electrical service to their house. I recently built a small house in Bolton but Green Mountain Power was going to charge an exorbitant price of \$20,000 to install the power service, compounded by the fact there is a 30% state tax on new power services. This made it too expensive to do. I instead use a few solar panels to charge a couple batteries but mostly a fossil-fuel generator for my electricity.

The State should instead give a 30% tax CREDIT for new power service so my family can enjoy reliable electricity and can participate in the green energy movement, rather than using a fossil fuel generator.

The best thing Vermont can do to help VERMONTERS, is not to make our fuels so expensive! Last year we paid more for heating our house then we have Ever paid!! We have been here since 1992!!

We are not rich, and are trying to get by as best we can. Both my husband and I have fixed incomes we have tried our best to scale back so we can afford to live in Vermont, but we are getting down to the wire! There is not much left to cut!! Please please do whatever you can to

help VERMONTERS like us!! Everything has gone up ! But not the amount of money we have to get by! I am all for green energy, but Sensibly spaced out so people don't get hit in the face over and over again!!

I read the article on [WCAX.com](http://WCAX.com) about this office getting green energy ideas from Vermonters. We have solar energy at our house, and could not be happier. We have not had an electric bill in 10 years, and use electric heaters, and our wood stove in the winter to keep our oil usage to a minimum.

1. All new buildings should be required to be solar. Particularly industrial or public buildings. I think it is an outrage that the new State Police building in Williston has no solar panels. And the parking lots at 'park and rides' could have awnings of solar panels (what a great thing to have covered parking!).

2. We live in Williston (luckily on the Vermont side, not the New Jersey side), and I find it such a wasteland of flat roofed buildings that could all be used to hold solar panels that would generate more than enough electricity for their own buildings and more.

3. There was such attention to the new development in South Burlington that will be designed as energy efficient/solar. However that is only one of probably 5 new developments going up in South Burlington. And many of the apartment buildings going up are flat-roofed- and could support solar panels on the roofs. Lost opportunity and wasted space.



## Climate Infrastructure Financing Report

### Appendix C – Public Comment (Formal Letters) for AI Query

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We wholly endorse the creation of a statewide green finance entity to meet Vermont’s mitigation, adaptation, and resilience needs by mobilizing sources of private, philanthropic, and public funding at scale and in a coordinated manner. To that end, our letter focuses on two topics: **(1) the need for Vermont’s climate financing entity to be housed within an existing state financial institution and (2) the kinds of functionalities and capabilities this entity should have in order to meet the state’s climate, equity, and community development missions.**

#### Deploying an Existing State Financial Institution

Vermont’s climate financing entity should be more than just a financial institution. It must be an entity that can balance complex public goals, empowered to coordinate among state, nonprofit, private, and community actors to achieve those goals. To that end, this entity must be a public entity housed within an existing state instrumentality like the Vermont Housing & Conservation Board.

A public financing entity with a public mission, accountable governance structure, and sufficient financial and technical capacities can avoid excluding vulnerable, particularly rural, communities and displaced workers. Direct affiliation with and accountability to state leaders ensures that it can internalize legislative mandates and prioritize equity goals.

A public financing entity can coordinate among Vermont state institutions, federal financing programs (*e.g.*, Solar For All), nonprofits, and philanthropies to meet economic development goals, provide technical assistance, and target financial support toward vulnerable communities. As a central coordinator of both financing and administrative programming, the entity can more easily integrate and balance climate, development, equity, and justice goals by aligning the missions of its partners to Vermont’s climate planning and goals. And as a state instrumentality, it can be designated as a SEFI, or state energy financing institution, making it eligible for federal loan guarantees from the LPO.

This central coordinator function allows the public financing entity to build administrative capacity within Vermont’s state government to plan and execute the kinds of complex legal, procurement, and financial activities needed to prepare clean energy and nature-based resilience projects, mobilize investment toward them, and provide support to vulnerable communities.

A public financing entity can already take on more risk and undertake longer-term investment plans than its private and nonprofit counterparts could, especially by making use of the existing creditworthiness of the Vermont state government when issuing bonds and providing credit enhancements. As a centrally coordinated institution for raising public finance for green investment, this entity avoids the transaction costs associated with raising funds for state investment needs outside state financial instrumentalities. It may also be eligible for particular federal benefits or programs geared toward state instrumentalities, such as SEFI lending, the elective pay credits, and Solar for All.

A nonprofit housed outside the Vermont state government apparatus will have a harder time executing these functions because it would lack the convening authorities and public mandates necessary to work with the many instrumentalities that currently undertake lending or investment programs. It would be less accountable to the state, legislature, and communities; less able to coordinate the expertise and financing sources required to meet these goals; and would place the administrative capacity needed to manage a complex green transition process outside the state government. It is also likely that a nonprofit would be less able to utilize certain financial tools or would eventually have to be empowered by state legislation to use those tools anyway. Empowering an existing entity that already has experience with some of these tools will save valuable time.

This public green financing entity should seek not simply to access funds, but to design and deploy innovative financing tools to leverage all available forms of capital to meet the state's climate and just transition goals. Such tools include but should not be limited to: co-financing alongside other investors; issuing concessional loans; building loan underwriting capacity; providing short-term construction bridge financing; deploying revolving funds; offering credit enhancements like loan guarantees, loan loss reserves, first-loss guarantees, and interest rate buydowns; buying out private developers' stranded projects; making equity instruments and swaps (debt-to-equity and debt-to-grant swaps); warehousing assets and securitizing them; monetizing tax credits through the Inflation Reduction Act's elective pay provisions; centrally procuring key project inputs through bulk orders; allocating grants; and developing partnerships with state universities.

Tools like concessional loans and credit enhancements, enable the entity to mobilize and complement private investment. And other tools such as providing short-term construction bridge financing, perhaps through a revolving fund, and executing bulk orders for key input materials empower the entity to do what the private and nonprofit sectors cannot do at reasonable cost. Ensuring that the entity can securitize and warehouse assets, deploy revolving funds, and buy out stranded projects also allows it to become a financial backstop and central counterparty institution for green investment across the state. And loan underwriting capacity is absolutely essential for building the entity's capacity to develop close working relationships with borrowers, particularly to assess their creditworthiness.

And partnerships with state universities can serve a key capacity-building function: close collaboration builds a pipeline of interested students, researchers, professors, and workers whose scientific, business, policy, and technical expertise can be directed toward state climate investment goals.

On top of the above functionalities, such a public green financing entity should support project preparation and pre-development activities, including site identification, contract structuring, tax credit and elective pay advisory work, project labor agreement and community benefit agreement advisory, and other forms of technical assistance as necessary to meet Vermont's needs. This kind of coordination work is not easily executed by private or nonprofit stakeholders; undertaking it allows the public green financing entity to build key technical assistance and political coordination expertise.

For the past several years, at the direction of the Clean Water Board, the Enhancement Grant program has been funded at the statutory maximum of \$5m. Eligible projects include things like wetland restoration, riparian buffer plantings, river corridor easements, and floodplain and

stream restoration. Currently the criteria used to rank eligible projects under (d) are focused almost exclusively on restoring channel stability and reducing erosive forces of rivers and streams, reflecting the larger charge to CWIP to reduce sediment and nutrient pollution. There is a real opportunity here to adjust the criteria to give weight to criteria beyond sediment and nutrient pollution reduction to place greater emphasis on resilience. It would also be my strong preference to look first at expanding funding for this program (as well as the Flood Resilient Communities Fund at VEM) as opposed to creating any sort of new program from whole cloth.

**we encourage you to think beyond federal (i.e., taxpayer) dollars and seek infrastructure funding from the giant fossil fuel companies that knowingly polluted our atmosphere and created the climate crisis in the first place.**

**Why should these companies - which are making billions in profits while deceiving Vermonters - be let off the hook for the damages their products have caused?** Taxpayers should not be the only ones paying to rebuild and harden Vermont's infrastructure.

Big Oil has been reporting staggering profits this year. Of just the co-defendants in *Vermont v. Exxon Mobil Corp.*, they have reported more than \$100 billion in profits so far this year:

<b>Company</b>	<b>YTD Net Income (Billions)</b>
ExxonMobil	\$28.38 thru Q3
Shell	\$11.84 thru Q2
Motiva Enterprises (Saudi Aramco)	\$62.00 thru Q2
Sunoco	\$0.23 thru Q2
Citgo	\$1.37 thru Q2
<b>Total YTD Net Income</b>	<b>\$103.77</b>

**The companies that created the mess in the first place should also pay a fair share and your recommendations to the General Assembly regarding legislation for Vermont's climate infrastructure financing should make that clear.**

A particular example that highlights the significance of this Board in leveraging inter-Agency coordination to maximize resources to advance climate action is with respect to the Climate Pollution Reduction Grant (CPRG) authorized under the IRA. Through discussion with the IAAB, the CAO was determined to be best positioned to opt-in to the Planning Grant which was required to access the \$4.6 billion competitive implementation grant fund. In July of 23, ANR was awarded a \$3M Planning Grant as part of Environmental Protection Agency's CPRG Program. The first deliverable of the Planning Grant is a "Priority Climate Action Plan" or "PCAP". The PCAP is meant to include sector-specific climate mitigation measures that are ripe

for implementation and that can have meaningful emissions reduction and sequestration impacts. The CAO has been taking a “whole of government” approach to determining what measures are appropriate for inclusion in the PCAP by working closely with the IAAB to review and prioritize actions included in the Plan. This exercise has yielded a suite of measures that are based on the Plan’s actions that have not been implemented or have been advanced or implemented but need further funding to achieve additional emission reductions or sequestration. The CAO will continue to work with our interagency partners to compile and submit the PCAP by the end of this calendar year.

We recommend further consideration of how to use our existing funding infrastructure to finance nature-based solutions that address our climate goals. VHCB is interested in enhancing our existing investments and developing new programs to support climate resilience through nature-based solutions. In particular, we can play a role in leveraging emerging federal and philanthropic sources and allocating funds to support nature-based solutions. We already fund projects with an established network of conservation and land trust partners. We are interested in drawing down federal funds that support climate mitigation and resilience and in bringing in new partners to implement and steward this work.

As we engage in the Vermont Conservation Strategy Initiative (Act 59, 2023), we will explore the types of investments that are needed to support biodiversity conservation and community resilience across the state. Notably, this legislation requires us to protect 30% of the state’s lands and waters by 2030, and 50% by 2050. This will require both increasing the pace and scale of our existing conservation work, and exploring new tools, in new places, for accomplishing new types of conservation work (i.e. aquatic conservation tools). We are especially interested in working with partners to explore new areas of resilience work such as restoring floodplains, conserving wetlands, and river meanders. As we engage in our conservation strategy work, which is primarily a planning process, we are simultaneously beginning to explore new federal and other funding sources so that we are prepared to implement this vision.

Our Farm and Forest Viability Program sees many ways that enhanced investments in working lands businesses can support increased climate resilience outcomes. For instance, we see enabling land access for farmers as a critical part of climate infrastructure. Increasing affordable access to agricultural land makes it possible for young farmers to access land to grow food, invest in soil health, and implement conservation practices on their land. However, a lack of available, affordable farmland and few farmland financing tools limit this pathway. Most farm and forest businesses are actively seeking ways to increase their land stewardship, whether to meet RAPs or AMPs, or to exceed them. However, administrative burdens, long timelines, and low payments for incentive programs can be barriers to working lands businesses adopting new technologies or practices. Thus, we are supportive of new programs to support farmers in improving land management practices. Working lands businesses need financial support to access the next-generation equipment and infrastructure that will

contribute to Vermont's energy reduction goals - such as increased use of solar, electrification, and harvesting equipment that has a low impact to soil health. VHCB includes energy efficiency requirements in our design standards because of the critical economic and health benefits that accrue to the low- and moderate-income residents of these homes, and to help the state meet its goals for carbon reduction. According to VHCB's current building design standards, funded housing units must be developed to the Efficiency Vermont Multifamily high performance energy tier. These advanced energy efficiency standards increase the cost of affordable housing production substantially. VHCB commissioned a cost study in 2021 by Naylor and Breen that indicated that energy efficiency requirements increase the cost per unit by 16%. Vermont's energy incentives do not currently sustain this scale of investment.

VHCB views it as critical that Vermont continue to enhance its energy efficiency incentives as a key tool to help low- and moderate-income Vermonters share in the benefit of the state's energy efficiency policies. We see much existing strength in Vermont's energy sector and have confidence that existing service providers and funders of energy efficiency, weatherization, and renewable energy generation are developing systems to leverage energy infrastructure dollars.

However, we also believe it is critical that as we transition our energy systems to use more renewable sources and make investments in existing housing stock, equity must be a central guiding principle. Increased investment and coordination will be necessary to ensure that the benefits of energy investments are available to all. Affordable housing developers and partners can play a role in targeting energy investments to low income household, and VHCB can play a role connecting housing development partners to energy incentives.

New federal funding and programs present a great opportunity to enhance Vermont's climate related programs that are already successful, significantly reduce greenhouse gas emissions, and that meet the needs of underserved and rural communities. Here are our suggestions:

- The Weatherization Assistance Program should be expanded. This program reaches underserved, low-income residents in all areas of Vermont. Specifically, consideration should be given to the following programmatic changes:
  - Increase the cap on income eligibility.
  - More funding should be provided specifically for heat pump installation and work related to decarbonizing home heating. This will help the State to reach its goal of significantly reducing

greenhouse gas emissions. Heat pump adoption is a high priority action that can significantly reduce greenhouse gas emissions in the thermal sector.

- The program must provide competitive wages to attract and retain the necessary workforce. Employee retention has historically been a challenge due to the working conditions of weatherizing homes, low compensation, and the high demand for weatherization work in Vermont. This needs to be addressed for low-income Vermonters to continue to benefit from the program.
- The Electric Vehicle Supply Equipment (EVSE) Grant Program should be expanded to prioritize reaching underserved, BIPOC, low-income and older residents in all areas of the state. The expansion of the program for increasing EVSE at existing multi-unit properties, workplace charging, and public attractions will serve all residents, especially marginalized populations, who make the transition to electric vehicles. Transitioning to electric vehicles is a high priority action that can significantly reduce greenhouse gas emissions from the transportation sector. Expansion of the program in Chittenden County has the potential to reach the State's largest BIPOC population and Vermont's largest share of drivers statewide.
- The Municipal Energy Resilience Program (MERP) should be expanded to include schools and non-profit commercial buildings that serve underserved and rural communities. This program is currently being administered by the Vermont Department of Buildings and General Services in partnership with the State's Regional Planning Commissions.
- The State Energy Revolving Loan Fund, administered by Building and General Services (BGS), could be expanded to include municipal projects. Payments back to the fund are made with energy savings on the project until the loan is repaid, resulting in no cost to the municipality. See how Harvard's energy revolving loan fund operates: <https://sustainable.harvard.edu/green-revolving-fund/>
- Some electric distribution utilities, in cooperation with Efficiency Vermont, have a considerable number of rebate and incentive programs that could have more substantial impacts if additional funding was provided. Specifically, we recommend larger incentives to help cover the upfront costs of geothermal heat pump installations in new affordable housing projects. Geothermal heat pumps are often a better option for affordable multi-unit housing than air source heat

pumps because they require less maintenance and cost the residents less to heat and cool than natural gas or air source heat pumps. However, geothermal heat pumps have a much higher up front capital cost for the owner/developer.

- The [Vermont Low Income Trust of Electricity](#) (VLITE) has historically supported a wide range of projects designed to support the energy needs of low- and moderate-income Vermonters. VLITE should specifically be consulted to see if there are opportunities for collaboration on existing programs. VLITE should also be consulted regarding how low-income Vermonters can be assisted with increased future electricity rates that will likely be necessary to support capital improvements to Vermont's electric transmission and distribution networks. CCRPC is particularly concerned about future electricity costs for low-income residents living in electric-heated multi-family buildings that do not have sufficient space to install solar panels for net- metering

The Department of Public Service's [Public Participation Plan](#) has effective actionable strategies for connecting to community groups about the energy transformation needed to reduce our emissions. [The State of Vermont's Climate Action Public Engagement Plan](#) is also a resource for understanding which community groups to reach out to marginalized communities.

Specifically working directly with marginalized communities to mutually identify needs is important. However, this typically ends up looking like those with the technical expertise "going into" community groups when something is needed, asking for feedback, and leaving. This practice is extractive. The challenge is that community groups in marginalized communities often lack capacity and are already struggling to carry out their own mission. To ask more of them adds to their already too-heavy load. Thus, we need to make sure that we can create reciprocal and ongoing relationships with key community organizations in marginalized communities in a way that supports and furthers their work before asking them to support additional work.

Lastly, community needs in marginalized communities have been, and continue to be shared, through a multitude of ongoing engagement efforts at any given moment. Another strategy for imbuing technical expertise with community knowledge and needs is to better collaborate with others on the back end to share community feedback that has already been collected before asking the same questions to the same groups of people. Only once we have determined what needs have already been recorded should governmental organizations determine where gaps remain.

Asking small communities and/or schools to work on complex grant applications and reporting

as a way to access funds is unfair and burdensome due to limited administrative capacity. Applying for and administering grant funds takes resources and expertise that underserved and rural communities do not have.

Expansion of the [Municipal Technical Assistance Program \(MTAP\)](#), a program created by the Agency of Administration last year could create additional capacity for Regional Planning Commissions (RPCs) to assist small, underserved, rural communities. RPCs may also be able to help municipalities within the same region cooperate or collaborate on projects to avoid competition amongst each other. Creating programs that communities can opt into with minimal effort (e.g. Municipal Energy Resilience Program a.k.a. MERP) is another way to increase the accessibility of funds. Future federal grant applications, like the EPA's Climate Pollution Reduction Act Implementation Grant, should ideally be coordinated through the State of Vermont. Municipal or RPC applications should be discouraged.

There is a higher probability of coordination and success if future State applications to federal grant programs treat Chittenden County equally to other geographic parts of the State. CCRPC is particularly bringing attention to this issue because recent State programs, like MERP and MTAP, have treated Chittenden County differently than more rural parts of the State. While this approach may work for State programs, it may put a coordinated statewide grant application in a disadvantageous position given Federal Justice 40 requirements. Chittenden County includes three of Vermont's disadvantaged areas, as defined by the Federal Justice 40 criteria. Additionally, Chittenden County is Vermont's most racially diverse region and has more households living in poverty than any other county in the State. The County also has several very rural municipalities with fewer than 2,000 residents. Statewide grant applications need to take this information into consideration when coordinating future grant efforts.

- The Agency of Natural Resources' Climate Action Office has secured planning funds through the [EPA Climate Pollution Reduction Grant](#). The Agency intends to apply for [implementation funds](#) through the same program in April 2024.
- Energy Futures Group, a non-profit in Hinesburg, Vermont, recently received a grant from the US Department of Energy (DOE) to study state-wide building energy code compliance. Our understanding is that these funds have been used to support the work of the [Building Energy Code Study Committee](#), which was created as a part of the HOME Act.
- Northeast Energy Efficiency Partnerships (NEEP) and Vermont Clean Cities Coalition (VCCC) were recently granted an award from the US DOE Vehicle Technologies Office (VTO). The \$1.2 million grant will support the development of Community Driven Transportation Plans in New England (including Chittenden County).
- Burlington Electric Department (BED) and VELCO were both granted awards



via the US DOE, Grid Deployment Office Grid Resilience and Innovation Partnerships Program (GRIP). The BED grant is to support better utilize Smart Grid technology (\$1.2M) and the VELCO grant is to install grid enhancing technology in Northwest VT.

- Burlington International Airport Voluntary Residential Sound Insulation Program, funded partially through a Federal Aviation Administration (FAA) grant, will mitigate noise from the airport and also offer the co-benefit of weatherization for 2,500 homes in Winooski, South Burlington, Williston, Colchester, and Burlington.
- The Energy Efficiency and Conservation Block Grant (EECBG) Program allocated money to Vermont Counties (e.g. county courts) and the ten highest populated municipalities in the State. Each were awarded around \$75,000 in funding. The program can be used to support energy efficiency and fossil fuel emission reduction-related work. Chittenden County Regional Planning Commission has provided funding and staff resources for energy planning for our member municipalities.

Focusing on refining and enhancing existing programs with a renewed commitment to decarbonizing transportation and building thermal energy use (primarily via EVs and heat pumps) in conjunction with energy efficiency and vehicle miles traveled (VMT) reduction. Greenhouse gas reduction should be the primary goal.

Coordination among state agencies is necessary to efficiently and effectively combat climate change. RPCs are a key player in assisting and supporting the planning and implementing of state programs at the municipal level. RPCs have strong existing relationships and familiarity with municipalities. Additionally, RPCs have the ability to assist the state with making changes at a regional scale.

Vermont's historical focus in the energy sector has been on energy efficiency because consensus regarding human induced climate change caused by the burning of fossil fuels had not yet been reached. Our investments now need to reflect a pivot from efficiency to decarbonization and reducing greenhouse gas emissions according to the Global Warming Solutions Act requirements.

This change will face some local opposition from businesses and workers that have historically made their living from fossil fuel consumption. Educating businesses on how to profit from decarbonized solutions, educating workers and Vermont residents regarding new technologies must be part of the investment and be a large part of the implementation of the Affordable Heat Act.

Climate change has been shown to disproportionately affect marginalized communities. These communities often face higher levels of vulnerability due to factors such as limited access to resources, inadequate infrastructure, and socioeconomic disparities. For example, VT Digger reports that "Market pressures ... are constantly pushing lower income people further and further

toward options that reduce their quality of life — older, more degraded housing stock, or housing stock that churns through natural disasters more quickly.” (Lola Duffort, ["The flood waters disproportionately hit Vermont's affordable housing stock — at the worst time."](#) *VT Digger* July 31, 2023). This problem could be exacerbated as Vermont develops a national reputation as a climate refuge and people with the financial means relocate to Vermont to avoid the impacts on climate change in other parts of the country.

The initial up-front cost of transitioning to electrification in the renewable energy generation, heating, and transportation sectors will be burdensome to marginalized communities. Therefore, investments should tackle the needs of marginalized communities first by including targeted strategies that consider their specific histories, sociocultural, and economic realities. Careful consideration of the cost of decarbonizing and upgrading grid infrastructure is needed to ensure that policies are not burdening Vermont's electricity rate payers. Currently, rate payers are faced with substantial costs for paying for weatherizing buildings, converting to electric heating sources, purchasing cleaner vehicles, and for paying for grid infrastructure upgrades that are passed on to the customer through utility bills. Federal and state policy leadership is needed to reduce the cost to low-income households and marginalized communities. The responsibility to decarbonize and fight climate change should not completely be passed off to individual Vermonters or municipalities.

Lastly, the importance of land use planning that can effectively achieve [our state planning goals](#) to “maintain the historic settlement pattern of compact villages and urban centers separated by rural countryside” cannot be underestimated. Our state greenhouse gas emission reduction goals, our working lands goals, our housing goals, and our transportation goals (particularly related to public transit) are all directly tied to the effectiveness of our land use planning and regulation. This policy and planning work cannot be forgotten during our state's energy transformation.

Financing municipal projects with local tax revenues is unpopular and municipal officials are hesitant to raise municipal taxes for projects deemed not urgent. Free programs and grants are very popular as municipalities are constantly scanning for ways to show taxpayers that they are fiscally responsible by keeping tax rates low. However, staff resources to apply for grants at the municipal level are very limited so funding mechanisms should remove unnecessary applications or reporting processes for accessing funding. Consider learning more about [trust-based philanthropy](#) to remove funding barriers to make fighting climate change more just and equitable.

Financing is always considered a last resort at the municipal level; successful financing options must be very attractive and will be more popular when they provide a tangible return on investment, such as lower energy costs.

Vermont needs to develop an updated greenhouse gas emissions inventory and monitoring program. This will be an ongoing requirement for future federal funding and state-wide policy decisions. This resource should also be shared with RPCS and municipalities to achieve alignment.

The ANR Climate Action Office (CAO) is in the best position to coordinate state-wide strategic planning and funding allocation for greenhouse gas reduction and climate adaptation projects. Build upon the EPA's Climate Pollution Reduction Planning Grant (CPRG) model where the Vermont CAO tapped RPCs to help identify municipal projects to be included in the State's Priority Climate Action Plan. This CPRG- funded Priority Climate Action Plan is a prerequisite to apply for a portion of the \$4.3 billion available to states, tribes, and local governments for implementing the Priority Climate Action Plan by funding projects to substantially reduce greenhouse gas emissions by 2030.

The Vermont Public Service Department is an entity and resource for coordinating clean energy projects with RPCs and municipalities. Additionally, Vermont Department of Buildings and General Services in partnership with RPCs has developed the MERP program in a way that is relatively easy for municipalities to participate in decarbonizing public buildings.

RPCs provide coordination between state agencies and municipalities across a wide range of topics including energy planning. Many RPCs have a dedicated energy planner. Some larger municipalities also have staff dedicated to climate, energy, or sustainability issues. These folks should also be consulted with as a part of any statewide project.

Current state agency programs are generally sufficient at providing adequate staffing of state agencies. The State CAO should coordinate work to achieve state-wide targets and goals. The CAO will likely need additional capacity to scale up into this coordinating role. The State should also consider funding existing organizations that can also assist with statewide coordination (such as RPCs), if deemed appropriate.

**It is time for the Vermont legislature to imbue one of our existing governmental or quasi- governmental entities with the authority, the mandate, the staff, and the funding to (a) create a statewide climate finance strategy, (b) raise capital, (c) deploy, recycle, and leverage capital, (d) coordinate and support the work of relevant partner agencies, (e) provide technical assistance and train the market, and (f) promote and market its own and others' programs to achieve our climate goals.**

Transitioning from OPEX-heavy fossil fuel infrastructure to CAPEX-heavy clean energy systems and nature-based solutions requires an *upfront* supply of capital, which tax funding alone will not sufficiently address. Without access to upfront capital and innovative leveraged financing solutions, Vermont will simply not meet its climate ambitions.

Vermont's Climate Action Plan recognizes that for the plan to be successful "the support and engagement of Vermonters is critical — to mobilize a broad coalition of state, local, and federal governments, nonprofits, academic institutions, and private interests taking collaborative, decisive action. Significant and sustained investments, well-financed programs, properly capitalized lending entities and individual financial commitments will all be needed to implement the Climate Action Plan and realize important outcomes (...)." The Climate Council goes on to state, "No single funding stream will achieve our climate goals. **Climate action requires leveraging a variety of sources — existing and new, private and public, local, state, and federal —**

**and innovative financing mechanisms to support sector-level transformations and the ability of Vermont lenders to make crucial long-term investments in climate-focused projects and initiatives.”**

Yet, no one entity has been given a clear mandate by the Governor’s office or the Legislature to do all it can to develop these “innovative financing mechanisms” or only minimally so. While we have many programs, driven by more existing entities than in most states, we do not have a coordinated statewide strategy for climate finance. Each one of our quasi-public organizations dutifully pursues the mandate it was given, and it is unlikely, without specific authority, expert staff, or adequate funding, that one of them will suddenly find itself moving beyond what it currently does. More of the same, perhaps slightly bigger, will not cut it.

Promoting coordination across organizations is indeed necessary, as many have said, but climate finance is technical, broad-ranging, and cross-sectoral so our government should not expect a loosely connected web of existing organizations without sufficient funding, staffing, or authority to successfully tackle what is the most consequential challenge of our generation and that of our children.

This is not to say that we lack institutional knowledge or goodwill. I do not in any way impugn the usefulness of our existing programs or institutions. On the contrary, I am immensely grateful for the many public servants dedicated to meeting clean energy and conservation goals in Vermont.

Without them, we would not see any progress toward meeting our climate and conservation goals. I do, however, very much question the scale that we purport to achieve without an entity with the designated authority to steer the state in a clear direction when it comes to financial strategy, and to guide partners, existing and new, along with it toward our decarbonized future. It does not take much vision or work experience to recognize that accessing the once-in-a-generation opportunities afforded by the federal Infrastructure Investment and Jobs Act (**IIJA**) and the Inflation Reduction Act (**IRA**) will be impossible without dedicated staff and funding.

If I find this letter hard to write, it is because it argues the very fundamental notion that good ideas do not materialize into reality unless a champion makes them so and unless we give ourselves the resources to meet our goals. The “action” part of the Climate Action Plan requires that we do not stop at saying “we need innovation and funding” but that we move on to the “do” part with renewed vision and ambition.

Therefore, I propose that the legislature should take the following concrete steps.

**First, and most urgently, the legislature should require that the Treasurer’s Office be given the explicit authority, mandate, and funding to aggressively pursue funding opportunities for climate mitigation, adaptation, and resilience, across both clean energy and nature-based solutions spaces. The Treasurer’s Office does not need to be the organization that ultimately will be responsible for all of the activities listed in the second paragraph above in (a) through (f).**

However, the Treasurer's Office should coordinate with other entities on the short-term deployment of such funds and help them apply to funding. This would include supporting financial intermediaries with existing networks as appropriate, as well as existing agencies working on climate solutions and communities.

The Treasurer Office is the right organization to pursue funding this way as its expressed function is to "serve as the State's (...) chief investment officer."<sup>4</sup> In the wake of transformational federal legislation, many states have launched funds dedicated to help the state apparatus and communities seek federal funding, to provide cost-share funds, to enable leverage, or to provide technical assistance to communities. For example, in [Colorado](#), the Infrastructure Investment And Jobs Act Cash Fund provides \$80,250,000 in funding to the Governor's Office as a nonfederal match for the state or a local government for certain categories of infrastructure projects allowed under IIJA.

In [Connecticut](#), Public Act 22-25, the Commissioner of the Connecticut Department of Energy and Environmental Protection (**DEEP**) was required to "establish and administer a grant program for the purpose of providing matching funds necessary for municipalities, school districts and school bus operators to submit federal grant applications in order to maximize federal funding for the purchase or lease of zero-emission school buses and electric vehicle charging or fueling infrastructure." The Act requires that the DEEP Commissioner give preference to applications relevant to environmental justice communities.

In [Kansas](#), the \$200 million Build Kansas Fund provides matching dollars to Kansas communities for infrastructure projects approved under IIJA. Projects that can receive funding include "water, transportation, energy, cybersecurity and broadband through Fiscal Year 2027." At least \$10 million will be reserved for investment in eight "Economic Development Districts." The Build Kansas Fund is administered by the Kansas Infrastructure Hub. The Kansas Infrastructure Hub includes "representatives from the Kansas Departments of Administration, Agriculture, Commerce, Health and Environment and Transportation, along with the Kansas Corporation Commission and the Kansas Water Office, will manage the Build Kansas Fund, offering technical assistance, tracking funds and promoting grant opportunities."

In [Kentucky](#), the legislature appropriated \$17.3 million from the general fund to match \$69.4 million in IIJA funds for fiscal years 2022-2023 for IIJA electric vehicle charging infrastructure support programs.

In [Minnesota](#), the State Competitiveness Fund was created as a special revenue fund in the Minnesota State Treasury and \$115 million appropriated and remain available until June 30, 2034, under the management of the Minnesota State Treasury to facilitate accessing federal funding under IIJA and the IRA. The State Competitiveness Fund is meant to "(1) pay all or any portion of the state match required as a condition of receiving federal funds, or to otherwise reduce the cost for projects that are awarded federal funds; (2) award grants under subdivision 4 to obtain grant development assistance for eligible entities; and (3) pay the reasonable costs incurred by the

department to assist eligible entities to successfully compete for available federal funds.” These funds can be applied to a large array of uses, including accessing formula funding, funds directed to political subdivision of the state or Tribal governments, nonprofits, businesses, utilities, and other grant opportunities “directed to eligible entities that do not require a match but for which the commissioner determines that a grant made under this section is likely to enhance the likelihood of an applicant receiving federal funds, or to increase the potential amount of federal funds received.” The broad-ranging nature of Minnesota’s matching funds strategy demonstrates how serious the state is about accessing federal funding and utilizing all available dollars to boost its competitiveness and investments.

In [North Carolina](#), Governor Cooper’s administration established a \$225 million Federal Match Reserve investment for state agencies to meet federal matching requirements from IIJA, the CHIPS and Science Act, and the IRA. The Federal Match Reserve “allows the state to participate in the paradigm shift created by these catalyzing federal bills and access an extraordinary amount of federal funds for infrastructure, research, climate initiatives, manufacturing, and STEM education [and] [p]ositions our state to compete for hundreds of billions of dollars, bringing our share of taxpayer funds back to North Carolina.”

In Oregon, the legislature passed the climate resilience package ([HB 3409](#) and [HB 3630](#)), which included over \$90 million in new climate spending “to access as much as \$1 billion from IRA programs. The new law provides funds to help marginalized communities, local governments and community organizations apply for federal grants.”

While Vermont may not have the same level of resources at its disposal, these examples highlight that **these states, both red and blue, understand that accessing federal funds takes resources, both human and financial. The political and geographic diversity should be enough to give the Vermont Legislature pause about its strategy so far to support the implementation of the Climate Action Plan and of the Vermont Global Warming Solutions Act (GWSA).** Enabling access to funding is but a step for the legislature, and should not replace other necessary steps to develop and implement a coordinated strategic approach to climate finance, executed by a centralized team. A lot of the states above have both “matching funds” and green banks as is the case for Connecticut, Minnesota, Colorado, or North Carolina, among others.

**Second, the legislature should pick one to two existing organizations to lead the development of Vermont’s climate finance strategy, fund it/them adequately, requires that it/they hire staff, including shared staff for key functions, and place them under the authority of a shared governing body within the Treasurer’s Office.**

The explicit modified mission/mandates of such organization(s) should be to stimulate market transformation in Vermont for the benefit of Vermonters and Vermont-based enterprises, to develop a climate finance strategy, to pursue funding sources and financing programs that will enable the climate policy goals of state agencies, as required by the legislature, to offer technical assistance, to lead the implementation of such state strategy, and to support the marketing of

programs and products. Such organization(s) should also actively support and promote the activities of the quasi-public organizations and nonprofits pursuing climate goals in the state.

Ideally, one organization would lead financial activities for both clean energy and nature-based solutions. However, given the existing slate of organizations in Vermont, **I recommend that the legislature authorize and require that (a) the Clean Energy Development Fund (CEDF) and (b) the Vermont Housing & Conservation Board (VHCB) become Vermont's climate finance authority.**

CEDF already has most of the attributes necessary for an expanded mission but will have to be given broad autonomy to pursue climate mitigation goals and the flexibility to hire new staff quickly and raise/deploy capital. Similarly, VHCB can rapidly scale operations to finance nature-based solutions in the state.

These organizations should work together, with guidance from the existing Local Investment Advisory Committee, and other relevant agency staff. Besides co-developing a strategy over time, working closely with the new staff at the Treasurer's Office on capital raise, these organizations under a new climate finance authority branding would be the main conduit for program development, and would have the option to deploy capital directly or through existing organizations, as relevant and appropriate.

They would provide clear communication to financial partners and private sector investors about the programs and policies of Vermont, act as a technical assistance provider, and proactively seek to grow the pipeline of projects in both their core areas. They would not seek to replace the existing organizations, but to lead the market, send clear signals, and develop opportunities for our climate economy.

Both organizations should be given broad latitude to utilize all of the tools in the financial toolbox and to invest using a range of debt and equity tools, including securitization and tax credit optimization, as well as to deploy grants, either directly or as a passthrough entity for other organizations such as Efficiency Vermont or VSECU. Both organizations should explicitly support low-income families and underserved communities in our rural and urban environments, not as an afterthought, but as a structural part of their vision and mission.

Key staff for financial, legal, marketing, and data/reporting functions should be shared to promote cross-learning, create efficiencies, and to facilitate strict compliance and reporting requirements attached with federal funding.

**The legislature should seek to encourage flexibility, creativity, and engagement with the market and communities, including by allowing the Treasurer's Office, CEDF, and VHCB to create the special purpose vehicles or nonprofits that may be necessary to pursue philanthropic sources of funding or to create financial structures that are adapted to our state.**

**Reaching the goals of the GWSA and implementing the Climate Action Plan will require your leadership** not to simply coordinate the good work already being done, but to proactively pursue funding sources for climate financing solutions, and to empower CEDF and VHCB to build and implement a statewide climate finance strategy that leverages public investment. We have many of the ships we need to get us where we committed to going. It is high time that we hired ourselves a captain.

Together, operating as the Vermont Public Finance Climate Collaborative (PFCC), we would like to describe our current work to finance climate infrastructure and access emerging funding opportunities, as well as sharing our vision for how statewide coordination could further leverage resources to support Vermonters and achieve the state's climate goals.

We originally organized the collaborative because we saw a need to create a collective home for project development and information sharing for climate financing initiatives in Vermont as new resources become available through the Inflation Reduction Act (IRA). Our organizations are prepared to leverage IRA funding to ensure that low-income households and disadvantaged communities are equitably reached by these resources. Proof of this concept is described in more detail below.

We feel that the outreach process being led by the Treasurer's Office can be a valuable opportunity to inform the public about what resources are available through the IRA and Infrastructure Investment and Jobs Act (IIJA), and when and how that funding will become available. Both pieces of legislation are an extensive patchwork of tax credits, grants and financing programs. Currently, the Department of Energy (DOE), the U.S. Environmental Protection Agency (EPA) and other federal agencies are in the rule-making process or have released Notices of Funding Opportunities for many related programs.

Relatively little of the funding available from IRA is yet available to be deployed in Vermont. Some pieces will require state sponsorship, while others will benefit from the experiences of the PFCC, and still others will directly benefit project owners. This diverse range of applicants and uses of funds speaks to the informational barriers among participating entities that would benefit from information sharing to ensure the greatest impact of the funding and financing opportunities. The \$27 billion Greenhouse Gas Reduction Fund (GGRF) is one of the IRA opportunities available to financing entities. The Vermont Department of Public Service has already submitted an application to EPA for the \$7 billion Solar for All competition of the GRRF. The remaining \$20 billion in GRRF funds will be distributed through a number of national entities, such as the Coalition for Green Capital and Climate United, which will be announced in Spring 2024. PFCC members joined coalitions, submitted project pipelines, and intend to seek financing from these national entities for funding to support greenhouse gas reduction projects in Vermont across the sectors we serve.

Our statewide mission-driven roles, with 50 years of experience and strong balance sheets, make us uniquely positioned to work with these national intermediaries to maximize the funding



available to Vermont. Underscoring this capability is the utility recognized by our national partners in our collective capacity as they conceive of us as “green banks” for our respective constituencies and place us side by side well known entities like the Connecticut Green Bank. Our ability to access these resources will be largely dependent on the terms and uses these national organizations set for awards. As GGRF awards increasingly appear targeted to specific sectors, PFCC members will likely apply individually to the national entities rather than as a single application.

However, we intend to coordinate amongst ourselves to ensure that we are fully aware of potential funding opportunities.

Although the PFCC members are actively pursuing the IRA funding that we are currently eligible to receive, *we feel that the Treasurer’s Office could play an important role as an information clearinghouse*, ensuring that all new and existing federal climate funding opportunities are identified and brought to the attention of the entities or the state agencies that are the intended recipients.

Further, we believe the *Treasurer should also help to evaluate the supply and demand for climate related funding and financing sources* on an on-going basis in consideration of the risks faced by the state from a changing climate as well as the mandates outlined in Vermont’s Climate Action Plan and Comprehensive Energy Plan. This evaluation would incorporate the missions, competency, and existing programs of PFCC members in their sectors. This should also include advocating for climate infrastructure financing to be broadly inclusive of adaptation programs. From insurance to grants, these programs may take many forms but should not be ignored from climate discussions around climate finance.

We know that some states have, or will, pursue setting up a new Green Bank as a way of accessing federal funds and we do not recommend that path for Vermont. Because of the PFCC’s willingness – and eagerness – to work together and ensure there are no market gaps or lost funding opportunities for our small state, we feel confident in our ability to apply for, access, and deploy the available funding without adding a new entity. Any new organization would require tens of millions of dollars to capitalize a balance sheet similar to the PFCC, and would not have the 50-year history of lending that investors and rating agencies would need to see. The organizational overhead, untested governance, and additional coordination that a duplicate agency would add to the state would be wasteful.

Instead, the PFCC sees a role for itself as a shared “front door” for the state’s climate financing. Our organizations will continue our work in our respective fields, while coordinating with stakeholders and amongst ourselves. Using existing organizations within a new framework will allow us to utilize and expand our programs and leverage our existing funding streams, private partnerships, and credit capacity. This structure will allow us to avoid duplicative efforts and ensure that all parts of Vermont and all the different sectors we serve have equitable access to funding opportunities.

This effort will require continued outreach to Vermont's energy stakeholders, including the State, nonprofits, and the private sector. We will need to form expanded partnerships to reach consumers, connect with the state's contractor workforce, leverage new technology, and measure the impact of our joint work.

The solar array represents a method of cost control for us. The changes we are contemplating are expensive and will likely end in higher annual operating costs for us. We need to be able to mitigate the costs in some fashion and the solar project seems to be practical.

The **feeling one gets** is that the utility has no real incentive in us moving forward with renewable energy. The **feeling** is backed up by the lack of control of the costs; the utility has to find the transformer, the utility has no real interest in controlling that cost as we will have to pay whatever they say it is. The installation is the same thing; why rush and the customer will pay whatever the cost is.

In the long term, what incentive does a utility have to help customers use less utility provided power?

#### Barriers

- Inability to plan with unknown costs, and delays.
- Utilities not being ready and open to solar and EV impact
- lack of real, supported programs within utilities to be ready and accommodating for EV's and solar arrays
- lack of transformers, utilities not up to date (many under-rated transformers in use), not stocking transformers, etc.)
- Create incentives for implementation of renewable energy that work at all levels of the programs needed to move forward
- Create programs that encourage sharing of resources (staff and inventory) amongst the various utilities
- Create practices / rules that would have the utility responsible for anything that is not part of the house. Responsible to the point of performance penalties (lack of performance). (Exception would be systems that are well above residential systems)
- Rising costs are an incentive to change to more economical systems, but it is hard to plan without knowing the costs and timing of enabling new systems.

- Come up with processes that insure consumers will not suffer for delays that they have no control over. This would help enable consumers to plan for projects.
- Utilities share **detailed specifications** on exactly what is needed. (Other resources might be found to provide “scarce” items and it removes the barrier of unknown costs and availability).
- Create some sort of teams to help with the unknown costs of projects (like the consumer burden of bringing transformers up to date – purchase and labor costs)
- Set deadlines on the delays that projects run into and define the remedy so that consumers are comfortable making commitments. As an example (maybe a little far fetched); When consumers make a significant commitment to a significant solar project, their utility bills ceases until the utility completes their portion of the project. This would need to include transformers and swaps, etc.

We submit the following comments as you develop your recommendations:

- **Scale Up Existing Programs** – We have several successful programs and partnerships developed in Vermont aimed to finance investments to increase energy efficiency and reduce carbon emissions for municipalities, businesses, families, and individuals. Some of these programs have built-in income sensitivity to enable low- and middle-income borrowers to access affordable lending options for project financing. Standing up new programs takes time and resources, and this should be considered for identified gaps in Vermont’s funding/financing landscape.
- **Fund Outreach, Technical Assistance, and Project Management** – Our experience shows that technical assistance and coaching is essential for uptake in energy efficiency investments in low-income communities. The day-to-day demands on low-income families make it incredibly difficult to plan for the benefits of energy efficiency, navigate the complexities of lending and rebate programs, and manage contractors. Strategic outreach to enroll individuals and significant assistance and coaching to support through the process will be essential to meeting the GHGRF intent to deliver lower energy costs and economic revitalization to communities that have historically been left behind.
- **Pre-bate, Not Rebate** – In the financing instruments used to deploy funds, seek the ability to lower the loan total to the borrower by pre-bating incentives when possible. Pre-bate funds can be delivered to project builders/contractors directly when appropriate to avoid the borrower needing to have a loan that includes the expected incentive. When the traditional ‘downstream’ rebate is moved to the front of the process, the project cost is reduced from the start, so more Vermonters can participate.
- **Enable Coordination, Performance Reporting, and Monitoring** – Currently there is not an entity established to receive and coordinate climate funds, collect performance reporting, or monitor outcomes. Establishing a centralized entity, or assigning the role to an existing entity, would support clarity among deployment partners, utilities, agencies,

and grant seekers and efficacy for the funds drawn down.

Currently Vermont only supports community solar arrays – the easiest way for most low-income households to access renewable energy – with a few very modest, one-time programs such as the Affordable Community Renewable Energy (ACRE) program. Other states such as New York have much more advanced community solar programs that provide upfront incentives to build projects to the type that provide the easiest access to renewable benefits for low-income New Yorkers. Accessing federal money to create similar incentives in Vermont would be go a long way to advancing energy equity in Vermont.

Establishing a centralized structure in Vermont to pursue, receive and distribute Federal and other funds, operating in a manner similar to a green bank, would ensure that Vermont does not miss out on opportunities to utilize federal funding and that these funds can be used in a manner that is more inclusive of local and underserved communities. An issue brief on Green Banks and the Inflation Reduction Act by the National Caucus of Environmental Legislators emphasized that states without green banks – or public entities with a similar function – would struggle to access \$20 billion of funding made available through the Nation Clean Investment Funds and the Clean Communities Investment Accelerator. Without such a centralized entity it is unclear where these funds would go within Vermont and the state would lose out on the ability to influence how these funds are used to ensure local and underserved communities are prioritized.

Since 2011 more than ten states have created green banks to leverage public funds to spur private capital investment in clean energy projects. Green banks work with public entities, large capital investors, and smaller scale consumer investors through a variety of financial instruments including direct market-based lending or co-lending, loan guarantees, Property Assessed Clean Energy (PACE) financing, on-bill repayment programs and renewable energy power purchase agreements.

Examples of the local benefits these banks have been able to provide include:

- **Support for Municipal Solar:** The Connecticut Green Bank’s “Solar Marketplace Assistance Program” (Solar MAP) provides important technical assistance for municipalities that want to go solar, and a similar program would be highly beneficial helping Vermont’s many small towns and municipalities access the benefits of solar. Through Solar MAP, the Connecticut Green Bank assists municipalities with an assessment of their energy needs, conducts site analysis, solicits and reviews project bids, and leads them through the contract execution process. This eliminates many of the knowledge barriers for town and municipal staff and enhances local benefits.
- **Support for Community Solar:** The New York Green Bank provides construction financing for community distributed generation. This avoids several market barriers that can slow the deployment of community solar such as the inefficient use of equity funds and difficulty pricing the risk exposure from distributed generation.

- **Support for Commercial & Residential Renewables:** The Connecticut Green Bank supports building owners investing in solar by arranging power purchase agreement for building owners that allow no-up front cost solar investments and long-term stability in electricity prices. In addition, the Green Bank provides low-cost financing for residential solar and solar plus storage projects, including financing for roof replacement if it is necessary to solar. Providing support for both roof replacement and solar plus storage would be incredibly valuable in Vermont given the state's aging housing stock and the increasing threats of power outages as a result of intensifying extreme weather.

In short, Green Banks are able to provide a combination of technical and financial assistance that would be very valuable to Vermont towns, businesses, and families. The development of similar institutional capacity within Vermont would dramatically improve our chance of securing federal funding and maximize the benefits that we could provide with such funding.

Regenerative agriculture produces improved water quality, carbon sequestration and flood resilience. These Ecosystem Services (ES) are of great and increasing value to society and paying farmers is a very cost-effective way to secure them, as well as the rural community benefits that a healthy farm sector provides. Many farms will need to transform their production system to deliver these ESs. Transformation can be risky and/or expensive and farms are likely to need financial and technical support.

To help build and maintain a healthy farm sector in Vermont, **the Trust would provide coordinated financing and technical assistance (TA)** to farmers interested in transformation, **as well as ES payments** to any interested farmer based on quantified outcomes. For maximum effect, the Trust would operate two related funds:

- **The Outcomes Fund** would implement one or more pay-for-performance (PFP) programs that provide the framework, metrics and tools to quantify the relevant ESs and pay farmers for what they produce. The Outcomes Fund would aggregate carbon and water quality credits and market them through all available channels. Revenue from credit sales would be used to reward more farmers for environmental outcomes.
- **The Farm Transformation Fund** would provide interested farmers with the financial and TA resources necessary to achieve all-in soil health. A TA team of agronomy, dairy/livestock, and farm finance experts would work with each farmer to develop a farm transformation plan. Each farm-specific plan would contain estimates of productivity and financial performance, as well as ES generation. Improved profitability and divestment of unnecessary equipment would free up cash for new investment. Debt restructuring may be necessary for some farms. The projected flow of ES could inform financing terms and justify public investment in the transformation.

**From:** Gendron, Maggie  
**Sent:** Tuesday, January 16, 2024 4:36 PM  
**To:** Moore, Julie  
**Cc:** Coster, Billy; Brackin, Stephanie; Batchelder, Jason; Ramirez-Richer, Emma  
**Subject:** FW: Vermont Public: S.259/Climate Superfund Cost Recovery Program

Julie – Who do you want to talk to Abagael Giles re: S.259, Senator Watson Climate Superfund Recovery at ANR - essentially create a system whereby the state would collect funds from fossil fuel companies, to pay for damages their products caused by contributing to climate change.

She is hoping to connect tonight.

Maggie

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**From:** Abagael Giles <[agiles@vermontpublic.org](mailto:agiles@vermontpublic.org)>  
**Sent:** Tuesday, January 16, 2024 4:32 PM  
**To:** Gendron, Maggie <[Maggie.Gendron@vermont.gov](mailto:Maggie.Gendron@vermont.gov)>  
**Subject:** Vermont Public: S.259/Climate Superfund Cost Recovery Program

You don't often get email from [agiles@vermontpublic.org](mailto:agiles@vermontpublic.org). [Learn why this is important](#)

**EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.**

Hi Deputy Secretary Gendron,

I'm reaching out for a story I'm working on about a bill that was introduced in the Senate – S.259.

It would create the Climate Superfund Cost Recovery Program in the office of Climate Action at ANR and essentially create a system whereby the state would collect funds from fossil fuel companies, to pay for damages their products caused by contributing to climate change.

I spoke with a legal expert who told me this sort of work would likely be very resource intensive, and wanted to see if the Agency had interest in weighing in about capacity for this.

We'd like to publish a story tomorrow afternoon so would love to connect with someone between now and then if that's possible.

Best,

Abagael

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**From:** Barney, Cole  
**Sent:** Wednesday, January 17, 2024 8:30 AM  
**To:** EXE; EXE - Cabinet  
**Subject:** News Clips 01.17.24  
**Attachments:** News Clips 01.17.24.docx

### Today's Articles

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- Lawmakers look to expand health benefits and make healthcare more affordable – WPTZ – Stephen Biddix
- Child care centers focus on capacity after bill increases accessibility – WCAX – Melissa Cooney
- Hotel program funding issue progresses – Times Argus – Keith Whitcomb, Jr.
- Buckle Up: Lawmakers Pitch Traffic Cameras as Safety Solution – Seven Days – Derek Brouwer
- Vt. auditor finds ‘consequential mistakes’ in Burlington TIF accounting – WCAX – Katharine Huntley
- VDH: COVID hospitalizations keep rising – Vermont Business Magazine – Tim McQuiston
- As Vermont grapples with spike in overdose deaths, House approves safe injection sites – Manchester Journal – Lisa Rathke (AP)
- Should fossil fuel companies pay for harms caused by climate change? – WCAX – Calvin Cutler
- Putney paper mill to close, putting 127 people out of work – Brattleboro Reformer – Susan Smallheer
- State Auditor sues Attorney General over obligations to provide legal advice – My Champlain Valley – Aidan Scanlon
- Owners of flood-damaged homes see FEMA lease money as lifeline – Times Argus – David Delcore
- Floodplain Homeowners Still Reeling From Flood Damage, Post-Flood Choices – The Montpelier Bridge – Cassandra Hemenway
- Lawmakers Consider Measures to Preserve Cash Payments in Stores – Seven Days – Anne Wallace Allen
- Should Vt. municipalities sign on to statewide ethics code? – WCAX – Calvin Cutler
- Ceasefire protest blocks entrance to Collins Aerospace – My Champlain Valley – Matt Holderman & Aidan Scanlon
- Burlington's Downtown TIF District under scrutiny from State Auditor – WPTZ – Sid Bewlay
- Police Oversight Won't Be on the March Ballot in Burlington – Seven Days – Courtney Lamdin
- Vt. GOP sounds the alarm on safe injection site bill – WCAX – Calvin Cutler
- Sanders' Call for Human Rights Probe in Gaza Falls Short – Seven Days – Kevin McCallum
- Franklin County legislators weigh in on new session; Introduce housing reform, question supermajority – St. Albans Messenger – Josh Ellerbrock
- RSV and other illnesses are crowding emergency rooms, health department warns – VT Digger – Erin Petenko
- Scott administration proposes PCB testing slowdown as schools struggle to keep up – VT Digger – Ethan Weinstein

- Nearly 30,000 Vermonters have lost Medicaid coverage in the past 8 months – VT Digger – Peter D’Auria
- Barre’s ‘cliffhangers’ in limbo as city considers landslide buyouts – VT Digger – Erin Petenko
- State auditor finds ‘substantial mistakes’ in Burlington’s tax increment financing – VT Digger – Patrick Crowley
- Final Reading: Vermont legislators pursue climate change ‘superfund’ – VT Digger
- Will this be the year Vermont bans flavored tobacco sales? – VT Digger – Pater D’Auria
- Anti-war protesters target Vergennes weapons facility to call for cease-fire in Gaza – VT Digger – Habib Sabet
- State Auditor Doug Hoffer files suit against Attorney General Charity Clark – VT Digger – Alan J. Keays
- After 2 years of trying, South Hero may soon get its local option tax – VT Digger – Auditi Guha

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Help raise money for Vermonters impacted by flood damage and show your Vermont pride with *Vermont Strong* and *Tough Too* license plates and socks. [Click here to purchase your Vermont Strong gear](#) or visit [DMV.Vermont.gov/VermontStrong23](http://DMV.Vermont.gov/VermontStrong23).

Impacted Vermonters can find resources and referrals by visiting [Vermont.Gov/Flood](http://Vermont.Gov/Flood).



## Governor's Daily News Clips

Wednesday, January 17, 2024

### Lawmakers consider requiring home sellers and landlords to disclose flood risks – Vermont Public – Carly Berlin

After Barre City suffered extreme damage from the July 2023 floods, constituents began to approach Rep. Jonathan Williams, a Democrat from Barre City, saying they had no idea they lived in a home at risk of flooding.

“That happened day after day, day after day,” Williams said in an interview.

Vermont is among a minority of states lacking a mandatory flood risk disclosure law for real estate transactions, leaving prospective homebuyers and renters with limited information as they decide where to live. But a number of state lawmakers are pushing this session to change that.

Following a year of historic flooding, legislators have introduced several bills that would require home sellers, landlords and manufactured home park owners to communicate flood risk and flood history to prospective homebuyers and renters.

Williams and other Washington County legislators included flood disclosure measures in their flood recovery omnibus bill, H.723. Home sellers would need to convey that their property is located in a federally- or locally-mapped flood hazard area, whether the property has flooded before, and what the seller's flood insurance rate is. The bill would give buyers a path for recourse if the seller fails to disclose the required information.

Landlords would also need to tell prospective tenants the same information, and if they don't, a renter could terminate their lease.

After encountering manufactured home park residents who lost their homes during the July floods – and didn't know the park they lived in had a history of flooding – Rep. Anne Donahue, a Republican from Northfield, decided to put forth H.556, a flood disclosure bill specific to manufactured home parks.

“It just seemed to me that as a bare bones, bottom line – amongst all the other things we needed to do in response to flooding – is ensure that areas that had a history of flooding, in fact, people would clearly know that as part of the decision to rent a lot for a mobile home,” Donahue said.

Lawmakers said they think there is momentum for enshrining flood disclosure requirements in state statute. But Rep. Thomas Stevens, a Democrat from Waterbury – who has introduced another flood disclosure bill focused on homebuyers, H.639 – said he anticipates pushback might come from homeowners concerned that disclosure could dampen their property values.

“Is that fair to the seller, who might fear that by disclosing it, by mandate, that they're actually lessening the worth of their house?” said Stevens, who chairs the House Committee on General & Housing.

Realtors, already required through their code of ethics to disclose all “material facts” about hazards within their knowledge to a prospective homebuyer, might also oppose it, Stevens said.

But Peter Tucker, a lobbyist for the Vermont Association of Realtors, said he supports flood disclosure measures, even though he views them as somewhat redundant for buyers using realtors. While realtors are involved in the majority of real estate transactions, he said, for those not using agents, “it’d be nice to make sure those folks have that responsibility.”

The Vermont Landlord Association did not respond to a request for comment.

In a [2022 analysis of state flood disclosure laws](#), the Federal Emergency Management Agency rated Vermont on the weak end of the spectrum: The state didn’t have any of the 10 flood risk disclosure measures surveyed. FEMA found that states with stronger disclosure requirements — like Louisiana, Texas and South Carolina — often have higher rates of residents with flood insurance policies.

[Few Vermonters have flood insurance coverage](#), leaving many to rely on federal disaster aid to recoup their losses after the July floods — which rarely pays out as much money.

Rep. Conor Casey, a Democrat from Montpelier and a co-sponsor of the flood recovery omnibus bill, said flood disclosure requirements are a necessary part of planning for a future with more flooding.

“The worst thing that could happen after a tragedy like this, you know, is not learning your lessons,” he said. “This is not a one-time event. This is not a 100-year flood. This is going to be a part of our lives going forward here, so we have to have these protections in place.”

### **Lawmakers look to expand health benefits and make healthcare more affordable – WPTZ – Stephen Biddix**

Lawmakers in Montpelier are looking to make drastic changes to healthcare coverage in the state. This comes as many who were a part of expanded access during the pandemic have been cut due to state funds winding back down to pre-covid levels.

The main goal is to make health care more affordable; the two biggest things the bill does is expand Medicaid and [Dr. Dynasaur](#) access.

Some of the other keys of the bill is it expands Dr. Dynasaur coverage from the age of 19 to 26 and allows young people to get mental health treatment without a formal diagnosis.

It also expands Medicaid coverage by decreasing eligibility requirements to help low and middle-income Vermonters.

"We want to help Vermonters of all ages be able to access affordable healthcare, and if we can get people into the doctors when their sick, hopefully before their sick, for prevention it will help

the costs downstream with hospitals and nursing homes and other areas," said Rep. Lori Houghton.

Those opposed are concerned of what the upfront costs would look like and how the program would be paid for, because that is still unknown at the moment, according to the sponsor of the bill.

### **Child care centers focus on capacity after bill increases accessibility – WCAX – Melissa Cooney**

Vermont's child care reform legislation was a top priority of the past session and was said to be one of the most expansive in the nation. Meanwhile, infrastructure for child care is also expanding, which state leaders say is one way to ease the high demand and long wait lists.

The state has substantially increased child care subsidies to families with the first round of payments showing an increase of 35%. DCF Deputy Commissioner Janet McLaughlin says since September, \$17 million has been committed to 755 child care programs across the state. That cash is to help prepare them for the increased amount of students that will be receiving financial assistance.

McLaughlin says right now there are around 7,000 children in the state who are eligible for financial assistance. The eligibility threshold will increase again in April, and then another time in October. "That is when we expect to see more children and more families enrolled in the program. And you know, we anticipate we will double the number of children benefiting from financial assistance once all of the eligibility increases go into place," said McLaughlin.

Act 76 created a new payroll tax with an increase of 0.11% from employees, and 0.33% from the employer that goes into the child care contribution special fund. Taxes will begin to be collected on July 1, 2024.

According to DCF, 11 center-based child care programs closed between January 1, 2023, and July 31, 2023. In that same time period, six programs opened.

Neck of the Woods is a child care center in Waitsfield. They currently accommodate 50 children but are expanding to create space for 125. Neck of the Woods opened nearly four years ago, helping to fill an immediate need. But the team is looking to add more space to ease the child care crunch in the community. "We have a waitlist as well of 75 children. And that's just adding every day more and more and more because of the demand. So, people are calling us who aren't pregnant yet, people are calling us who just got pregnant," said Neck of the Wood's Moie Moulton.

Moulton says the Mad River Valley doesn't have a ton of child care options -- especially with two recently closing -- and that they have some families commuting over 40 minutes away. "We all are trying to be there for each other and toss you know families to each other saying can you help this family," said Moulton.

Neck of the Woods isn't the only child care center looking to expand its space. DCF's McLaughlin says more than \$1 million in grants has been awarded to 47 child care programs in 13 counties to support 1,000 new spots. "Programs are feeling like there is potential for growth and for that growth to be sustainable, given the investments and early childhood education that after school that came in through Act 76," McLaughlin said.

McLaughlin says the child care licensing team is reporting an uptick of inquiries and applications for people interested in starting and expanding programs, too. Right now, she says the majority of the funds supporting building and program expansions come from the American Rescue Plan Act. But as funding from Act 76 -- which was only kicked in over the last six 6 months -- comes into play, the plan is to continue capacity-building work. "We expect that with all the new programs coming on, we're also going to see an increase in the licensed capacity for all," said McLaughlin.

But despite more funding expected to trickle down for expansion, McLaughlin says some hurdles for adding more spots include finding the appropriate space to fit the needs of students and hiring an adequate number of staff to support the larger programming.

Neck of the Woods hopes to complete its expansion by 2026. McLaughlin notes it will probably take two to three years to see how well the state is making progress when it comes to increasing the number of affordable childcare spaces and staffing under Act 76.

### Hotel program funding issue progresses – Times Argus – Keith Whitcomb, Jr.

Lawmakers looking at funding for a program that's housed thousands of people throughout the pandemic anticipate sending spending recommendations to the House Committee on Appropriations by Wednesday.

Rep. Jubilee McGill, D-Bridport, a member of the House Committee on Human Services, said Tuesday the plan is to see her committee's recommendations on the Budget Adjustment Act be sent to the House Committee on Appropriations later that day, but to send its recommendations on the hotel program a day later.

"We want to make sure we really do it right, and I appreciate the committee, and (Department for Children and Families Commissioner) Chris Winters, recognizing that these are vulnerable people's lives, so we're all really working very hard, over the weekend on our days off, to make sure we get it right," said McGill.

The Budget Adjustment Act addresses any changes that need to be made to the budget passed in the previous session.

McGill said her committee oversees most of the work done by the Agency of Human Services. She and Rep. Taylor Small, D/P-Winooski, worked together on the hotel voucher program piece.

According to McGill, the administration hasn't released a comprehensive plan to address the hotel program, but some pieces have come out in testimony across different legislative committees and in conversations between administration officials and lawmakers.

"We're still figuring out the financial pieces," said McGill. "(Rep. Theresa Wood, D-Waterbury,) has been working hard. Everyone has been working hard, working with the administration ... I think we're moving in a much better direction. ... I think we're moving in a direction that everyone can get on board with."

At the Jan. 12 House Committee on Human Services meeting, Winters told lawmakers that the state has been working to negotiate more with hotel owners on the rates they're charging for the program. An effort was made to do this last summer, but owners had no incentive, he stated. Some did come down on their price, lowering the overall average to about \$135 per night, he said.

"We've had some hotels that are just great and provide excellent services that anyone walking in off the street would get when they stay at these hotels, but we've seen a large proportion who don't provide the same services," Winters said.

Efforts to drive the rates down have slowed, he said.

"It really feels actually like price gouging and taking advantage of a situation because of a lot of vulnerable Vermonters needing shelter right now," Winters said.

He stated that some alternatives to the program as it exists could involve a service provider partnering with the hotel, or leasing its building, to offer social and economic services to inhabitants.

Wood, chair of the committee, said a contract-based relationship with the hotel owners might be in order, to hold them to standards and set expectations in a way that the per-night system isn't doing.

She stated that this has been a frustrating issue but she's pleased that things have progressed to where they are now.

"I'm appreciative of the fact we are moving forward in a way that I think is responsible to the people who need housing, and responsible to the hotel owners, and reasonable to the taxpayers," she said. "This feels like a more positive direction, so I appreciate you speaking with us about that."

### **Buckle Up: Lawmakers Pitch Traffic Cameras as Safety Solution – Seven Days – Derek Brouwer**

Speeders, beware: State officials want to use automated cameras to catch lead-footed drivers. Lawmakers in the House and Senate have introduced bills that would deploy the controversial technology in Vermont.

Both proposals go further than a program [recommended by the Vermont Agency of Transportation in 2022](#), which called for a one-year pilot at three road construction work zones.

The broader of the new legislative proposals, [S.184](#), would allow state and local officials to deploy automated cameras at any intersection with a traffic light, as well as along stretches of road with work zones and high rates of speeding.

Lead sponsor Sen. Martine Larocque Gulick (D-Chittenden-Central) introduced the bill in the Senate Transportation Committee on Tuesday. She said automated cameras could unburden cops at a time when police departments are short-staffed and deter traffic violations without the discriminatory drawbacks of roadside stops.

“It gives us some ability to regulate some behaviors that are potentially very, very dangerous,” Gulick said.

More than 20 states, including New York, use either speed cameras or red-light cameras, according to the [Insurance Institute for Highway Safety](#). The U.S. Department of Transportation, under the Biden administration, has promoted their use [as part of a national strategy for reducing traffic deaths](#).

But other states, including Maine and New Hampshire, have passed laws to prohibit the technology. [Critics](#) say the cameras can be miscalibrated or abused by law enforcement, do more to raise revenue than improve safety, and infringe on civil rights. Their deployment has also [perpetuated racial disparities in traffic enforcement in some places](#), largely because they’ve been used in lower-income neighborhoods with poorly designed road infrastructure.

Gulick’s proposal, cosponsored by Sens. Thomas Chittenden (D-Chittenden-Southeast) and Nader Hashim (D-Windham), would impose civil fines on the registered owner of vehicles caught speeding more than 10 miles per hour above the posted limit.

The fines would begin with the second violation during any 12-month period and would not count against the owner’s driver’s license. Speeding tickets issued using automated cameras would start at \$22 and increase according to the number and severity of violations. The cost of running a red light would be \$75.

Registered owners would be liable even if someone else was driving their car, but they could appeal the ticket.

Gulick said she decided to put forward the bill after hearing from Burlington residents who were concerned about safety for schoolchildren and commuters who walk or bike along busy city streets. She cited the depleted ranks of the Burlington Police Department as a barrier to more traditional traffic enforcement.

“It would be really great for municipalities to have this option, especially in times when enforcement is both dangerous and diminished,” she said.

In fact, the Burlington Police Department reduced its traffic enforcement in the years before its officer count began to drop. Traffic enforcement is down more than 70 percent since 2018, [according to department data](#). Crashes have not increased in Burlington during that time, state data reviewed by *Seven Days* indicate.

A separate bill in the House, [H.562](#), employs much of the same language as the Senate version, but its scope is temporary and more narrow. Under the bill, speed cameras could be installed at work zones and just two other locations with high rates of crashes or speeding. Fines, though, would be steeper: \$200 on the second violation, \$500 for each thereafter. The program would expire in 2027.

Reps. Sara Coffey (D-Guilford), Martin LaLonde (D-South Burlington) and Butch Shaw (R-Pittsford) are sponsoring the House bill.

Legislative committees have yet to take testimony on either bill, but senators on the transportation committee said on Tuesday that they were interested in discussing the measure.

### **Vt. auditor finds ‘consequential mistakes’ in Burlington TIF accounting – WCAX – Katharine Huntley**

Vermont’s state auditor says the city of Burlington isn’t following the rules in borrowing money for downtown improvements. But the city is pushing back on those claims, saying they did nothing wrong.

A TIF district is a tool municipalities can use to fund public infrastructure projects and not have taxpayers pay up front, but rather use money from increased property taxes in these districts to pay back the debt. Currently, the city is using the voter-approved tool to completely overhaul downtown areas like Main Street.

The audit uncovered clerical errors to the tune of a few hundred thousand dollars which the city will have to pay back to the TIF fund and the state Education Fund. [But the state auditor’s main issue is with the city’s financing, using premium bonds that his office says were \\$4.6 million more than approved by the Vermont Economic Progress Council, or VEPC.](#)

“VEPC makes a decision when they approve a financing plan to limit risk and cap the amount of coming out to protect the Ed Fund, and that’s what they did. And the city exceeded that and didn’t get permission for that additional amount of borrowing through the interest costs,” said Vt. Auditor Doug Hoffer.

He says the higher borrowing amount resulted in \$8 million in additional interest costs beyond what the city told taxpayers the project would cost.

However, the city says it followed state statutes in pursuing the best financing deal available. They maintain they did not need to return to VEPC for approval of bond premiums.



“Bond counsel -- the lawyer who approved, oversees and signs off on this transaction -- believes that it was entirely within the city’s authority to accept these premiums. At the same time, we understand and respect the role that VEPC has in the TIF process and we are working through this issue with them and looking forward to put it to bed once and for all in the coming months now that this report is out,” said Burlington Mayor Miro Weinberger.

The Mayor says the auditor’s findings are more about his dislike of the TIF program than anything Burlington did wrong. “What I have an issue with, however, is that he’s done it here in a way that drags Burlington’s name through the mud, makes it look like we made a \$4.5 million error when we haven’t, we haven’t done anything wrong,” Weinberger said.

Hoffer maintains Burlington is at fault but he does not think the TIF process is the best way for municipalities to invest in infrastructure. “This is an immensely expensive and an immensely complicated way to do something that I think could be accomplished through other means. But aside from that, the audit reports we issue have nothing to do with a crusade or a campaign. They are audits supported by sufficient and appropriate evidence, and no one has ever shown me otherwise,” Hoffer said.

The city has also had difficulty with its other TIF district. Just last year an audit mandated the city repay \$1.2 million from the Waterfront TIF after numerous mistakes over a decade.

VEPC says that now that the audit has been released, the city has 90 days to return to VEPC with an updated financial plan which includes all bond premiums and how they will be used.

Following statutory questions Hoffer had regarding the TIF process, he filed a lawsuit. As first reported by Vt. Digger, the lawsuit alleges that attorney general Charity Clark would not provide his office with an opinion related to the TIF district. He filed the suit because he believes the attorney general is mandated by statute to provide opinions to other elected officials, something previous attorney generals always did.

“I’m not sure why to back away from what had been standard operating procedure. We have received almost 20 if not more, opinions over 10 years prior to Attorney General Clark’s tenure without anyone questioning our right to seek those opinions and their obligation to provide them,” said Hoffer.

However, the attorney general’s office is pushing back. They say the lawsuit is unfortunate, legally unsound, and a waste of the state’s resources, plus they are filing to dismiss the case altogether.

### **VDH: COVID hospitalizations keep rising – Vermont Business Magazine – Tim McQuiston**

COVID-19 cases and hospitalizations continue to rise, as they have since late summer. Hospitalizations are now higher than they've been at any time since November 2022. However, fatalities have not seen a related spike. There were 6 deaths reported by the Vermont Department of Health last week and 5 the week before, for a pandemic total now of 1,094 as of January 6, 2024 (the most recent data available).



The VDH reported January 10, 2024, that COVID-19 hospitalizations were up 3 last week to a statewide total of 59. COVID-19 activity remains in the "Low" range, according to the VDH. Reported cases last week were 455, up 38 for the week.

VDH reported 15 COVID-related deaths in March, 20 in April, 10 in May, 10 in June (these are fewest since the summer of 2021), 11 in July, 15 in August, 17 in September, 25 in October, 19 in November and 15 in December and 5 so far in January 2024 (there were 33 in October 2022 and 47 in October 2021 and zero in October 2020, which was the last month since the beginning of the pandemic to record no COVID-related fatalities).

Of the total deaths to date, 881 have been of Vermonters 70 or older. There have been 3 deaths of Vermonters under 30 since the beginning of the pandemic.

CDC states that already [an estimated 97% of Americans have some level of immunity](#), from either vaccination or infection or both, which they said will help keep down new transmission and lessen serious outcomes.

#### **Report Timeframe: December 31, 2023, to January 6, 2024**

- Statewide hospitalization levels: Low. New COVID-19 admissions are below 10 per 100,000 Vermonters per day.
- New hospital admissions of patients with COVID-19, last 7 days: 9.46 per 100K (8.97 per 100K)
- 59 total new admissions with COVID-19 (56 last week).

The hospitalizations dataset contains day-level data reported from all Vermont hospitals each Tuesday. Reported numbers are subject to correction.

The number of reportable COVID-19 cases is still available in this report, below. Laboratory-confirmed and diagnosed COVID-19 cases and COVID-19 outbreaks must still be reported to the Vermont Department of Health.

There were 10 outbreaks last week, 1 at schools, and 7 at long-term care facilities (LTC).

Vermont Department of Health recommendations: [Preventing COVID-19 \(healthvermont.gov\)](https://healthvermont.gov/preventing-covid-19)

Vermont has the second lowest fatality rate in the US (126.3 per 100K; Hawaii 102.1/100K). Mississippi (438.2/100K) and Oklahoma (435.6/100K) have the highest rates. The US average is 292.2/100K (CDC data).

There has been a total of 1,167,210 COVID-related deaths to date in the US (CDC) and 7,010,568 globally (WHO).

Following an analysis of COVID-19 data, [the VDH reported in January 2023 a cumulative 86 additional COVID-associated deaths that occurred over the course of the pandemic but had not been previously reported](#). Most of those deaths occurred in 2022.

### As Vermont grapples with spike in overdose deaths, House approves safe injection sites – Manchester Journal – Lisa Rathke (AP)

As Vermont grapples with rising opioid overdose deaths, the House has passed a bill that would allow for the creation of overdose prevention centers in the state that would include safe injection sites — places where people can use heroin and other narcotics under the supervision of trained staff and be revived if they take too much.

The legislation, approved by the House on Thursday after emotional testimony, now goes to the state Senate.

Vermont has had consecutive record high numbers of opioid overdose deaths in recent years. In 2022, there were 243 such deaths, more than the record 217 in 2021, said Rep. Taylor Small, a Progressive-Democrat from Winooski and a member of the House Human Services Committee. As of the end of September of 2023, the state had 180 in nine months last year.

"We are at a crisis point. We have been in an overdose death crisis for too long. And in a year where public safety seems to be at the forefront of our priorities, it is clear that we need to expand our approach to address this crisis," Small told colleagues on Wednesday.

The drugs bought and sold in Vermont are becoming increasingly dangerous and deadly, Small said, referring to fentanyl, the animal tranquilizer xylazine and gabapentin.

Rep. Emilie Kornheiser, a Democrat from Brattleboro, said one of her favorite things about living in a small community is watching the town's kids grow up.

"In the last 10 years, I've watched those children die," she said, her voice cracking. "I've also grieved the deaths of my friends' precious children, of my own loved ones, of clients. And we can't go on like this. I want my community to stay alive, and I want us in this body to do everything we can to make that happen."

Supporters say such centers save lives and connect people with addiction treatment, mental health services and medical care. But some Vermont lawmaker who opposed the bill said such centers would allow illegal drug use and enable drug users. They also raised concerns about minors using drugs at them.

Republican Gov. Phil Scott has said he is opposed to the idea and vetoed similar legislation two years ago.

### Should fossil fuel companies pay for harms caused by climate change? – WCAX – Calvin Cutler

Devastating floods and other disasters linked to human-caused climate change have some state lawmakers wanting to hold fossil fuel companies accountable.

Extreme weather has cost Vermont and individual communities millions. [The Vermont Climate Super Fund Act is modeled on a federal law allowing for state officials to recover cleanup costs from those responsible for causing environmental harm.](#) Companion bills have 20 sponsors in the Senate and 87 in the House. Under the bill, The Vermont Attorney General and Treasurer's office, along with the Agency of Natural Resources, would determine which damages are attributed to climate change.

"Vulnerable Vermonters, mom-and-pop businesses, and small cities and towns aren't the cause of this damage -- that came from climate change. It's no coincidence that 2023 was the warmest year in history, and the most expensive.," said Sen. Anne Watson, D-Washington County.

For example, the town of Stannard took on about \$300,000 of repairs from this summer's floods, and officials say there is no way the town of about 200 people can cover that alone.

The bills are supported by several environmental groups including Vermont Conservation Voters and VPIRG.

Governor Phil Scott earlier this year said he opposed similar measures in other states.

The state has already sued several fossil fuel companies in a 2021 consumer protection lawsuit over the alleged misleading messages from fossil fuel companies about climate change. but that civil case does not have any claims or damages for environmental harm as outlined in the current bill.

### [Putney paper mill to close, putting 127 people out of work – Brattleboro Reformer – Susan Smallheer](#)

Soundview Vermont Holdings LLC, a division of Marcal Paper but known by its historical and well-known name of Putney Paper, is closing.

The paper mill, located in downtown Putney, and its converting plant, which is located on Kathana Meadow Road, together employ 127 people. It is the end of an era started more than 200 years ago when the first paper mill was established in Putney.

Stephen Prentiss, labor and employment counsel for Marcal, which is based in New Jersey, confirmed Tuesday morning that the Vermont plant would be closing.

In a later press release issued on behalf of the company, Soundview Vermont President Rob Baron said the papermaking division of the mill will cease operation immediately but that the paper converting division will remain open until the end of the 2024 first fiscal quarter, or the end of March. The company said 46 employees will remain at the converting plant until March 31.

"Despite our best efforts to sustain operations at this historic paper mill, we had no choice but to shut down operations," said Baron in a prepared statement.

"The high cost of energy in the region has made it unaffordable to keep our doors open. Our top priority moving forward will be supporting our incredible employees and their families throughout this difficult transition."

Soundview Vermont acquired Putney Paper Mill in 2012. Over the past decade, the company said it has invested tens of millions of dollars to strengthen the mill, but the rising energy costs are "too insurmountable to sustain operations."

"The decision to close the mill comes after careful consideration and a recognition that there was not a viable path forward," Baron's statement said.

"The company will be exploring options for the sites as we prioritize supporting our impacted team members in the transition to their next career step," Baron's statement said.

"Soundview Vermont is committed to providing support and assistance to all employees during this transition period, including severance packages and extended benefits. The human resources team will be focused on job placement opportunities for all interested employees, offering wide-ranging support services, including resume writing, interviewing skills workshops, and outreach to local companies," the company's statement said.

Jay Ramsey, workforce development director for the Vermont Department of Labor, said the state is ready to help the laid off workers in a variety of ways. He said the company notified the state Tuesday morning that it would be laying off 127 workers.

He said the company did not follow the letter of the WARN Act, which requires a 45-day notice. But the U.S. Department of Labor notes on its website that some companies offer pay and benefits for 60 days for its affected employees, effectively skirting the law and any penalties.

"This doesn't take away the shock," he said.

"We have all kinds of tools in our toolbox" to help the affected employees, he said, ranging from helping them sign up for unemployment insurance, health benefits and state and federally-funded training opportunities.

He said the Department of Labor's 'rapid response team' will be visiting Putney in the near future and meet with affected employees, who in the meanwhile can visit the Department of Labor's offices either in Brattleboro or Springfield.

He said prior to the notice Tuesday morning, the company had not had any discussions with the state, and he said he personally hadn't heard of any companies that cited high power costs as a problem with operation.

He said the Putney Paper mill closure was the largest company closing in a while, though he noted there have been three or four companies a month reducing their workforce. At the same time, he said, there are a record number of jobs listed with the state as of Tuesday — 8,833 to be exact.

Rep. Michael Mrowicki, D-Windham 4, said Tuesday he had been told at the Statehouse by the company's lobbyist that the paper mill would be closing this week. High electricity costs and the plant's confined location, making expansion difficult, were cited in its decision.

"This is terrible news for the employees and families of Soundview/Putney Paper Co. I'm working with our state agencies and in touch with our Congresswoman Becca Balint for how we can best support the employees," Mrowicki said.

"We are also concerned that the company is not compliant with the federal WARN Act and Vermont Notice of Potential Layoffs Act, which requires 45-day notice to the state so supports can be put in place," he added.

"The news of the shutdown of Soundview Paper — the Putney Paper Mill — is devastating for the community," said U.S. Rep. Becca Balint in a statement. "This is another reminder of how important it is to fight for rural jobs and an economy that works for rural America. A vibrant economy depends on strong local and small businesses. I'm committed to creating policies that benefit local communities, not just big corporations."

Aileen Chute, chairwoman of the Putney Select Board, said Tuesday that the town is gathering information about the closure. Putney Paper is the largest employer in the downtown area. Its converting plant is located on Kathan Meadow Lane, close to Exit 4 and the Dummerston town line.

Putney Paper has been in the news repeatedly in the past several months, including following a fire in its ductwork two weeks ago, and a major fuel oil spill in November, when fuel oil leaked into Sackett's Brook and the Connecticut River. There was another significant fire at the plant last spring.

James Donaldson of the Vermont Department of Environmental Conservation said Tuesday that he had no idea Putney Paper was closing until a reporter contacted him. He said the clean up of the oil leak from the downtown mill was ongoing, and that he expected a report on Friday from the company.

"The cleanup is progressing," Donaldson said, adding he planned on visiting the site before the end of the month.

Donaldson said that when he reached out to his contact at Marcal Tuesday, they didn't know the Putney mill was closing either.

### State Auditor sues Attorney General over obligations to provide legal advice – My Champlain Valley – Aidan Scanlon

A dispute between two state officials over the obligations of the Attorney General's office has been taken to the courts. State Auditor Doug Hoffer sued Attorney General Charity Clark after he said she refused to give him a legal opinion regarding an audit of [Burlington's tax increment financing districts](#).

Hoffer's lawsuit, which was filed in late November, argues the Attorney General's Office is obligated by Vermont statute to provide officials with legal opinions when requested. The lawsuit reads, "We all have things to do that we do not want to do. The Attorney General has a statutory duty to provide legal opinions to officers of the State of Vermont. This is an action to enforce that duty."

The Vermont statute that the lawsuit refers to says, "The Attorney General shall advise the elective and appointive State officers on questions of law relating to their official duties and shall furnish a written opinion on such matters, when so requested."

A motion to dismiss the lawsuit was filed by the Attorney General's Office in mid-December. In a statement made on Tuesday, the Attorney General called the suit, "Ill-advised and unfortunate. It is legally unsound, has wasted State and court resources, and will be unproductive," the statement went on, "The irony of the Auditor insisting on legal advice from the Attorney General while also not accepting her legal decision with which he disagrees is not lost."

The motion, filed by Assistant Attorney General Sarah London, argues the Attorney General isn't required to provide certain legal advice. "Giving unwanted advice is sometimes exactly how a lawyer must do their job," the motion reads, "Neither Rule 75 nor Vermont's Declaratory Judgements Act is a means of forcing legal analysis to a client's liking."

The State Auditor doesn't have the authority to sue the State of Vermont or state officials, according to the Attorney General's office. London said the State Auditor's responsibilities are defined by state statute, and noted, "They do not include unilaterally suing the State or its officers."

A letter from the Attorney General's Office to State Auditor Hoffer is attached as an exhibit in the motion to dismiss. The letter makes a distinction between informal legal advice and formally published legal opinion and claims that the Attorney General has provided the State Auditor with informal legal advice on the requested matter. The letter references meetings between the two officials as early as February 2023.

Hoffer's lawsuit also alleges that Attorney General Clark barred him from hiring a lawyer for the case. Hoffer argues that Clark's public reputation is on the line regarding the lawsuit, which makes any of her decisions biased.

The motion to dismiss includes a bulletin from the Agency of Administration confirming that state agencies must obtain the written approval of the Attorney General before employing legal counsel. Hoffer's lawsuit lists the plaintiffs as both the Office of the Auditor of Accounts as well as Douglas Hoffer, a private citizen.

No ruling has been issued on the Attorney General's motion to dismiss.

## **Owners of flood-damaged homes see FEMA lease money as lifeline – Times Argus – David Delcore**

Capital City residents hardest hit by flooding last July are asking city officials to use one-time money the city received to help them out.

City councilors last week deferred a decision involving what to do with \$513,000 Montpelier received when a federal agency terminated a lease for 26 acres of city-owned land on Country Club Road barely a month after signing it on behalf of another.

Executed by the U.S. General Services Administration in mid-November, the guaranteed one-year lease involved land where the Federal Emergency Management Agency had planned to locate as many as three dozen mobile homes in order to create emergency housing for residents displaced by catastrophic flooding.

That never happened and by mid-December FEMA had come up with a more expeditious way to provide housing for the shrinking number of residents who still needed it. That decision prompted GSA to terminate the \$43,000-a-month lease and pay the city for its guaranteed first year in one lump sum.

The money is in hand and, barring a decision to use it differently, will be treated as unanticipated general fund revenue by auditors when the fiscal year ends June 30.

City Manager Bill Fraser presented councilors with a range of options for using the money, including a recommendation, even as residents whose homes were “substantially damaged” by floodwaters argued it should be used to help them.

While sympathetic, councilors say they are hopeful the state will provide the assistance a handful of frustrated homeowners told them they desperately need as they weigh whether to pursue a federally funded buyout or incur the daunting cost of raising their flood-damaged homes one foot above the base flood elevation.

Fraser said eight properties are in that predicament, and after councilors heard from three of them, he said relief is being sought.

“We are pushing really hard for the state to try and get them to pay for it,” he said, noting funding requested by lawmakers for Montpelier and Barre could be included in the budget adjustment act.

Mayor Jack McCullough agreed that would be the optimal outcome because the money would be available this fiscal year.

“We’re really pushing for that because we know the need is now,” he said after hearing from State Street residents Mary Zentara, Lisa Edson and Ed Haggett and Elm Street resident Katie Swick.

The owners of half of the city’s “substantially damaged” homes, including two who said they stopped waiting for one of the FEMA trailers that were briefly destined for Country Club Road

before the now-terminated lease was signed, urged the council to at least temporarily earmark the funds to assist them if funding from the state isn't available.

Zentara said "rebuilding as-is" isn't an option for those whose homes sustained damage that exceeded 50% of their assessed values, and flood-proofing an existing building is an expensive exercise that proceeds from the terminated lease could help pay for.

"This has been a really long, hard, complex, overwhelming journey," she said, adding: "We are needing some hope and light at the end of the tunnel."

Zentara said holding money in reserve at least until another funding source is identified to help those hardest hit by the flood made sense.

"It (the money) came as a result of ... our devastating loss and it should be used to make us whole again," she said.

Swick agreed. "We need to be thinking about this money to be used supporting people that have been impacted," she said.

Swick said her Elm Street home remains uninhabitable. She said she isn't in a position to pursue a buyout, or flood-proof it without assistance and can't afford to continue to pay rent on an apartment, as well as her mortgage, taxes and flood insurance.

"How are you going to help us with our homes?" she asked.

Edson said she's already spent \$40,000 "drying" and insulating the exterior of her home on State Street.

"We did that because we had nowhere else to go," she said. "There weren't apartments (and) FEMA didn't come through on anything. They offered me a trailer in Cambridge. How do I have my kids in Montpelier and take care of my parents in Groton if I'm living in Cambridge?"

Edson, who said she has been working off a plywood kitchen countertop in a home that has been stripped down to the studs, echoed those who suggested the money from the FEMA lease help residents like herself rebound.

"We're really hoping this money will go toward something having to do with flood resiliency because that's where the money came from," she said.

Then came Haggett, who said he's spent the last seven months sleeping on a "day bed" in his daughter's den in the aftermath of a flood that swamped the State Street home where he'd lived for 47 years on his 70th birthday.

"I saved every penny I could to pay my house off. It was my retirement," he said. "It is gone, it is no more. Do you understand that?"



Haggett said FEMA has been no help and he has encountered “roadblock, after roadblock, after roadblock” while trying to cut through the bureaucratic red tape and deal with his flood-damaged home.

“I’m over the trauma from the flood,” he said. “My trauma now is everything that has come after it: denial, denial, denial. Different stories from different people. It’s been a nightmare.”

The city council made no decisions with respect to the lease money, but members said they hoped the state would come through for those hit hardest by the flood.

Fraser has recommended proceeds from the lease be held in reserve and used to advance plans to develop housing and recreation on the 133-acre Country Club Road property.

### **Floodplain Homeowners Still Reeling From Flood Damage, Post-Flood Choices – The Montpelier Bridge – Cassandra Hemenway**

Six months after the July 2023 flood, several Montpelier homeowners are still living in limbo with substantially damaged homes, repairs on the order of \$300,000 (sometimes on a home valued at less than that), and no information about if or when they might qualify for a Federal Emergency Management Administration (FEMA) buyout, or if they are required to raise their homes above flood levels (which could cost \$100,000 or more).

At least three of the 10 homes the city of Montpelier wants to see elevated (or bought out by FEMA) are owned by single mothers. All three told The Bridge they bought their homes in the floodplain because there were no other affordable homes available; they each rented out space to help make ends meet. They all have flood insurance, and all three have kids in Montpelier schools and want to keep them here.

“They did everything they were supposed to, and they were responsible, and they got hurt,” said Mike Miller, Montpelier’s director of planning and community development.

### **Mary’s Story**

A nature educator, special education teacher, and single mom, Mary Zentara thought long and hard about buying a house at 189 State Street, next to U.S. Route 2 and the Winooski River, roughly across from Montpelier High School’s athletic fields. She studied the maps showing the highest historic flood level, which was about one foot onto her lawn and about 10 feet from her house, she said, with some basement flooding. She decided to buy the house, built in 1850, and hope for the best until her daughter’s graduation from Montpelier High School, even if the mortgage did require flood insurance that cost \$3,000 per year with a \$10,000 deductible.

Two years before graduation, the July 2023 flood destroyed Zentara’s home. She’s been in limbo ever since. On the days of the heavy rains and eventual flooding, July 9 and 10, Zentara’s daughter stayed at her father’s house while Zentara and her housemate moved valuables and household items up to the second floor.

“We worked as fast as we could to move things upstairs. ... As we were doing this the water came across the street and came across the yard. We could no longer evacuate by car.”

At one point, she said, “Somebody drove through the water and the water was up to their window. They just stopped in front of the house. They were frozen with fear.” Zentara and her housemate called 911 and tried to help the person out of his car. The fire department arrived, somehow making it through the waist-deep water. At that point “the water was basically almost pouring into the back of the house.”

Zentara’s home was caught between the fast-rising Winooski in front and a raging torrent (normally a stream) pouring down the steep wooded hillside behind. Zentara and her roommate grabbed the backpacks they’d prepared the day before and hiked uphill through the woods to safety. They stayed with a friend for the next few days, then at a vacant home for the next few weeks.

In the weeks that followed, Zentara gutted the place down to the studs, as did so many others affected by the flood that summer. Six months later, though, nothing has happened since then. The house sits unlivable, walls open to the studs, without electricity, heat, insulation, or running water, flimsy plywood covering joists above an open basement. Zentara followed protocol and removed everything in the home including the walls, floors, furnace, and sheetrock from four-feet down, and it now awaits an expensive repair.

Meanwhile, she is paying on a mortgage and flood insurance for a home she can’t occupy and still doesn’t know if she qualifies for a FEMA buy-out, or if she should pay the hundreds of thousands of dollars to repair and elevate her home per city zoning requirements. The FEMA flood insurance only covers part of the cost to repair the home and won’t cover any flood mitigation.

Believing she had no other options, Zentara tried to sell the house for \$220,000, as did another flood victim at 120 Elm Street. (That house, which shows signs that it, too, was stripped down after the flood, is listed on Zillow for \$149,000 and marketed to “flippers, contractors, investors, and those looking for an amazing investment opportunity with the ability to put in loads of sweat equity ...”).

In the intervening months, Zentara has started a new job as a special educator in Burlington and is staying in an apartment with FEMA subsidized rent. The FEMA rental assistance lasts 18 months, Zentara said. Her concern, she said, is that her two options — either a FEMA buyout (the city has applied on her behalf, but only recently) or the repairs and elevation — could take years.

“Without a buyout or financial assistance to elevate the house, I would have to finish paying the mortgage, lose all the value of my house, and then I would have to pay to demolish my house and move it away,” Zentara said. “That is a possibility. How can that be a possibility? How can that be?”

### **It’s Complicated**

Talk to anyone who was dealt a blow by the July floods and you're likely to hear a story about the complications involved in dealing with FEMA. As planning director Mike Miller puts it: "Anyone who's dealt with FEMA knows it's dealing with FEMA."

For example, Miller said the city has aligned its flood hazard regulations with the National Flood Insurance Program (NFIP), a FEMA program that happens to also be the main source of flood insurance for most homeowners. One of the FEMA-based regulations the city has put into place is the requirement to elevate a "substantially damaged" home at least two feet above the flood level. Barre City follows the same guideline, except it has a one-foot above flood level requirement. The "SD" designation means the cost to repair flood damage comes to more than 50% of the pre-flood value of the home, Miller explained.

This FEMA-based regulation, however, is not covered by the FEMA insurance program, NFIP. So what about Zentara's \$3,000 annual insurance payment with the \$10,000 deductible? It only pays to put her house back the way it was. It won't cover the cost — or even part of the cost — of elevating the home so it won't flood again. And if she is accepted into the buyout program, FEMA takes back its flood insurance payout, unless she can provide receipts showing the money has been used to fix the home, said Stephanie Smith, state hazard mitigation officer for Vermont Emergency Management.

After the city designated Zentara's home as "substantially damaged," she sought quotes to raise her home. So far estimates range from \$125,000 to \$160,000, she said. That's on top of the \$265,000 to \$300,000 to repair the home and get the furnace and electrical panel out of the basement.

In some cases, such as for Zentara's neighbor Lisa Edson Neveu at 220 State Street, the "substantial damage" rule could mean elevating her 3,700-square-foot 1870s home as much as seven feet on a concrete slab. (The basement gets filled in).

Zentara said she may qualify for up to \$30,000 from FEMA toward the cost of lifting and rebuilding the home.

The FEMA-based flood regulation tends to hit people of modest means harder than their wealthier neighbors. The "substantially damaged" definition of damage costing more than half the value of the home comes down to this: A flood-damaged home assessed at \$250,000 with \$150,000 in damage will be deemed "substantially damaged" and therefore subject to expensive regulations. A home valued at \$400,000 with the same amount of damage as the more affordable home is not deemed "substantially damaged" and does not trigger the flood mitigation requirements.

The upshot: The lower the value of a home, the more likely it is to trigger this definition and elevating the house will be required.

"The way these systems are set up they disproportionately impact lower income folks," Miller said. "It causes more heartache and is more difficult for people who are lower income and have lower-value properties."

Although Zentara's home may qualify for a buyout according to Stephanie Smith, it's still in the application process, and, as Miller pointed out to Zentara in a Dec. 29, 2023 email, a buyout is "not a guarantee."

"So technically if nothing comes to elevate or buyout, you may still have to pay to remove the building and own a vacant piece of land (which you can sell or rebuild on) or elevate the building. In many places around the country (and I know of people in Barre City) this leads to people who simply walk away from their property and leave it to their mortgage company," Miller wrote to Zentara, noting "It's a cruel system that FEMA has set up."

### **Katie's Story**

Like Zentara, Roxbury Village School kindergarten teacher and single-mom Katie Swick also isn't sure if she wants to elevate her flood-damaged Elm Street home, or take a buyout. And just like Zentara, she still doesn't know if she can even get a buyout, or if she'd want it if she could. Plus, she'd like to keep her kids in the Montpelier school system.

Her house came up for sale by owner six years ago. She and her then-husband moved fast. Properties were hard to come by, especially in the \$230,000 range right in town. Located directly on the North Branch River, Swick knew the house had seen flooding in 1992, and twice in 2011. She, too, paid the FEMA-flood insurance as a condition of her mortgage.

"I watch the river a lot," she said. And as it started rising on July 9 and 10, she began packing up — "essential stuff" into the car, and moving everything else upstairs. "I kept thinking, I'm going to have to put all this stuff back, this is silly."

When the basement started filling and the sump pump failed, a friend came by to turn off the electricity. Swick's kids stayed with their father, and Swick stayed with a friend that night. The next morning, she canoed to her front porch. Her first floor was flooded 32 inches deep. In her daughter's room, a step lower than the living area, the water reached four and a half feet.

Swick applied for FEMA rental assistance, which still hasn't come through, she said. She's been living in a sublet apartment downtown with the \$13,000 friends raised in a GoFundMe campaign. That money recently ran out, she said. Meanwhile, she is paying rent, plus mortgage and property taxes on her kindergarten teacher income.

"I'm trying to get an abatement, but that's been pushed back a few months," she said.

Swick said the cost to repair her home — \$180,000 — is nearly 80% of what she paid for the property (\$230,000). She still has \$189,000 left on the mortgage. The flood insurance paid out \$140,000, she said.

The question is whether to elevate (on Swick's property she may need to raise the house as high as 10 feet) or apply for a buyout. While the buyout might make more sense financially, Swick wonders if she'd be able to find another home in Montpelier.

“They say ‘Oh, you can buy something else,’ but could I afford something else? In this town it would be hard to find a house that I could still afford,” Swick said. “Do I want to leave my community? It would be a risk if I did a buyout in that regard.”

## **Buyouts**

In her role at Vermont Emergency Management, Stephanie Smith implements FEMA programs and manages hazard mitigation for the state, she said. So applications for many FEMA programs, including buyouts, go through her.

The city fills out applications on behalf of individuals, she said, in part because the program requires both municipalities and homeowners to want the buyout. Smith’s state-led program makes the decision about which cases qualify for buyouts and go forward for FEMA approval. Right now, there are about \$10 million of buyouts ready to be submitted for 25 properties statewide, Smith said.

“At least two in Montpelier I think will likely move forward in the next couple of months.”

Buyout purchase prices are based on market value the day before the storm, Smith said. FEMA pays 75% of the value, she said, and Vermont Emergency Management has a general fund allocation to cover the remaining 25%.

There’s a slew of rules for homes to be eligible, some of which simply require the home to be located in a FEMA-mapped “special flood hazard” area. Other rules involve caps on how much repairs cost, and there are special circumstances and waived regulations for those “substantially damaged” properties. Properties must have flood insurance to be eligible, she said, and any allocations of FEMA’s flood insurance program get subtracted from the final payout, unless the homeowner can show proof that the money was spent on flood repairs.

## **Lisa’s Story**

Lisa Edson Neveu lives two doors down from Mary Zentara on State Street, except she’s at a slightly lower elevation, so her home filled up with even more water than did Zentara’s.

“The water reached the countertop and then sucked up inside the walls, Edson Neveu said. “The insulation sucked the water up.”

Rather than ripping everything out up to four feet like Zentara and Swick did, Edson Neveu stripped everything out to the studs, up to the ceiling. Unlike some of her neighbors, Edson Neveu stayed in her home and paid \$40,000 to insulate the outer walls, lay down subflooring and plywood counters, and screw in drywall (on the exterior walls only). Everything is still rough, but she has two kids in Montpelier schools, and she still has heat and electricity.

While the response from friends, family, and neighbors has been “amazing,” she said, “The government response — from the city, state and federal — has been truly horrific. ... The number of people who have been here, the number of packets I’ve filled out, the number of times I’ve had to file things within a certain number of hours or I’m off the list ... all of this has gone on for seven months and my family has gotten nothing.”

“Like everyone else in this, I’m a single parent with two kids who live with me,” Edson Neveu said. “There is no other parent.” Edson Neveu bought the home in 2017, in part because of its proximity to the school, and it came with a separate rental unit for added income.

“I made a really logical decision. I work in Waterbury. My parents live 40 minutes from here. I wanted my kids in a good school system. I knew I couldn’t afford a single family home without a rental. I bought this house for \$220,000 in 2017 because it was a smart financial decision ... I knew I was going to pay a small fortune in flood insurance ... I went into this with my eyes wide open.”

Like Zentara and Swick, Edson Neveu studied the flood maps and saw that water hadn’t reached the house since 1927. The furnace and electrical panel had already been raised out of the basement, and she kept her most important stuff on the second floor.

“I had good homeowners insurance. I bought the federal flood insurance,” she said, adding that the flood insurance only paid out half the amount in the policy at first. “I had to fight and fight and fight,” until they finally eked out a little more, but would only cover flood damage up to 32 inches and below.

“Nothing above that is covered.”

At one point, when FEMA had planned to set up trailers at the city-owned Country Club Road site, “we were told that we would have a trailer. We were told not to do anything to our house while they decided stuff.” At another point, months later, FEMA offered Edson Neveu emergency housing in Cambridge, she said.

“If my kids go to the Montpelier schools, how are we supposed to go to Cambridge? We live downtown because I’m a single parent. I take care of my parents. I work in Waterbury.”

Edson Neveu said she received a letter saying “we have to either raise our house or we have to demolish it.” She’d like to hold out to raise it, despite the fact that, she said, only two companies do that kind of work, and it took her nearly seven months to get an estimate, which didn’t include excavation and survey work.

She doesn’t want a buyout. “The only thing (a buyout) does is make the bank whole,” she said. “What they’ve told us for fair market value, if I am lucky it will cover my mortgage. ... they will leave us with no home, with no money, with nothing ... the house would have to be knocked down. It stays green in perpetuity.”

This scenario is exactly the opposite of what Mike Miller said he wants, but he agreed that “usually you’re breaking even with your mortgage, if you’re lucky” with a FEMA buyout. However, there’s now state money to fill in the gaps, he and Stephanie Smith said. It’s a new program and Miller is still learning the rules, he said, adding, “We’re looking under every rock for what money is eligible that we can bring in.”

He also noted that if money were found to offset the cost of elevating houses, “they might actually come out with more value after getting done elevating and fixing the building ... that’s

been our goal. We'd like to make people whole. We don't have the money to, but we're going to do whatever we can to get as many people whole as possible."

But after seven months of filling out forms and waiting for help, Edson Neveu said "I feel so betrayed by the system. I bought all the insurance. I paid all the fees. How is it possible that I am in a system and will be left with nothing?"

### **Lawmakers Consider Measures to Preserve Cash Payments in Stores – Seven Days – Anne Wallace Allen**

Several Vermont lawmakers have signed on to a House bill that would require retailers to accept cash as payment, saying Vermonters who cannot or chose not to pay with plastic could otherwise lose their purchasing power.

"Not everyone has the abundance to be making credit card payments," said Rep. Emma Mulvaney-Stanak (P/D-Burlington), a cosponsor of [H.527](#), which would require that cash be accepted as payment for goods and services.

Mulvaney-Stanak, a member of the House Committee on Commerce and Economic Development, told the panel on Tuesday that making sure shoppers can use cash is a matter of racial and economic justice. People who are undocumented, for example, can't open bank accounts because they lack a Social Security number, she said. Others with very low incomes can't afford the fees associated with cards.

"The interest fees charged on credit cards are astronomically high and very predatory," she said.

Cosponsor Rep. Kari Dolan (D-Waitsfield) told the committee on Tuesday that a constituent had asked her to introduce the measure. She said fears of disease transmission during the pandemic had prompted a move away from the use of cash.

"Now cash is disappearing as an over-the-counter form of payment," Dolan said.

It's not clear how many businesses refuse to take cash. While several members of the committee said on Tuesday that they had heard anecdotes about cash-only requirements, including at food trucks, none of the cosponsors could name a business they were certain has a card-only policy.

Committee chair Rep. Mike Marcotte (R-Coventry), who has owned and operated a convenience store and gas station in Newport for more than 40 years, said after the hearing that he encourages customers to use cash. Those who use cards, he said, must pay the card companies' 3.5 percent markup.

"I know there are other small retailers like me in the area that have done the same thing, because those fees are crippling," Marcotte said.

It's clear that policy makers around the U.S. feel a need to protect the use of cash. As checkout

systems for credit and debit cards have become more sophisticated in recent years, several cities, counties and a few states — including Massachusetts and Connecticut — have passed measures requiring businesses to take cash. In the absence of state laws, private businesses are not required by law to do so otherwise, according to the [Federal Reserve](#).

[Cash Matters](#), a nonprofit group that is backed by the ATM industry and other organizations, has taken up the mantle of protecting cash, saying it keeps the marketplace more democratic and doesn't open up customers to the risk of identity fraud.

“Cash isn't just currency, it's common sense! It teaches financial basics, helps with budgeting, and the pain of parting with it discourages frivolous purchases,” the group says on its Facebook page.

On Tuesday, some committee members recounted their own experiences with constituents who don't have access to credit or debit cards. Rep. Jim Carroll (D-Bennington) said he had worked with a family of Afghan refugees who weren't allowed to open bank accounts until they had permanent resident visas, which can take a year or longer to obtain.

“They were dependent on cash; even with cashing a paycheck we had to jump through some hoops,” Carroll said. “Fundamentally the only form they can conduct business with is cash.”

Mulvaney-Stanak is a candidate in the Burlington mayoral race. She said if the bill isn't taken up in the Statehouse, she'll explore the matter further if she's elected in March to lead Vermont's largest city.

"People have called this payment gentrification," she said. "This is a way to protect the economic diversity of Burlington."

Marcotte said he's open to taking testimony on the issue later in the session if committee members and cosponsors show him data indicating there's a problem. Erin Sigrist, president of Vermont Retail & Grocers Association, said on Tuesday that she plans to survey its members to see whether any of them refuse to accept cash.

Like others, Sigrist said she can understand that there might be rising concerns about keeping cash on hand due to a recent increase in crime.

“But I need to survey my members to understand if there is an actual issue or if this is a solution in search of a problem,” Sigrist said. “I would be incredibly surprised if there was any type of impactful number of retailers who are refusing to take cash.”

A similar bill, [S.175](#), was introduced in the Senate this month by Sen. Andy Perchlik (D/P-Washington).



### **Should Vt. municipalities sign on to statewide ethics code? – WCAX – Calvin Cutler**

Should Vermont municipal officials have an ethical code of conduct?

A group of state and local leaders last fall began work on a proposed ethics framework for employees of towns and cities. [In a new report, the Ethics Commission recommended creating a statewide code of ethics for municipal officials, expanding the Ethics Commission's powers to give towns advice, and creating an independent body to investigate and enforce municipal complaints.](#)

“I think it’s important that people know what’s expected of them. A lot of people say ethics is black and white, the difference between right and wrong. But not always. There are some, based on the number of inquiries we get into our office, about requests for guidance. It’s not always clear. It’s an aid for people serving in municipal government, it’s not just a tool for accountability,” said Christina Sivret, the commission’s executive director.

Some small towns with few resources to train people in local government have raised concerns about complying with ethics rules.

The Vermont Secretary of State’s Office fielded 77 questions about ethics on the local level last year.

### **Ceasefire protest blocks entrance to Collins Aerospace – My Champlain Valley – Matt Holderman & Aidan Scanlon**

Pro-Palestinian protestors blocked the entrance to Collins Aerospace, a subsidiary of Raytheon that supplies weapons to the U.S. military, to call for a ceasefire in Gaza.

The protestors, who described themselves as Jewish Vermonters and allies, began blocking all three entrances around 3:30 p.m. Monday, right before shifts were scheduled to change at the plant. They were not letting any cars in but were allowing cars to leave.

Vergennes Police were on the scene monitoring the protest. People taking part in the demonstration said they were calling for an end to the war.

The protest had remained peaceful as of 6 p.m. Monday. A few employees shared their frustration at being blocked from the premises.

One protestor, Theo Wheeland, said, “That money, to arm the genocide, that’s coming from our taxpayer dollars, so we don’t want our taxpayer dollars going to fund this unjust war.”

Another protestor, Stoni Tomson, described their goal of peace, saying, “We want a ceasefire, that’s the first step to a lasting peace. We want to see a world where everyone has freedom, security, and peace.”

Protestors said they're goal was to stop production at the plant and they feel like they've accomplished that so far. They said they planned to remain until at least the end of the night Monday.

Collins Aerospace did not respond to requests for comments Monday evening.

### **Burlington's Downtown TIF District under scrutiny from State Auditor – WPTZ – Sid Bewlay**

The city of Burlington is once again facing questions from the state auditor about how it spends its money.

In a [report](#) released Tuesday, State Auditor Doug Hoffer said Burlington exceeded the amount of debt that it could take on for downtown infrastructure projects.

However, the city disagrees.

Hoffer said Burlington had what he called a "misstep" by securing more than \$4 million in bond premiums, known as Tax Increment Financing (or TIF), in its downtown district.

TIF districts allow municipalities to incur a debt to pay for public infrastructure projects, like the reconstruction of part of St. Paul Street in Burlington.

"The way that it works is the city gets to retain a portion of property taxes that otherwise would have gone to the state of Vermont, the education fund, in order to finance that debt, to pay for that debt," said Jared Carter, a professor at Vermont Law School.

The city is now under scrutiny after Hoffer's audit claims the city secured \$4.6 million more than it was allowed in the downtown TIF District.

"The Downtown TIF audit shows once again that even Vermont's largest municipality struggles with the complexity of the TIF program," said Hoffer in a statement sent to the media. "The audit found numerous consequential mistakes and revealed interest payment levels that are considerably higher than what voters had been told to expect."

Carter said it pulls the city's spending into question and its potential implication on future taxes.

"The dispute really boils down to who has the authority, and whether the city of Burlington in particular, has the authority to exceed what the auditor says was the cap on the amount of debt that they could take on," said Carter.

Burlington Mayor Miro Weinberger refuted the claims shortly after the audit was released.

"The headline finding of this audit is bogus and reflects Auditor Doug Hoffer's longstanding campaign against the State's TIF program," said Weinberger in a statement given to media. "It's

completely unreasonable for the Auditor to suggest that Burlington has made a 'misstep' and exceeded an approved cap."

The cost of making up those funds could fall on Burlington taxpayers in the future.

"If there were impropriety, so to speak, or missteps that happened, and those cost the city money, that money is going to have to come from somewhere," said Carter. "And as we know, municipalities get the bulk of their resources, their funds, through taxpayers."

This is the second year in a row where Hoffer said he's found problems with Burlington's TIF Districts.

Carter said it could mean a closer eye on the city going forward.

"Any history of financial missteps is going to lead, I think, to more scrutiny potentially," said Carter. "I think it's worth noting that Burlington over the past 10, 15 years, has faced issues around its bond ratings, around its credit ratings, based on financial missteps."

Regardless of what Hoffer and Weinberger have stated, Carter said the findings of this audit will lead to more conversations between the state and the city going forward.

### **Police Oversight Won't Be on the March Ballot in Burlington – Seven Days – Courtney Lamdin**

The Burlington City Council voted Tuesday night to delay a vote on a charter change proposal that would grant more oversight power to the city's police commission.

Councilors were expected to schedule a second public hearing for the [proposal](#), a step required to get the measure on the Town Meeting Day ballot. But before discussion could begin, Councilor Joan Shannon (D-South District) moved to give the police commission until June 3 to review the measure, meaning city voters wouldn't get to consider it in March.

A heated back-and-forth between council Democrats and Progressives ensued, with members of both parties accusing the other of obstructing progress on police oversight — a topic the city has been debating for years.

The 7-5 vote to delay fell on party lines: Councilor Mark Barlow (I-North District) joined the six council Democrats in voting "yes." The four Progs and Councilor Ali Dieng (I-Ward 7) voted "no."

Tuesday was hardly the first time the council failed to find consensus on police oversight. The body began debating the issue in earnest in 2019, after several allegations of police brutality came to light. In 2020, a Prog-led council voted for a charter change to create a "community control board," whose members would have been able to hire and fire cops, including the chief. Democrats were opposed, and Mayor Miro Weinberger [vetoed](#) the measure.

The item resurfaced last year when activists petitioned to place a nearly identical charter change on the ballot. But voters shot it down, 63 to 37 percent, in March 2023. At the time, a council majority passed [a resolution](#) promising to propose an alternative oversight plan by June 2023. They haven't.

For now, the seven-member police commission is generally limited to reviewing department policy and uses of force by officers. It can recommend disciplinary action, but only the police chief can carry it out.

The newest proposal sought to bolster the commission's role. It would have allowed the body to hire an investigator to review complaints about officer misconduct, though the authority to discipline officers would have stayed with the chief of police.

If the commission disagreed with the chief's decision, however, it would have been able to refer the matter to a three-member "independent panel," which the mayor could convene as needed. The proposal also would have prevented the chief from ruling on "higher level complaints" until the commission could review them.

On Tuesday, Councilor Shannon said police commissioners have concerns about the proposal, noting they voted 4-1 at their December 26 meeting to delay a public vote. Councilors couldn't immediately verify Shannon's contention, however, because minutes from that meeting have not been published online even though [state law](#) requires they be posted within five days.

Progressive councilors charged that Shannon was purposefully trying to delay a public vote. Several pointed to the resolution that set a June 2023 deadline for a new proposal.

"This is a broken promise — a promise to the community, a promise to people who care about equity and policing," said Councilor Melo Grant (P-Central District), a former police commissioner. "This is a stalling tactic."

Shannon, the Democratic nominee for mayor, countered that the very Progs accusing her of stalling had actually [voted in December](#) to kill the ballot item in the first place. Indeed, councilors Grant, Joe Magee (P-Ward 3) and Zoraya Hightower (P-Ward 1) had said then that they had concerns about the proposal and all voted — unsuccessfully — against setting public hearings to discuss it.

"If those who had voted against the public hearings had prevailed, then we wouldn't even be having this discussion at all," Councilor Ben Traverse (D-Ward 5) said. "This proposed question would have died right then and there."

Traverse added that even if the item was on the March ballot, lawmakers probably wouldn't have had time to review it before adjourning in May. Like all charter changes, the oversight proposal would have to win approval from both legislators and the governor before becoming law. Further, Traverse argued, delaying until June would still leave time to put the item on the November ballot.

"I don't think we've broken any promises yet. If we completely fail to get a question to voters this

year for the legislature to consider in their next session, that would be a broken promise," he said. "But I don't think we're gonna do that."

Magee argued that the legislature very well could have taken up the matter this session. He lamented that the council couldn't even take "the bare minimum of action" by bringing the measure to a vote.

"That's all I have to say," he said. "This sucks."

Councilors found more consensus on [another agenda item](#), voting unanimously to spend nearly \$2 million in federal coronavirus relief funds to support two affordable housing projects.

Half of the total will go toward "The Post," a 38-unit apartment complex that will replace the Veterans of Foreign Wars building on South Winooski Avenue. Champlain Housing Trust is developing the project, which will have nine units for people at risk of homelessness.

The remaining \$950,000 will help fund another housing trust project at Cambrian Rise, a massive residential development on North Avenue.

The allocations finish out a \$5 million spending plan that Mayor Weinberger announced in [late 2021](#) to combat homelessness. The council previously invested \$3 million in American Rescue Plan Act funds to stand up the city's Elmwood Avenue pod shelters; bolster the county's "coordinated entry" system that helps find people housing; and create a new city position to end homelessness.

Councilors also agreed to spend an additional \$75,000 in ARPA money on the Elmwood pods after learning that a state grant won't cover all the operating costs.

### **Vt. GOP sounds the alarm on safe injection site bill – WCAX – Calvin Cutler**

Vermont Republican lawmakers on Tuesday said allowing the state to set up safe injection sites for dangerous narcotics is the wrong approach to stemming the opioid crisis.

Facing an ongoing surge of fatal overdoses, lawmakers in the Vermont House Thursday gave final approval to a bill that would create overdose prevention sites, also known as safe injection sites. [House Bill H.72 provides \\$2 million for two of these sites -- one in Burlington and another in southern Vermont.](#)

But members of the GOP minority are largely opposed and say the state should instead expand its hub and spoke treatment model, where drug users can take maintenance drugs like buprenorphine and methadone. They also want police to enforce Vermont's existing drug laws and make investments in prevention, treatment, and recovery.

Rep. Eric Maguire, R-Rutland, is a drug and alcohol counselor and says Vermont needs to follow treatment models that are approved by the federal government. "We may come to the point

where we can cross that bridge, but at this time we can't. We are literally throwing people over the ravine and expecting they will have a safe landing. They have to go through the process," he said during a Statehouse press conference Tuesday.

Opponents are also concerned with the legal risks, including no age restrictions for those using the sites, and that those staffing the sites would not be considered mandatory reporters by the Department for Children and Families.

Supporters of the bill agree that treatment and recovery are important, but that further intervention is needed. Debbie Ingram, a former state senator and the executive director of Vermont Interfaith Action, says people can't seek treatment if they're dead. She adds that having these sites will reduce stigma and provide a central place for people to get in touch with treatment.

The proposal is now in the Senate Health and Welfare Committee.

### **Sanders' Call for Human Rights Probe in Gaza Falls Short – Seven Days – Kevin McCallum**

The U.S. Senate on Tuesday rejected an effort by Sen. Bernie Sanders (I-Vt.) to force the State Department to review whether Israel was using U.S. military aid to violate human rights in Gaza.

Only 11 senators, including Sen. Peter Welch (D-Vt.), supported the measure. Senators voted overwhelmingly to table Sanders' resolution by a vote of 72 to 11, effectively killing it.

Standing before photographs of crowds of Palestinian children, Sanders beseeched his colleagues to face up to their nation's role in providing military support for a war that was having catastrophic impact on innocent civilians.

"Whether we like it or not, the United States is complicit in the nightmare that millions of Palestinians are now experiencing," Sanders bellowed in a passionate floor speech.

Said Welch after the vote, "Saving innocent lives should be our urgent priority."

The lopsided vote was predicted by Republicans, who, along with several Democrats, warned the measure could limit aid to an ally at a key moment. Sen. Lindsey Graham (R- S.C.) predicted before the vote it would "go down in flames."

The high-profile vote nevertheless reflected the growing unease among some Democrats with the way Israel has carried out its war in Gaza following the bloody attacks by Hamas on October 7 that killed about 1,200 people and saw 200 hostages taken.

Sanders said Israel's campaign was worse than the notorious firebombing of Dresden, Germany, during World War II. He rattled off grim statistics from the ongoing war: more than 24,000 Palestinians killed, two-thirds of them women and children. More than 60,000 people injured.

More than 70 percent of the housing in the Gaza Strip in ruins. About 85 percent of the population, or 1.9 million people, displaced, many now starving due to the lack of humanitarian aid.

Israel had every right to defend itself following the “horrific” attacks by Hamas, Sanders said — but not this way.

“Israel does not have the right to go to war against the entire Palestinian people — men, women and children in Gaza — and tragically that is what we are seeing right now,” Sanders said.

He proposed the Senate invoke a provision of the 1961 Foreign Assistance Act that would give the State Department 30 days to review how a country is using the aid it is receiving from the United States. Congress approved \$14.3 billion in military aid for Israel in November.

The Foreign Assistance Act states that such aid cannot be used by countries that engage in a “consistent pattern of gross violations of internationally recognized human rights.” The law was amended in 1976 to give Congress the power to require a review of whether such human rights violations are, in fact, occurring. If the report were not received by Congress in 30 days, aid would be frozen, though Congress could vote to continue it. The obscure provision has never been invoked.

Sanders characterized the resolution as a modest request for information and a “common sense” measure that was “not controversial and should be passed in large numbers.” Lawmakers who didn't support the report were choosing to keep their heads in the sand, he said.

Republicans said the measure was tantamount to abandoning an ally in its time of need. They argued that it was the wrong time to be restricting aid to Israel as it sought to root out an evil terrorist organization.

State Department officials have also opposed the measure, noting that Israel is committing to scaling back its offensive in a way that should reduce civilian casualties and allow in additional humanitarian aid.

Graham condemned Hamas as “religious Nazis” doing everything they could to maximize the civilian death toll in the conflict by building command tunnels under hospitals and launching rockets from apartment buildings. He likened the October 7 attacks to the Japanese attack on Pearl Harbor, and argued that Israel had to do to in Gaza what the U.S. and its allies did in Germany and Japan — destroy the regimes' capacity to make war. Anything less and the United States would come to regret it, he said.

“This resolution is not only off-base — it’s dangerous,” he said.

Minority Leader Sen. Mitch McConnell (R-Ky.) dismissed Sanders' resolution as “little more than performative left-wing politics.”

"It's not even about human rights," McConnell said. "It is about tying the hands of a close ally locked in a necessary battle against savage terrorists."

Republicans weren't the only ones against Sanders' measure, however.

Sen. Ben Cardin (D-Maryland) called the resolution the "wrong vehicle" for oversight of military aid and one that would send a message of eroding United States support for Israel. The oversight provision in Foreign Assistance Act "was never intended to be used against an ally during a war," he said, and added:

"Its passage would be a gift to Hamas, a gift to Iran."

### Franklin County legislators weigh in on new session; Introduce housing reform, question supermajority – St. Albans Messenger – Josh Ellerbrock

Another year, another legislative session.

As 2024 kicks off, we reached out to local legislators to get an idea of the upcoming priorities and major bills expected to come down the line.

And for many, housing tops the list, followed by public safety, affordability and mental health.

#### **H. 719**

Multiple legislators mentioned housing as one of the major priorities of the new session, but Rep. Lisa Hango (R-Berkshire) and Rep. Ashley Bartley (R-Fairfax) are hoping a new bill – sponsored by the two legislators along with both a Democrat and Progressive – will start the conversation to actually break down some Act 250 barriers and help people build new housing.

As Hango mentioned in her testimony to the Senate Committee on Economic Development, the four tripartisan representatives are all seeing constituents face major challenges related to housing.

"The goal is to create more units so everyone has a place to call home," Hango said in written testimony. "We know that the regulatory process, though well-intentioned and designed for a Vermont that was seeing unprecedented growth 50 years ago, needs to be modernized to encompass Vermont's needs in 2025 and beyond."

The bill itself is a hodgepodge of recommended changes to Act 250, which was sent to the Senate's economic development committee. Hango said the bill would see updates to its final language before the bill gets a chance to move through the legislative process. State Sen. Randy Brock (R-Swanton) chairs the Senate committee.

Both Hango and Bartley also stressed how the housing crisis impacts other sectors of Vermont's economy, and how finding a way to resolve the decades-long housing shortage should relieve the pressures on other governmental services.



“By addressing the Housing Crisis with holistic and collaborative legislation we can ensure not only housing stability and opportunities but also play a pivotal pole in reducing crime, addressing substance abuse disorder and breathe new life into communities that have been long forgotten,” Bartley said via email.

“This bill is truly an historic collaboration of legislators, and I hope it passes by the end of the session so we can begin to see some relief from the housing crisis that we are experiencing,” Hango said via email.

Other local co-sponsors of the bill include Reps. Carolyn Branagan (R-Georgia), Thomas Oliver (R-Sheldon), Casey Toof (R-St. Albans) and Matt Walker (R-Swanton).

### **Montpelier and Franklin County**

The first bill passed by the House this year – H.27 – moved through the legislature without any local Republican support. When asked about their reasons, legislators declined to comment specifically on the bill, nor was there discussion on the floor.

As for its intent, H.27 expands on what behaviors a judge can consider in order to grant a civil abuse prevention order against a family or household member. The act – which passed out of the House last week – allows a judge to criminalize patterns of conduct, defined as “coercive controlling behavior,” that has the “purpose or effect” of restricting someone's safety or autonomy.

Advocates of the bill – many of them representing domestic violence survivor networks – said the goal and intent is to prevent violence from happening in the first place.

Rep. Thomas Oliver (R-Sheldon), who sits on the House Committee on Judiciary, helped review the bill before final passage. He did not respond to a request for comment by email.

Few expert witnesses spoke against the bill, but those emphasizing caution pointed to the potentially dangerous language of the bill as the problem – not its intention.

Testimony submitted by Vermont Legal Aid, for example, said the legal definitions hammered out by the committee could “send people to jail or make them homeless/houseless based on proof of coercive control at a preponderance of the evidence standard.”

Rebecca Turner, an attorney with the Defender General’s Office, also spoke about the bill’s potential impacts in the immigration field, as well as the unknown repercussions of giving judges wide discretion to identify intention under the law.

Oliver, who worked in law enforcement, also questioned what behaviors this would catch that weren’t already criminalized.

While the bill passed without much issue, Oliver and fellow Franklin County Republicans were working in their roles as the minority party, pushing back against those agendas established by the Democratic supermajority that they disagree with.

This situation was briefly addressed by Rep. James Gregoire (R-Fairfield) in his comments about the new session, which he said is ramping up to be “highly partisan.” Gregoire also pointed out his opposition to recent laws championed by the Democratic legislature that would set up two safe injection sites, as well as a bill that would ban flavored tobacco.

Instead of criminalizing flavored tobacco for everyone, a “novel idea” in Montpelier, he said, would be to enforce the existing laws that already ban tobacco for children.

“It often feels like, among many legislators, there is this aversion to enforcing laws,” he said.

### **RSV and other illnesses are crowding emergency rooms, health department warns – VT Digger – Erin Petenko**

A surge in respiratory illnesses caused increased patient volumes and long wait times at Vermont emergency departments this week, according to a [health update](#) from the state Department of Health.

The department said that a rise in RSV, or respiratory syncytial virus, was responsible for the surge, but that Covid-19 and influenza were also circulating and driving patient numbers higher.

“This surge of illness is straining health care systems across the region, causing bed shortages, staffing shortages, and long wait times for medical care,” officials said in the update, which was sent to health care providers and health care facilities across the state.

The department requested that providers take certain actions to lighten the strain on hospital beds, such as giving their patients information on alternatives to emergency departments for late nights and weekends.

It also recommended that long-term care facilities rely on care within facilities rather than sending patients to hospitals, and that doctor’s offices consider telehealth as an option over in-person care.

It’s unclear how many people are hospitalized for RSV statewide. But the state has reported a cumulative increase in emergency department visits for the three viruses in recent weeks, according to [data](#) from the U.S. Centers for Disease Control and Prevention.

The health department [reported](#) on Wednesday that 59 people had been hospitalized for Covid in Vermont in the past week, the highest number the state has reported since January 2023.

Also on Wednesday, the University of Vermont Medical Center [announced a partial return](#) to staff masking in patient care settings.

Annie Mackin, a spokesperson for the hospital’s operator UVM Health Network, said via email that a variety of factors contributed to long wait times in the emergency department. Among them is a shortage of long-term care beds that limited the number of patients who can be

discharged from the hospital, “which in turn limits the number of beds available for new patients who need acute care.”

The health department recommended that patients follow universal disease prevention guidelines, including staying up-to-date on recommended vaccines. Everyone 6 months or older is recommended to get an updated influenza and Covid vaccine.

The department also recommends that infants, young children, adults over 60 and pregnant people receive an RSV vaccine or preventative treatment for the disease, depending on their exact ages and underlying health conditions. Infants and older adults are particularly susceptible to severe cases of RSV.

The department recommends additional measures to prevent transmission, such as washing hands frequently. It suggests people wear masks when they have mild respiratory symptoms or are spending time around vulnerable people.

The department said that people should isolate themselves if they have acute respiratory symptoms, even if they have tested negative for Covid — a reflection of the prevalence of multiple types of illnesses circulating in the community.

To protect infants during RSV season, the department said that families should practice good hand hygiene and limit the number of people holding, kissing and touching the infant.

### Scott administration proposes PCB testing slowdown as schools struggle to keep up – VT Digger – Ethan Weinstein

Two weeks before this school year, testing discovered elevated levels of polychlorinated biphenyls, the carcinogens known as PCBs, at Bellows Falls Union High School.

Since then, Andrew Haas, superintendent of the Windham Northeast Supervisory Union, has received a crash course in PCB testing and remediation, and the state’s program to support both. His verdict?

“We’re building the airplane as we’re flying here,” he told lawmakers in Vermont’s House Committee on Education earlier this month.

More than two years since the Legislature created the PCB testing program, the state has sampled almost a third of Vermont schools built before 1980, when building materials were most likely to contain the toxins. In 35 of those 96 schools, testing has discovered PCBs at a level that mandates action. Testing is scheduled to wrap up in 2027.

Now, the Agency of Natural Resources’s Department of Environmental Conservation is recommending that the state slow down the pace of PCB testing. In testimony on Thursday, Julie Moore, the agency’s secretary, proposed sampling an additional 65 schools through June 2025, a rate that would use up the remaining money allocated to testing and initial mitigation and remediation if schools continue to discover the toxins at the expected rate.

For schools where high levels of PCBs have been detected, the testing program has proven a source of anxiety. A handful of schools have had to navigate [facility closures](#) and costs into the hundreds of thousands of dollars to support short-term fixes, drawing on \$4.5 million in state funds for testing and \$32 million set aside by the Legislature for remediation — half of which is already obligated to support the [demolition of Burlington High School](#).

Concerned about the unintended consequences and unexpected costs of the current program, House lawmakers last year passed [H.486](#), which would pause PCB testing altogether. But facing opposition from both Senate leaders and the Scott administration — who have stressed the urgency of discovering and remediating cancer-causing toxins — the bill appears unlikely to pass.

With PCB testing ongoing, and 228 schools to go, the House education committee called upon principals and superintendents whose schools contain PCBs to share their experiences.

Some detailed contradictory information they'd heard about whether or not the state would fully pay for remediation. All bemoaned the new stress passed on to teachers and students alike.

A first round of PCB testing at North County Union High School in Newport discovered elevated levels of the carcinogens. The school received 200 carbon filters for about \$100,000 to help ease the problem, Chris Young, North Country's principal, told lawmakers last week.

But further testing showed higher, rather than lower, levels of PCBs.

"It didn't make any sense that some levels would go up," Young said. Additional test results, he opined, "still don't really make sense."

The situation has left Young weighing questions "as to what might cause more harm to students": either spending time in classrooms "with PCBs that are present and have been present since the beginning of time here," or "to go remote, which we know there is harm that is caused to students if we have to close the building or portions of the building."

In Bellows Falls, where testing uncovered PCBs this summer, district officials scrambled to plan for the school year days before students arrived.

"We don't have a Macy's in our area," Andrew Haas, superintendent of the Windham Northeast Supervisory Union, said in testimony, a reference to Burlington school district's use of a [closed department store as a temporary replacement](#) for its PCB-ridden high school.

One solution Bellows Falls landed on was using tents to create new learning spaces. Staff joked that the school "looked like a wedding venue," Haas recalled.

Kelly O'Ryan, principle of Bellows Falls Union, called the situation a "constant source of stress" and "almost a full-time job."

Like North Country, Bellows Falls used carbon filters to mitigate risk. But the noisy machines drowned out the school's public address system, O'Ryan said. And even with efforts to reduce PCB levels, a few students pulled out of school due to safety concerns.

“We are being tasked with an impossible mandate,” she said.

The school officials present voiced support for pausing the PCB testing program. But for the schools already tested, a pause would make little difference.

“You can’t unring that bell,” Haas said.

Mark Tucker, Caledonia Central Supervisory Union superintendent, described the urgency imposed on the schools affected.

“It now feels like a race to get what we need,” he said.

### **‘The mother of all unfunded mandates’**

On Thursday, Moore, the natural resources secretary, presented the House education committee with a plan that would fund and slightly slow the pace of testing through June 2025. The agency’s projections indicated it could test 65 more schools in that time and fund the immediate mitigation and remediation needs of those schools if seven discover actionable levels of PCBs.

In order to support the work, the state would use more than \$10 million in remaining funds. Moore also proposed that the Legislature use this year’s budget adjustment act to move \$3.5 million from elsewhere in the agency’s budget to fund PCB-related work.

“This is an attempt to match our pace to the resources available,” Moore told legislators. “I don’t believe we currently have the resources available needed to see this effort through to completion.”

As part of the agency’s plan, Moore said it had revised its testing schedule, pushing the highest-risk schools to the front and bumping private schools that don’t serve as the local public option to the end of the list.

Lawmakers praised the additional information provided by Moore but emphasized their qualms with the existing system.

“Am I correct in saying this is really to handle the immediate mitigation of PCBs and does not speak to the long-term costs of required abatement?” Rep. Peter Conlon, D-Cornwall, the committee’s chair, asked Moore, who confirmed the near-term nature of the program.

Continuing on the same path, Conlon suggested, might lead to increased burdens on the education fund at a time when the governor has already deemed education tax increases unacceptable.

“This could be the mother of all unfunded mandates,” Conlon said, “and the cost of this could significantly increase property taxes for Vermonters.”

Other lawmakers underscored the unintended consequences of PCB testing they’d heard about from educators the week prior. Closing classrooms, turning into HVAC experts and wrestling

with unknown costs have placed new burdens on an already beleaguered public education system, they said.

“The impact that we know is happening in schools is significantly different than what the intent is,” said Rep. Erin Brady, D-Williston, who works as a teacher.

Vermont Health Commissioner Mark Levine, who also testified before the committee Thursday, agreed.

“I have no arguments with you,” he said.

### Nearly 30,000 Vermonters have lost Medicaid coverage in the past 8 months – VT Digger – Peter D’Auria

In 2022, Erin Kellar was diagnosed with Type 1 diabetes.

Kellar had enrolled in Vermont’s Medicaid health insurance program as a graduate student, and was able to stay in the program while she began her career as a therapist.

Medicaid helped pay for treatment for her diabetes, which requires rapid-acting insulin, long-acting insulin and a glucose meter. She also requires thyroid medication and treatment for other autoimmune conditions.

But last year, the state determined that her income — about \$40,000 a year — made her ineligible for the program. Since then, she’s paid out-of-pocket for a Blue Cross Blue Shield of Vermont plan — one that eats up roughly a quarter of her total income.

“I’m constantly fearful of, are they going to raise the costs? And I’m powerless to it,” Kellar said. Without insurance, she said, “I would die.”

Kellar is one of thousands of Vermonters who have lost coverage through Medicaid, a state-run government program that provides health insurance to low-income Americans, since last spring.

Between April and December of last year, 27,984 Vermonters have lost Medicaid coverage, according to [data reports](#) submitted to the federal government by the Department of Vermont Health Access. The losses come as [millions of Americans](#) are being disenrolled after pandemic-era protections come to an end.

Usually, states undergo an annual process in which they check whether residents enrolled in Medicaid fit the household income requirements for the program, and remove those who don’t.

But in 2020, Congress offered states money to keep Medicaid patients enrolled in the program, meaning that millions of people were able to maintain their health insurance during the Covid-19 pandemic.

After that provision expired last spring, states began trimming Medicaid rolls for the first time since 2019. Nationwide, nearly 14 million people have lost Medicaid coverage during this process, [according to the health policy think tank KFF](#).

### **‘People shouldn’t have to choose’**

As Vermonters grapple with burgeoning health care costs, advocates, including Kellar, have urged lawmakers and Gov. Phil Scott’s administration to stop removing Vermonters from Medicaid.

On Friday — the same day as a raucous Statehouse rally against the Medicaid removals — Vermont lawmakers announced a sweeping proposal to expand Medicaid access in the state.

Currently, Vermont adults who make up to 133% of the federal poverty level are eligible for Medicaid. Children are eligible if their families makes up to 312% of the poverty level, and pregnant people with incomes up to 208% of the poverty level are eligible.

If passed, [the bill, H.721](#), would gradually raise the limit for adults to 312% of the federal poverty level by 2030. Currently, the federal poverty level for one person is \$15,060 and \$31,200 for a family of four.

The bill would also expand the state’s publicly funded health care program for children — called Dr. Dynasaur — to cover all Vermonters up to 26 years of age and pregnant people. Today Vermonters up to age 19 are eligible.

It would also direct the Department of Vermont Health Access to increase Medicaid reimbursement rates to providers for health care services.

“We really need to start looking at what Vermonters pay for health care and how we can make it more affordable and accessible,” Rep. Lori Houghton, D-Essex Junction, chair of the House Committee on Health Care and a sponsor of the bill, said in a committee meeting Friday.

“We found through the pandemic that Medicaid works for a lot of people,” she said. “We know Medicaid is a well run program in Vermont. And so I drafted this bill to expand Medicaid in several different areas, as well as increase provider reimbursement rates.”

### **‘Procedural reasons’**

Of the roughly 14 million Americans who lost Medicaid coverage in the past year, roughly 70% were disenrolled for “procedural reasons,” according to KFF — meaning they did not meet a deadline or incorrectly completed a renewal application.

In Vermont, 20,152 of the 27,984 people removed were done so for such administrative reasons. It’s not clear how many of those people might actually be ineligible for Medicaid coverage.

Alex McCracken, a spokesperson for the Department of Vermont Health Access, which administers the state’s Medicaid program, said that those procedural disenrollments could be due to a number of factors.

“That could be a whole host of things, from document deficiencies, invalid paperwork or information errors, to logistical issues of not receiving the application or not receiving it by the deadline,” McCracken said.

Vermont’s rate of procedural disenrollments — about 70% — is in line with most other states. A handful of states, however, have managed to bring that rate down. In Maine, for example, only about a quarter of disenrollments are due to procedural reasons, and in Illinois, only 13% were removed for those reasons — the lowest rate in the country, according to KFF.

In Vermont, the health access department informs Medicaid enrollees by mail ahead of their renewal deadline, and reaches out via phone or email if possible, McCracken said. Officials try to provide Vermonters with resources to help them complete their applications correctly and within deadlines, and the state offers an appeal process for those who believe they were disenrolled incorrectly.

The state’s process is about halfway through, and so far, roughly a quarter of Vermonters processed have been disenrolled. McCracken said that it’s not clear when exactly the state will finish processing everyone.

“It’s the mission of the department to provide access to high quality, affordable health care to every Vermonter that we can,” McCracken said. “And we take that mission very seriously.”

### Barre’s ‘cliffhangers’ in limbo as city considers landslide buyouts – VT Digger – Erin Petenko

Andrea Young works in emergency management. She’s familiar with the wide range of emotions that disaster survivors go through during a crisis — the initial rush to get things done and the slow, seeping terror as the reality of what’s happening sinks in.

But it’s different, she said, when you’re living through it.

Young was in Louisiana the week that widespread flooding hit Vermont last summer, giving a talk about the effects of climate change on emergency management. At the same time, her neighbors were texting her “it doesn’t look good,” she said.

When she returned a few days after the initial deluge, she found that no water had gotten into her house on Currier Street in Barre City. Then, she went into the backyard and saw that the bank of the stream behind her home had moved. A couple hours later, she said, it appeared that the land had moved even farther.

She called the fire department, and officials soon came to look. They told her that her home was being “red-tagged,” meaning that she would have to immediately leave her house. She did a “mad dash” to pack up her things, grabbed her cats Bean and BB, and moved into a camper in her driveway.

That’s when reality truly sank in.



“Now what?” she recalled thinking. “I don’t know what steps are next, and I don’t know how to handle this, and I don’t know what the next action is that I need to take.”

Six months after the July floods [caused nearly 80 landslides across Vermont](#), Young is one of a half-dozen Barre City homeowners who remain caught in the long and arduous process of figuring out what to do with homes that are not themselves damaged, yet are uninhabitable because of the ground around them.

Rep. Jonathan Williams, D-Barre City, has a term for these homes: “cliffhangers.” No other Vermont municipality is home to as many.

“These homeowners are in limbo,” he said, because they don’t qualify for traditional aid programs like the Federal Emergency Management Agency’s compensation for destroyed homes.

“It’s a terrible thing to say,” Barre City Manager Nick Storrellicastro said, “but these homeowners might have been more lucky if the slide had given.”

Instead, these homeowners are waiting to see if they could qualify for a state buyout, a process that could take years.

There have already been delays in the months since the landslides. Alexander Raeburn is the owner of a home on Pike Street, where a tension crack in the city-owned railroad bed above his property has put his house at risk.

When he first spoke to VTDigger in mid-December, he said he was expecting to receive a report from a geoenvironmental firm that day that would confirm the ground behind the house was unstable. Nearly a month later, he’s still waiting for that report.

“I’ve lost faith in the government process as far as being there to help individuals experiencing these challenges,” Raeburn said. “I think there’s a lot of people who care, but there are far too many gaps in the system.”

The cliffhangers, as Williams dubbed them, have put the city in an unusual position as well. Storrellicastro [told legislators](#) in the Senate Committee on Finance on Jan. 9 that the city had received 40 buyout requests from both landslide- and flood-affected property owners.

The state Hazard Mitigation Grant Program would pay the local share of the cost, about 25% of the total, while the federal government covers the rest. But Barre would have to front that money, which Storrellicastro said could create a major cash flow issue for the city.

In the case of Raeburn’s property, Storrellicastro also is worried about what happens if the city buys the property. It could be on the hook to build a retaining wall that could cost up to \$1 million.

“I’d really like to know that before we would do a buyout there,” he said.

Young said she has not heard anything about a buyout for her property since the landslide. She said she’s offered to have an assessment done but has not heard back from city officials.

She's worked hard to buoy her spirits, but "the future is very bleak."

"I've worked hard to build my credit score and buy a house by myself, and I'm proud of that," she said. "And there's a chance I might lose that."

### **Between a rock and a hard place**

Ben DeJong has been busy lately. The head of the Vermont Geological Survey and the two others on his team traveled throughout Vermont in the months after the flooding to evaluate roughly 80 landslides, all brought on by the 6 to 9 inches of rain the state experienced in July 2023.

Those landslides include eight residential properties that were rated 4 out of 4, meaning that a ground failure that could damage homes was imminent or had already occurred, he said. Five of those properties were in Barre, while the three others were in Ripton, Randolph and Hartford.

Barre was once the center of a large granite industry, and remnants of that industry can still be found in the ground beneath the city, DeJong said.

Both Pike and Courier streets experienced landslides within human-built structures. At Pike Street, the landslide, a "textbook" tension crack, occurred in a raised railway bed, DeJong said. At Courier Street, the culprit appears to be industrial granite waste that a previous homeowner used to level the ground around the home.

In any "normal scenario," that rock would have withstood geological pressures, he said, making it fine to build on. "We're just now learning that they're not as stable as we thought when you put an extreme amount of precipitation in," he said.

DeJong wrote a brief report about both situations last summer, recommending that Vermont Emergency Management consider buying out the properties. He was not surprised to hear that Geotech, the firm working on the Pike Street report, was taking longer.

"We were operating in a sort of a fast-paced mode trying to get to multiple locations in any given day," he said. "That's more like hazard identification than it is a full geotechnical report."

Meanwhile, the cliffhangers have navigated the process to get individual assistance from the Federal Emergency Management Agency, or FEMA, which could include money for renting other places to live, repairs to damaged homes and in rare cases money for fully destroyed homes.

Raeburn said that FEMA sent officials to his property for three different inspections. On the third inspection, the inspector "stepped on the lawn and said, 'it feels safe.' I didn't realize that's how simple it was to become a landslide specialist," he said.

Young said she spent countless hours on the phone coordinating paperwork, each time with a different FEMA employee. There were times when she would get a message from the agency saying that she was missing a document, only to call and have the person tell her they could see it in their system. Another time the person on the phone said her document was illegible, but when Young looked at the upload, it looked "crystal clear."

Young received rental assistance money from FEMA about five months after she left her home. She's since moved from the camper into an apartment in Winooski but still has to pay her mortgage and other home expenses.

She also received some repair assistance money from FEMA, but she hasn't felt comfortable using it because she's not sure how to spend it, or if she might owe FEMA money if the home gets bought by the city.

"The area of failure is the entire length of my house," she said. "You can always do something, but why would I spend \$700,000 (on a retaining wall) on my \$250,000 house?"

Raeburn said FEMA also determined his home was in the "repair" category, which required him to pay tens of thousands of additional dollars compared with the "replacement" category, in which homeowners are eligible for higher payouts.

Angelique Smythe, a spokesperson for FEMA, said via email that when homes have been condemned, FEMA "works with the applicants to get appropriate documentation submitted to ensure they are receiving the maximum assistance possible."

"We look at these on a case-by-case basis," she wrote.

Another FEMA spokesperson, Joshua Marshall, declined to comment on the specifics of Raeburn's case, saying only that it "will be escalated up." He advised Raeburn to call the FEMA help line to check the status of his appeal.

It's unclear how much FEMA aid has gone out to landslide survivors in Vermont. The agency reported on its [website](#) that it's given out \$25 million in individual assistance to individuals and households, but it doesn't break down the data by type of damage.

### **Vermont's response on shaky ground**

DeJong is concerned about how prepared the state is for another series of landslides. The Agency of Natural Resources, which houses his team, [recently asked lawmakers](#) to consider creating an interagency task force to help respond to future natural disasters.

"A really large-magnitude event like this requires a response statewide, and a fast and effective response across the entire state is really tough when you're only a survey of three people," he said.

Local communities, lawmakers and state officials have spent the past six months discussing how to mitigate flooding and prevent damage in the next rain event. But DeJong said that mitigating landslide risk involves unique challenges.

While FEMA maintains a record of properties in flood zones, there's no comparable statewide database of properties that may be at risk of landslides. There's also no clear way for homeowners to tell if a slope near their home is actually a landslide risk. Some steep slopes actually hold together well if they are made of bedrock, he said, while you should be wary of any slope made of "unconsolidated materials," or loosely arranged sediment.

He recommended homeowners hire experts to look at their properties. If possible, they could try to keep stabilizing tree roots intact or divert runoff away from the worst parts of the slope.

Raeburn said one FEMA official told him that the agency was seeing an uptick across the country in situations similar to his, where poorly maintained former industrial sites cause havoc for communities.

Raeburn said he feels neglected, left behind by a government and media narrative that emphasizes stories of recovery and rebuilding rather than the Vermonters who are still struggling and failing to make progress.

“This is the most difficult thing I’ve ever been through,” he said. “It nearly ruined me. It nearly broke me. And if it weren’t for the support of my friends and family, I’m not sure where I’d be or how I’d be right now.”

### State auditor finds ‘substantial mistakes’ in Burlington’s tax increment financing – VT Digger – Patrick Crowley

State Auditor Doug Hoffer found “substantial mistakes” in a review of Burlington’s infrastructure financing, he announced on Tuesday.

In response, Burlington Mayor Miro Weinberger pushed back on one of the audit’s key findings, calling it “bogus.”

Tax increment financing, used throughout the state, allows municipalities to borrow money to pay for public infrastructure projects and pay back debt using increased property tax revenues that result from the projects.

Burlington has two tax increment financing, or TIF, districts. In [a separate review one year ago](#), Hoffer found the city had made errors to the tune of millions of dollars in its waterfront district. The [audit released Tuesday](#) examined the downtown district, which was created in 2011 and has included projects such as the St. Paul Street reconstruction and the forthcoming Main Street project.

“The Downtown TIF audit shows once again that even Vermont’s largest municipality struggles with the complexity of the TIF program,” Hoffer said in a press release that accompanied the full report on Tuesday.

One of Hoffer’s key findings was that the city drew over \$4 million more from bond proceeds than was approved by the Vermont Economic Progress Council, which oversees parts of the state’s tax increment financing system.

Municipal bonds offer cities and towns a chance to raise money from investors, who usually get their money back with interest. Tuesday’s audit report explains that Burlington issued bonds with a premium, where investors have to pay additional money to the principal amount. Municipalities are allowed to do so in normal instances of debt financing, but under the TIF

system they require state approval, according to Hoffer, who said that Burlington did not have such approval.

“These approvals were built into the process for a reason — to ensure projects are not too risky, and to limit the liability of taxpayers statewide who are asked to subsidize TIFs through the Education Fund,” Hoffer said in the press release.

In a press release issued in response to Tuesday morning’s report, Weinberger rejected the key finding on bond premiums.

“The headline finding of this audit is bogus and reflects Auditor Doug Hoffer’s longstanding campaign against the State’s TIF program,” Weinberger said.

Weinberger, in his release, said that the city has also used bond premiums in its waterfront TIF district and that Hoffer did not raise any alarms during last year’s audit of that program.

Tuesday’s report also included an opinion from an attorney working for the city on bond issues, who said municipalities have the authority to charge a premium on such bonds.

In November, [Hoffer sued Attorney General Charity Clark](#) and her office, claiming her office failed to provide a legal opinion regarding bond usage in this audit. He argued that the attorney general should be compelled to provide an opinion when the state auditor asks for one. Clark’s office disagreed.

Hoffer also concluded in the most recent audit that the city had incurred greater interest costs than it had disclosed. The city estimated \$4 million in interest costs when the actual amount was around \$12 million, according to the report.

Burlington Chief Administrative Officer Katherine Schad said in a response published in the report that the estimates of interest costs are subject to change when the actual terms are finalized and that the city shouldn’t have to return to the state to gain approval on final terms of the financing, arguing it could slow down the financing of projects.

Other issues raised in the report included accounting errors and incorrect valuations, which Weinberger’s office acknowledged in Tuesday’s press release.

“The City will take action to correct some ledger errors uncovered in the audit which will have no impact on the City’s operations, nor will they trigger a need to increase tax rates,” the release said.

## Final Reading: Vermont legislators pursue climate change ‘superfund’ – VT Digger

Climate change is expensive.

Case in point: It’s going to take [more than \\$600 million](#) to recover from [last summer’s flooding](#), and even more to build infrastructure that can help Vermont survive the floods of the future, which, thanks to a warming atmosphere, are almost sure to come.

According to the ominously-named [Vermont Atlas of Disaster](#) report, the Green Mountain State ranks fifth in the nation for per-capita spending on climate disasters. And conversations among lawmakers this year make clear that Vermont taxpayers don’t have much more to give.

Dozens of municipalities have reported budget deficits related to the summer’s flooding, Sen. Anne Watson, D-Washington, vice chair of the Senate Natural Resources and Energy Committee, said at a press conference on Tuesday.

“But let’s be clear,” she said. “Vulnerable Vermonters, mom and pop businesses, and small cities and towns are not the cause of this damage. That came from climate change.”

So, who should pay?

A slew of state lawmakers — 20 out of 30 senators and 87 out of 150 representatives — are invoking a precept from kindergarten: The person who made the mess should clean it up.

In this case, that’s [the fossil fuel industry](#).

Those 100-plus lawmakers have sponsored two companion bills, [H.809](#) in the House and [S.259](#) in the Senate, that would establish a climate change “superfund.” At Tuesday’s press conference, some of them held signs that said “make big oil pay.” The issue is also a priority for [environmental groups](#) in the state, including Vermont Public Interest Group and Vermont Conservation Voters.

The idea is to target companies that produced fossil fuels between the start of 2000 and the end of 2019 resulting in the emission of at least one billion metric tons of greenhouse gasses. Each of those companies would be held liable for its proportion of the cost of those emissions to the state. The “cost recovery” payments would go into the “climate superfund” earmarked for infrastructure projects that help Vermont adapt to climate change.

Sen. Dick Sears, D-Bennington, who chairs the Senate Judiciary Committee, said he would have “absolutely opposed” such a bill 20 years ago. Chemical contamination in the Bennington area, which has [permanently altered the lives](#) of some of his constituents, changed his mind.

“Who’s going to pay for the damage done?” Sears said. “Is it going to be the taxpayer? Is it going to be the homeowner or the small business? Or is it going to be the company that contributed to the problem? I say it should be the company that contributed to the problem.”

Ok — so send the bill to the fossil fuel giants. Easy, right?

Not so much. First, Gov. Phil Scott isn't sure where he stands. His spokesperson, Jason Maulucci, told VT Digger on Tuesday that the governor has not yet evaluated the bills.

And if Scott is on board — or if the bill were to survive his veto — it would still likely face legal opposition from the well-resourced fossil fuel industry.

Rep. Martin LaLonde, D-South Burlington, who is a lawyer himself, said lawmakers “can’t judge, in the end, whether this is going to make it all the way through the court cases.”

Still, he said lawmakers have worked with the Vermont Attorney General’s Office and legislative counsel, “and we’re all confident that we have a very good case to make.”

He hopes another rule from school days will win out.

“We have done our homework,” he said.

— *Emma Cotton*

### **In the know**

After Barre City suffered extreme damage from the July 2023 floods, constituents began to approach Rep. Jonathan Williams, D-Barre City, saying they had no idea they lived in a home at risk of flooding.

[Vermont is among a minority of states](#) lacking a mandatory **flood risk disclosure law** for real estate transactions, leaving prospective homebuyers and renters with limited information as they decide where to live. But a number of state lawmakers are pushing this session to change that.

[Read more here.](#)

— *Carly Berlin*

State Auditor Doug Hoffer sued Attorney General Charity Clark and her office in November after he said they failed to provide him with a legal opinion he had sought in the course of conducting an audit related to the city of Burlington.

**“We all have things to do that we do not want to do,”** reads Hoffer’s lawsuit, filed in Chittenden County Superior civil court in Burlington. “The Attorney General has a statutory duty to provide legal opinions to officers of the State of Vermont. This is an action to enforce that duty.”

The Vermont Attorney General’s Office filed a motion last month seeking to dismiss the lawsuit, which called the action “unfortunate and legally unsound.”

[Read more here.](#)

— *Alan Keays*

Meanwhile, the results of the [Burlington audit](#) in question are out.

Hoffer announced Tuesday that he found “substantial mistakes” in a review of **Burlington’s downtown tax increment financing district**.

Tax increment financing, used throughout the state, allows municipalities to borrow money to pay for public infrastructure projects and pay back the debt using increased property tax revenues that result from the projects.

In [a separate review one year ago](#), Hoffer found the city had made errors to the tune of millions of dollars in its waterfront TIF district.

“The Downtown TIF audit shows once again that even Vermont’s largest municipality struggles with the complexity of the TIF program,” Hoffer said in a press release that accompanied the full report on Tuesday.

In response, Burlington Mayor Miro Weinberger pushed back on one of the audit’s key findings, calling it “bogus.”

[Read more here.](#)

— *Patrick Crowley*

### **On the move**

Since 2020, Vermont lawmakers have [been trying](#) to **ban the sale of flavored tobacco**.

Seeking to protect children and youth from getting hooked on enticing flavors in vaping liquid, legislators drafted bills that would prohibit stores from selling all flavored tobacco products.

In past years, the legislation faltered amid the Covid-19 pandemic, stiff opposition from retailers and the tobacco industry, and a surge of turnover in the Statehouse. But this year, a ban appears to have a strong tailwind. The bill, [S.18](#), passed the Senate [last year and landed](#) in the House Human Services Committee, where it is scheduled for a review and markup later this week.

Now, backers hope it can finally become law.

[Read more here.](#)

— *Peter D’Auria*

When South Hero decided to implement **a local option tax**, no one anticipated it would take two years.

Now town and state officials said they’re confident that the town is in the final stretch of securing the state’s approval — a far more complex process than they had anticipated. Last week a House committee took up [H.554](#), which would authorize the town’s charter and allow the local option tax to go into effect.



In March 2022, residents of the Grand Isle County town voted to approve a 1% local option tax on meals and alcohol sales. When it headed to the Legislature for approval last year, local officials learned that state law required that the change be made in the town's charter.

However, like most towns in Vermont, South Hero didn't have a charter.

[Read more here.](#)

— *Auditi Guha*

### **Will this be the year Vermont bans flavored tobacco sales? – VT Digger – Pater D'Auria**

Since 2020, Vermont lawmakers have [been trying](#) to ban the sale of flavored tobacco.

Seeking to protect children and youth from getting hooked on enticing flavors in vaping liquid, legislators drafted bills that would prohibit stores from selling all flavored tobacco products.

In past years, the legislation faltered amid the Covid-19 pandemic, stiff opposition from retailers and the tobacco industry, and a surge of turnover in the Statehouse. But this year, a ban appears to have a strong tailwind. The bill, [S.18](#), passed the Senate [last year and landed](#) in the House Human Services Committee, where it is scheduled for a review and markup later this week.

Now, backers hope it can finally become law.

"It's a really must-pass bill," said Sen. Ginny Lyons, D-Chittenden Southeast, the chair of the Senate Committee on Health and Welfare and the primary sponsor of the bill. "We can't let this go. It's too important for children."

As currently written, the bill would ban the sale of all flavored tobacco. Prohibited flavors include "tastes or aromas relating to any fruit, chocolate, vanilla, honey, maple, candy, cocoa, dessert, alcoholic beverage, mint, menthol, wintergreen, herb or spice, or other food or drink, or to any conceptual flavor that imparts a taste or aroma that is distinguishable from tobacco flavor but may not relate to any particular known flavor," the bill reads.

Violators would be fined up to \$100 for a first offense and up to \$500 for future sales. It's not yet clear when a law would go into effect — the ban passed by the Vermont Senate last spring was originally scheduled to begin Sept. 1.

Medical organizations, education officials and prominent state nonprofits [have rallied](#) in support of the bill.

School officials have described an epidemic of vaping among their students, a trend that medical professionals say is strongly influenced by the availability of flavored tobacco products, especially vapes.

“Vermont pediatricians are really concerned about the extent of vaping that we’re seeing in young people,” Lauren Faricy, a pediatric pulmonologist at UVM Medical Center, told lawmakers in the House Human Services Committee on Thursday.

“I’ve seen this progression play out in my patients,” Faricy said. “Where flavors start as a hook and then lead to a dependence.”

In November, a coalition of backers of the bill released [a poll](#) they say shows strong support in Vermont for such a ban.

But the bill has run into opposition from retail and grocery organizations, who have argued that the legislation would fail to achieve its health goals and would instead simply drive consumers to find flavored tobacco products in other states or on the illegal market.

VJ Mayor, the executive director of the Northeast Wholesalers Association, pointed to data showing that a 2020 Massachusetts ban on flavored tobacco led to spikes in flavored tobacco sales in neighboring states.

“Due to cross-border dynamics, Vermont will still be paying for smoking-related illnesses,” Mayor told lawmakers Thursday. “The only true outcomes are revenue loss and tax loss for the state.”

Last spring, [an analysis](#) by Vermont’s Joint Fiscal Office estimated that the ban would cost the state \$5.6 million in tax revenue in its first fiscal year, though that number is expected to decrease slightly over time.

Critics of the bill also argued that flavored vapes can help many people quit smoking cigarettes — and that enacting a ban while allowing the sale of flavored alcohol and cannabis products would amount to a double standard.

Lawmakers in the House Human Services Committee are currently taking testimony on the bill, and it’s not clear what changes they might make to the legislation.

One potential point of contention has been menthol, a popular mint flavor used in vapes and cigarettes.

As written, the bill would ban the sale of menthol along with other flavors. But witnesses and lawmakers have noted data showing that Black and Hispanic people disproportionately smoke menthol-flavored tobacco.

That’s led to questions about the scope of the ban: Would banning menthol flavoring unfairly target people of color? Or would a menthol exception itself be a form of racial injustice?

With the markup scheduled for later this week, the committee expects to vote on the bill next week.

Rep. Theresa Wood, D-Waterbury, the chair of the House Human Services committee, said in an interview Tuesday that lawmakers might make some changes to the legislation before it leaves the committee.

But, she said, “We’ll be passing a bill out of committee that, you know, is a strong bill.”

### Anti-war protesters target Vergennes weapons facility to call for cease-fire in Gaza – VT Digger – Habib Sabet

Dozens of protesters gathered at a Vermont weapons manufacturing complex on Monday afternoon to demand that the United States government stop arming the Israeli government and call for a permanent cease-fire in the ongoing Israel-Hamas war.

The demonstration coincided with a shift change at the Vergennes Collins Aerospace weapons manufacturing facility, a subsidiary of the defense contractor RTX, formerly Raytheon Technologies.

Waving Palestinian flags and banners that said “Stop Arming Genocide” and “Stop The War Machine,” among other things, protesters blocked the facility’s three entrances to prevent new personnel from entering the building in an attempt to shut down production for the afternoon.

The demonstration took place just over 100 days into the Israel-Hamas war, as Israeli forces continue their assault on the Gaza Strip, which so far has killed [over 24,000 Palestinians](#) and displaced about [2 million](#). Israel launched the offensive in response to a Hamas attack on Oct. 7 in which about 1,200 Israelis were killed and 250 taken hostage.

Amidst the ongoing bombardment and concerns about disease and famine, South Africa has accused Israel of committing genocide in [a case currently being heard](#) by the International Court of Justice. Protesters Monday echoed that charge and argued that Collins Aerospace and its parent company, RTX, are complicit for providing weapons to Israel, chanting slogans like “F-16s and F-35s, Raytheon profits from Genocide.”

RTX and its subsidiaries produce parts that are used in the F-35 stealth fighter jet, [which Israel has said is used in combat by its air force](#), as well as [parts that are used in Israel’s Iron Dome defense system](#).

“We are here today to disrupt the production of weapons at Raytheon,” said April Fisher, an organizer who identified herself as Jewish, in an interview, using the former name for RTX. “Raytheon is profiting off the genocide of the Palestinian people. I am appalled by the people in power like the heads of Raytheon that want to back a genocide in the name of Jewish liberation.”

Over the course of 90 minutes Monday afternoon, at least 10 people who had apparently shown up for work at the facility were forced to drive away. Some shouted expletives and honked loudly as they approached the protesters in their cars. A pair of police officers watched the event nearby.

It was unclear whether the protesters successfully disrupted production at the factory. No formal representatives of Collins Aerospace addressed the protest, and VTDigger's attempts to enter the facility and speak to a representative were unsuccessful.

RTX could not be reached by phone and an email was not returned on Monday afternoon.

By about 7 p.m. on Monday, no arrests had been made and the protesters still remained outside of the facility, according to Will Lambek, an organizer.

### State Auditor Doug Hoffer files suit against Attorney General Charity Clark – VT Digger – Alan J. Keays

One elected state office holder has taken the rare step of filing a lawsuit against another elected state office holder, asking a judge to settle a dispute over the latter's obligations under Vermont law.

State Auditor Doug Hoffer sued Attorney General Charity Clark and her office in November after he said they failed to provide him with a legal opinion he had sought in the course of conducting an audit related to the city of Burlington.

"We all have things to do that we do not want to do," reads Hoffer's lawsuit, filed in Chittenden County Superior civil court in Burlington. "The Attorney General has a statutory duty to provide legal opinions to officers of the State of Vermont. This is an action to enforce that duty."

Hoffer is also asking Judge Helen Toor to allow him to hire an outside attorney in the lawsuit. In the suit, he asserts that the attorney general barred him from doing so.

The Vermont Attorney General's Office filed a motion last month seeking to dismiss the lawsuit.

"Plaintiffs attempt to appeal legal advice provided and judicially compel different advice from the Attorney General and her office," the motion filed by Assistant Attorney General Sarah London stated. "This action is unfortunate and legally unsound. It can and should be readily dismissed."

The state auditor, London wrote, has several duties and responsibilities defined by statute.

"They do not include unilaterally suing the State or its officers," she said.

Hoffer, who was first elected auditor in 2012, said Monday that the issue arose last year when his office sought a legal opinion from the attorney general about Burlington's tax increment financing and use of bonds. Tax increment financing — often referred to as TIF — is a mechanism that allows municipalities to borrow to finance infrastructure projects and pay back the debt using increased property tax revenue from the completed projects.

The specific question is now moot, Hoffer said, as his office has since completed that audit and is expected to publicly issue the resulting report on Tuesday.

“What we had to do is make a decision about what we thought the statute said and the rights and obligations of the parties,” Hoffer said.

But still at issue, he contended, is whether the attorney general is required to provide his office with legal opinions when he asks for them, which he said happens once or twice a year. He said Clark’s predecessors readily responded to such requests before she took office a year ago.

“When we find ambiguity for any number of reasons in statute, we ask the attorney general for an opinion,” he said.

The attorney general’s office sharply rebuked that stance on Monday, calling the lawsuit “ill advised” and “unfortunate” in a statement sent to VT Digger.

“It is legally unsound, has wasted State and court resources, and will be unproductive,” read the statement provided by Lauren Jandl, the attorney general’s chief of staff. “The irony of the Auditor insisting on legal advice from the Attorney General while also not accepting her legal decision with which he disagrees is not lost.”

It continued: “The Attorney General is disappointed her fellow statewide office holder feels his own legal interpretation of her duties is superior to hers when it very plainly is not.”

In the motion to dismiss and correspondence between the two parties that were attached as exhibits, the attorney general’s office drew a distinction between formal published opinions and informal legal advice, painting the former as rare. It stated it has offered “informal legal advice” to the auditor in the past, including on the issues of TIF districts and municipal bonding, but that its “formal published ... opinions typically do not relate to municipal law.”

“Recently, these informal opinions have resulted in a series of actions and responses unique to the TIF context. Specifically, they have resulted in repeated requests for reconsideration and meetings with the Attorney General’s Office by a municipality,” London wrote to Hoffer in November, describing a number of other reactions to the informal advice.

The motion and exhibits showed the two offices had discussed the issue in emails, meetings and other formats, including as early as February 2023.

Hoffer said he is working on the lawsuit with attorney Matthew Byrne, of the law firm Gravel & Shea, who has taken on the case at no charge until a judge settles the question of whether he can be paid to continue the case. The lawsuit states the plaintiffs are the Office of the Auditor, “in its official capacity,” and Hoffer “as a citizen of the State of Vermont.”

The auditor said the attorney general’s office has told him that his office could seek legal opinions from outside private counsel, but he said those “optics” would not work in the Legislature, which he described as his primary audience.

“If we get an opinion from somebody I hire, I can hear people say, ‘Oh, Hoffer just hired somebody to say what he wants,’” he said.

The lawsuit notes that the auditor's position is described in the Vermont Constitution while the attorney general's is not. It references a Vermont statute that states, "The Attorney General shall advise the elective and appointive State officers on questions of law relating to their official duties and shall furnish a written opinion on such matters, when so requested."

It says that the attorney general has "conceded" that the state auditor is elected, is seeking an opinion to questions of law, and that the questions related to his official duties, and asks for a judgment that would "finalize the controversy and offer relief from uncertainty."

The judge has yet to issue a ruling on the attorney general's office motion to dismiss.

Hoffer is a Democrat/Progressive and Clark is a Democrat.

A footnote in the attorney general's office filing stated the nature of the lawsuit was "extremely rare." No other similar cases are cited in filings by either party.

Hoffer said his office and the attorney general's office continue to work together on other matters. "It's not like everything is tied up. That's not what's going on," he said.

### After 2 years of trying, South Hero may soon get its local option tax – VT Digger – Audit Guha

When South Hero decided to implement a local option tax, no one anticipated it would take two years.

"We had to go through a lot of hoops," said David Carter, the selectboard chair. "It was very complicated."

Now town and state officials said they're confident that the town is in the final stretch of securing the state's approval — a far more complex process than they had anticipated. Last week a House committee took up [H.554](#), which would authorize the town's charter and allow the local option tax to go into effect.

In March 2022, residents of the Grand Isle County town voted 389-209 to approve a 1% local option tax on meals and alcohol sales. When it headed to the Legislature for approval last year, local officials learned that state law required that the change be made in the town's charter.

However, like most towns in Vermont, South Hero didn't have a charter.

Only 62 Vermont cities and towns have charters, said Ted Brady, executive director of the Vermont League of Cities and Towns, though 45 incorporated villages and a few other types of municipal entities also do.

So the town set about creating one, and last August voters approved the charter proposal, 380-220. Earlier this month, state Reps. Michael Morgan, R-Milton, and Josie Leavitt, D-Grand Isle, introduced a bill to grant state approval to the charter and the tax.

The bill is now in the House Committee on Ways and Means where Carter and Morgan plan to give testimony on Wednesday, and may hit the House floor this week. If it wins approval from both chambers, South Hero will finally be able to implement the local tax at the beginning of the coming fiscal year.

South Hero has a population of about 1,650, no industry except tourism, and a town budget of under \$2 million, officials said.

“It’s very difficult for a town like this to provide residents with some of the amenities that other towns have because we don’t have any industrial tax base,” particularly when property taxes are already high due to the state education tax, said Ross Brown, the vice chair of the South Hero selectboard.

The local option tax is one way municipalities in Vermont raise additional revenue. According to [data](#) on the state’s website, 23 communities collect a 1% local option sales tax, 25 have implemented a 1% local option meals, room and alcoholic beverage tax and three municipalities have only a 1% local option rooms tax.

A number of factors made it an “unusually complicated” process for South Hero, including the fact that the town did not have a charter in place, said Rep. Michael McCarthy who chairs the House Committee on Government Operations and Military Affairs, which recently heard testimony on the matter.

“We had a lot of conversation with them last year about what they needed to do,” he said. “And now they have gone through the process of having a local vote and having their charter approved by the local voters and then having that charter package certified by the Secretary of State,” he said.

With 10 venues selling meals and alcohol — seven of them seasonal — the tax is expected to generate just about \$40,000 for South Hero’s municipal government per year. The state collects the tax, keeps 30% for the state education fund and returns 70% to the town, officials said.

The tax has to be collected for a specific purpose so South Hero officials chose recreation and municipal building upkeep because it is considering building a new park. The town’s annual recreation budget is about \$30,000, Brown said.

“We went forward with assuming it would be an easy way to get the tax and it turned out that it was much more complicated than we knew,” Brown said. “It’s just been a process but it looks like we’re on line here.”

Rep. Morgan, who worked with Carter on the bill, gave testimony in support of it at the House committee last week. Although he told the committee that it’s been a struggle to get to this point in the process, he told VT Digger in an email that “the charter should flow smoothly at this point.”

Legislators are also considering charter requests from Essex and Essex Junction this session.

**From:** Coster, Billy  
**Sent:** Friday, January 19, 2024 10:45 AM  
**To:** Moore, Julie; Gendron, Maggie  
**Subject:** SNRE NRB report - Coster prepared comments  
**Attachments:** SNRE\_NRB Report\_ANR Coster\_1.19.24.pdf

Attached are my prepared comments for SNRE testimony today. Given the committee, there were a lot of questions and the need to go off script, but this is the foundation of what I focused on.

Thanks  
Billy

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**Billy Coster** | Director of Policy and Planning  
Vermont Agency of Natural Resources  
Office of Planning  
1 National Life Dr., Davis 2 | Montpelier, VT 05620-3901  
802-595-0900 cell  
[anr.vermont.gov](http://anr.vermont.gov)



- Billy Coster, Director of Policy at Planning at ANR.
- Oversee the Agency's work in land use, energy, and climate.
- At ANR for over 12 years, 10 years at VHCB prior.
- I was ANR's representative on the NRB Study Steering Committee.
- ANR's role in 250: review all applications/advise District Commissions on compliance with environmental criteria, provide Commissions technical assistance, and issue other necessary permits, some of which are used to satisfy Act 250's criteria.
- Over 100 technical staff in all 3 departments participated in this review.
- Main programs are Fish and Wildlife Staff, Rivers, Stormwater, Wetlands and other DEC programs.
- The agency receives a very small portion of the Act 250 permit fee, roughly \$200k/year, and have another ~\$500k is staff costs dedicated to Act 250 review that we need to find from other sources. This work is important and there is a cost associated with.
  
- NRB's Report offers a framework for comprehensive Act 250 modernization that enjoys strong and broad consensus support.
- This is the most agreement and alignment of stakeholders I've seen in the 7 years since the Commission on Act 250 @ 50 process.
- That consensus support is absolutely tied to the recommendations of the report moving forward as package.
- It is not an ala cart menu, but a carefully crafted suite of actions that will result in balanced and positive changes to one of Vermont's most important laws.
  
- Before diving into the report, it may be helpful to provide some context for its recommendations.
- Vermont is experiencing the impacts of climate change – drought, flooding and warmer winters – all of which put pressure on our natural systems and built environment.
- Many parts of the state are facing significant challenges related to a lack of housing, housing affordability, substance use disorder, and other social and economic challenges stressing our social safety net.
- The COVID pandemic – with its sudden influx of residents to Vermont – also provided a glimpse of what we may expect in the future, when climate change prompts the migration of millions of Americans away from coastal and arid parts of the country to more resilience places like Vermont.
- These are significant challenges that will not be solved overnight, so we need to be thoughtful, comprehensive and take the time we need to involve Vermonters in crafting durable solutions.
  
- Not to dwell on the negative, in many regards Vermont is also in a much better place than we were when Act 250 was first enacted.

- At that time there was unchecked residential growth in many parts of the state, and there was almost no environmental regulation or planning happening at the federal, state or municipal level.
- In 1970, Act 250, with 32 criteria and sub-criteria, filled a critical void and addressed a broad set of land use issues.
- 50 years later we have comprehensive environmental regulation at the state and federal level, sophisticated land use planning in every region of the state, and municipal land use bylaws in most of our communities.
- And instead of the housing explosion of the late 60's and early 70's, many of our communities are eager to increase housing stock.
  
- And in just the last 4 years Vermont has taken massive new steps in environmental policy.
- In 2020 the Global Warming Solutions Act became law.
- In 2021 the state adopted our initial Climate Action Plan.
- We are currently developing a Municipal Vulnerability Index and Toolkit to help communities identify, plan for and respond to climate risk.
- The Governor and Treasurer recently launched a Climate Resilience Implementation Strategy.
- And on top of all this work, last session the General Assembly adopted Act 59 which directs the state to permanently conserve 30% of Vermont's land area by 2030 and establish durable conservation protection over at least 50% of the state by 2050.
  
- I share this to remind us all that Act 250 is no longer the sole tool in our quiver to address the environmental and land use challenges facing Vermont. Other programs and processes exist now that didn't in 1970, and several new, incredibly consequential laws have just come online.
- This context is important when we look at the role of Act 250 in the future.
  
- Focusing on the report. I first want to commend the NRB on inviting a diverse group of stakeholders to participate in the steering committee that effectively drafted the report, and for establishing focus groups of dozens of Vermonters that met regularly and provided consistent input to the process.
- The law that directed the NRB to complete this study did not mandate this level of public engagement, and I applaud the NRB to choosing to open their process in the way they did.
- Act 250 has a significant influence over what Vermonters can do with their land how the decision of neighbors effect each other, so broad engagement around major Act 250 policy change is critical.
  
- The Report presents a framework with strong consensus support.
- It is a balanced framework that the Agency supports, provided it moves forward as package.

- The framework has some elements that are quite detailed and fleshed out due to previous work or experience with the issues, such as the proposed forest fragmentation criteria, road rule and the approach to Tier 1 exemptions.
  - Other elements of the framework are more conceptual and will require more work and engagement with stakeholders and the communities such as defining and mapping Tier 3 area.
  - ANR supports the framework and the recommendation that RPC's through their future land use mapping process work to define the jurisdictional tiers; ANR anticipates supporting the RPC's with technical staff, data and mapping in that work.
  - Since the framework requires more work and engagement to fill in the details, it's important any legislation this year not preclude that work by predetermining the outcome of things like where the Tier 3 will focus and whether expanded protection of certain resources should be accomplished through the Act 250 process or through more focused permitting programs at ANR.
  - Given the sweeping nature of the changes envisioned in the NRB report, time to work out the details is also critical to allow for equitable community engagement and input.
  - Doing community engagement well takes time and should move at the speed of trust.
- 
- Other elements of the framework that are noteworthy from the Agency perspective are:
    - o Support for forest processing businesses which are important to maintaining our working landscape and many rural economies across the state.
    - o Strengthening the presumption of compliance offered by certain ANR permits which will drive efficiency and benefit from the technical expertise developed in these regulatory programs.
    - o And establishment of a new Forest Frag Criteria and the addition of an updated Road Rule to Tier 2 – which taken in combination will provide significant protections for forest integrity.
  - In closing I'll say I'm optimistic that the framework set forth in the NRB report can be successfully implemented, that it will modernize the Act and make it more relevant to the conditions and challenges we see today, and if stakeholder and communities are given the time and support to work out the important details of implementation, these changes will address critical natural resource issues, promote growth in appropriate locations and serve the state well for decades to come.

**From:** Gendron, Maggie  
**Sent:** Friday, January 19, 2024 12:09 PM  
**To:** Ramirez-Richer, Emma  
**Cc:** Coster, Billy  
**Subject:** FW: SNRE NRB report - Coster prepared comments  
**Attachments:** SNRE\_NRB Report\_ANR Coster\_1.19.24.pdf

Emma – can you send along to Jude. This is Billy testimony from this AM SNRE. maggie

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**From:** Rose, Ben  
**Sent:** Tuesday, January 23, 2024 3:22 PM  
**To:** haley\_pero@sanders.senate.gov; Katie Buckley; Smith, Stephanie A  
**Cc:** Harrelson, Jill (HELP Committee); Hinch, Ethan (Sanders); Gendron, Maggie; Filkorn, Erik (he/him)  
**Subject:** RE: FEMA Advisory: Deadline Approaching to Request Free FEMA Help for Mitigation Planning, Project Support

Hi Haley et al. Yes, thanks, we are aware of the FEMA Direct Technical Assistance program. Long sad story, but in a nutshell we believe it does not offer what Vermont communities need at this time. We did receive one of the first 12 DTA awards in the nation for Pittsfield a few years ago and the technical assistance offered was for general planning, whereas what the community really needed was engineering. We will not be pursuing this year. Stephanie can chime in if I've misstated. --Ben

Ben Rose  
Alternate State Coordinating Officer, DR-4720-VT  
Recovery and Mitigation Section Chief  
Vermont Emergency Management  
[Ben.rose@vermont.gov](mailto:Ben.rose@vermont.gov)  
(802) 585 4719

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**From:** Pero, Haley (Sanders) <Haley\_Pero@sanders.senate.gov>  
**Sent:** Tuesday, January 23, 2024 11:14 AM  
**To:** Rose, Ben <Ben.Rose@vermont.gov>; Katie Buckley <kbuckley@vlct.org>; Smith, Stephanie A <Stephanie.A.Smith@vermont.gov>  
**Cc:** Harrelson, Jill (HELP Committee) <Jill\_Harrelson@help.senate.gov>; Hinch, Ethan (Sanders) <Ethan\_Hinch@sanders.senate.gov>; Gendron, Maggie <Maggie.Gendron@vermont.gov>; Filkorn, Erik (he/him) <Erik.Filkorn@vermont.gov>  
**Subject:** FW: FEMA Advisory: Deadline Approaching to Request Free FEMA Help for Mitigation Planning, Project Support

**EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.**

Hi Ben, Stephanie, and Katie,

I'm assuming you're tracking this FEMA assistance, but I wanted to forward just in case. Is this being shared widely with communities, or is it something that would be helpful for me to share with my contact list (as well as RPCs)?

Thanks,

Haley

---

**From:** FEMA-Congressional-Affairs <[FEMA-Congressional-Affairs@fema.dhs.gov](mailto:FEMA-Congressional-Affairs@fema.dhs.gov)>  
**Sent:** Tuesday, January 23, 2024 11:01 AM  
**To:** FEMA-Congressional-Affairs <[FEMA-Congressional-Affairs@fema.dhs.gov](mailto:FEMA-Congressional-Affairs@fema.dhs.gov)>  
**Subject:** FEMA Advisory: Deadline Approaching to Request Free FEMA Help for Mitigation Planning, Project Support



FEMA Advisory

# Deadline Approaching to Request Free FEMA Help for Mitigation Planning, Project Support

A deadline is approaching for communities and Tribal nations to receive free FEMA help with hazard mitigation planning and Building Resilient Infrastructure and Communities (BRIC) project support.

Communities and Tribal nations that lack resources to begin climate resilience planning and designing projects have until Thursday Feb. 29 to submit forms to request BRIC [Direct Technical Assistance](#).

FEMA provides BRIC Direct Technical Assistance which is tailored support to communities and Tribal nations through a range of activities and from pre-application to grant closeout. FEMA will engage with each selected community for up to 36 months to further explore and better understand their specific requests for technical assistance.

There is no requirement for a previous BRIC grant subapplication or award, or a FEMA-approved Hazard Mitigation Plan, to be considered for selection. Project types from past BRIC DTA requests include:

- General support in the areas of grants management, project scoping, and hazard mitigation planning
- Technical assistance and evaluation for climate risk assessment and nature-based solutions projects
- Natural hazards project scoping activities such as for flooding, drought, fire, typhoon and erosion

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Intergovernmental Affairs at (202) 646-3444 or at [FEMA-IGA@fema.dhs.gov](mailto:FEMA-IGA@fema.dhs.gov)

Tribal Affairs at (202) 646-3444 or at [FEMA-Tribal@fema.dhs.gov](mailto:FEMA-Tribal@fema.dhs.gov)

Private Sector Engagement at (202) 646-3444 or at [FEMA-private-sector@fema.dhs.gov](mailto:FEMA-private-sector@fema.dhs.gov)

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Also, follow Administrator Deanne Criswell on Twitter [@FEMA\\_Deanne](#).



FEMA

**From:** Pero, Haley (Sanders) <Haley\_Pero@sanders.senate.gov>  
**Sent:** Tuesday, January 23, 2024 3:25 PM  
**To:** Rose, Ben; Katie Buckley; Smith, Stephanie A  
**Cc:** Harrelson, Jill (HELP Committee); Hinch, Ethan (Sanders); Gendron, Maggie; Filkorn, Erik (he/him)  
**Subject:** RE: FEMA Advisory: Deadline Approaching to Request Free FEMA Help for Mitigation Planning, Project Support

**EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.**

Hi Ben,

I'm sorry to hear, but thanks for letting me know! If you or Stephanie can let us know what tweaks might help make this program more accessible for VT in the future, that would be great. Jill Harrelson, copied here, is taking over Katrina's FEMA-related policy work – perhaps we can set up a time to discuss in more detail at your convenience?

Thanks!

Haley

---

**From:** Rose, Ben <Ben.Rose@vermont.gov>  
**Sent:** Tuesday, January 23, 2024 3:22 PM  
**To:** Pero, Haley (Sanders) <Haley\_Pero@sanders.senate.gov>; Katie Buckley <kbuckley@vlct.org>; Smith, Stephanie A <Stephanie.A.Smith@vermont.gov>  
**Cc:** Harrelson, Jill (HELP Committee) <Jill\_Harrelson@help.senate.gov>; Hinch, Ethan (Sanders) <Ethan\_Hinch@sanders.senate.gov>; Gendron, Maggie <Maggie.Gendron@vermont.gov>; Filkorn, Erik (he/him) <Erik.Filkorn@vermont.gov>  
**Subject:** RE: FEMA Advisory: Deadline Approaching to Request Free FEMA Help for Mitigation Planning, Project Support

Hi Haley et al. Yes, thanks, we are aware of the FEMA Direct Technical Assistance program. Long sad story, but in a nutshell we believe it does not offer what Vermont communities need at this time. We did receive one of the first 12 DTA awards in the nation for Pittsfield a few years ago and the technical assistance offered was for general planning, whereas what the community really needed was engineering. We will not be pursuing this year. Stephanie can chime in if I've misstated. --Ben

Ben Rose  
Alternate State Coordinating Officer, DR-4720-VT  
Recovery and Mitigation Section Chief  
Vermont Emergency Management  
[Ben.rose@vermont.gov](mailto:Ben.rose@vermont.gov)  
(802) 585 4719

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**From:** Pero, Haley (Sanders) <[Haley\\_Pero@sanders.senate.gov](mailto:Haley_Pero@sanders.senate.gov)>  
**Sent:** Tuesday, January 23, 2024 11:14 AM  
**To:** Rose, Ben <[Ben.Rose@vermont.gov](mailto:Ben.Rose@vermont.gov)>; Katie Buckley <[kbuckley@vlct.org](mailto:kbuckley@vlct.org)>; Smith, Stephanie A <[Stephanie.A.Smith@vermont.gov](mailto:Stephanie.A.Smith@vermont.gov)>  
**Cc:** Harrelson, Jill (HELP Committee) <[Jill\\_Harrelson@help.senate.gov](mailto:Jill_Harrelson@help.senate.gov)>; Hinch, Ethan (Sanders) <[Ethan\\_Hinch@sanders.senate.gov](mailto:Ethan_Hinch@sanders.senate.gov)>; Gendron, Maggie <[Maggie.Gendron@vermont.gov](mailto:Maggie.Gendron@vermont.gov)>; Filkorn, Erik (he/him)

<[Erik.Filkorn@vermont.gov](mailto:Erik.Filkorn@vermont.gov)>

**Subject:** FW: FEMA Advisory: Deadline Approaching to Request Free FEMA Help for Mitigation Planning, Project Support

**EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.**

Hi Ben, Stephanie, and Katie,

I'm assuming you're tracking this FEMA assistance, but I wanted to forward just in case. Is this being shared widely with communities, or is it something that would be helpful for me to share with my contact list (as well as RPCs)?

Thanks,

Haley

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**From:** FEMA-Congressional-Affairs <[FEMA-Congressional-Affairs@fema.dhs.gov](mailto:FEMA-Congressional-Affairs@fema.dhs.gov)>

**Sent:** Tuesday, January 23, 2024 11:01 AM

**To:** FEMA-Congressional-Affairs <[FEMA-Congressional-Affairs@fema.dhs.gov](mailto:FEMA-Congressional-Affairs@fema.dhs.gov)>

**Subject:** FEMA Advisory: Deadline Approaching to Request Free FEMA Help for Mitigation Planning, Project Support

FEMA Advisory

# Deadline Approaching to Request Free FEMA Help for Mitigation Planning, Project Support

A deadline is approaching for communities and Tribal nations to receive free FEMA help with hazard mitigation planning and Building Resilient Infrastructure and Communities (BRIC) project support.

Communities and Tribal nations that lack resources to begin climate resilience planning and designing projects have until Thursday Feb. 29 to submit forms to request BRIC [Direct Technical Assistance](#).

FEMA provides BRIC Direct Technical Assistance which is tailored support to communities and Tribal nations through a range of activities and from pre-application to grant closeout. FEMA will engage with each selected community for up to 36 months to further explore and better understand their specific requests for technical assistance.

There is no requirement for a previous BRIC grant subapplication or award, or a FEMA-approved Hazard Mitigation Plan, to be considered for selection. Project types from past BRIC DTA requests include:

- General support in the areas of grants management, project scoping, and hazard mitigation planning
- Technical assistance and evaluation for climate risk assessment and nature-based solutions projects
- Natural hazards project scoping activities such as for flooding, drought, fire, typhoon and erosion

Interested communities and Tribal nations are asked to submit a [BRIC Direct Technical Assistance Request Form](#) to [fema-bric-dta-submission@fema.dhs.gov](mailto:fema-bric-dta-submission@fema.dhs.gov) to be considered for this cycle of selections to be announced later this summer. FEMA will be selecting up to 80 communities and Tribal nations to receive direct technical assistance.

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Also, follow Administrator Deanne Criswell on Twitter [@FEMA\\_Deanne](#).



FEMA

**From:** Barney, Cole  
**Sent:** Wednesday, January 24, 2024 8:40 AM  
**To:** EXE; EXE - Cabinet  
**Subject:** News Clips 01.24.24  
**Attachments:** News Clips 01.24.24.docx

### Today's Articles

- Gov. Scott pitches \$8.6B budget plan to Vt. Lawmakers – WCAX
- Gov. Phil Scott reverts to pre-pandemic spending norms in proposed fiscal year 2025 budget – Vermont Public – Peter Hirschfeld, Abagael Giles & Lola Duffort
- Scott Proposes State Budget With Modest Increases – Seven Days – Kevin McCullum
- Vt. lawmakers fail to override governor's veto of expanded bottle bill – WCAX
- Key House panel advances plan to extend motel program through June – Vermont Public – Carly Berlin
- Gov. Phil Scott unveils his budget and met with mixed reaction – WPTZ – Stephen Biddix
- Governor expands paid family leave program – The Commons – Joyce Martel
- Vt. unemployment rose to 2.2% in December – WCAX
- UVM hospital says it will save millions if it buys Fanny Allen Campus – Burlington Free Press – Dan D'Ambrosio
- Vermont Senate Fails to Override Veto of Bottle Bill Expansion – Seven Days – Kevin McCallum
- Slate Ridge case now before the Vermont Supreme Court – WPTZ – Adrian Pastor
- Scott outlines \$8.6B budget – Times Argus – Keith Whitcomb, Jr.
- Climate Superfund Act would make oil companies pay for climate damages in Vermont – Vermont Public – Abagael Giles
- 'Homelessness is not acceptable. It is a crisis. It is a tragedy. And it is preventable.' – The Commons – Ellen Pratt
- Slate Ridge owner's lawyer appeals arrest order – WCAX – Kiana Burks
- In budget address, Phil Scott beats familiar drum of maintaining — not raising — taxes and fees – VT Digger – Sarah Mearhoff & Shaun Robinson
- UVM Medical Center seeks to purchase Fanny Allen campus – VT Digger – Peter D'Auria
- Senate fails to override bottle bill veto by 3 votes – VT Digger – Emma Cotton
- Prosecutors drop what police had deemed a 'hate-motivated' assault case – VT Digger – Tiffany Tan
- 'There's no rules or oversight': New bill seeks to ease Vermont's animal welfare 'crisis' – VT Digger – Babette Stolk
- Final Reading: Race for Statehouse's next sergeant-at-arms is underway – VT Digger
- In Daniel Banyai's absence, attorneys hash out his appeal before the Vermont Supreme Court – VT Digger – Ethan Weinstein
- Man accused of trapping 2 people at Burlington bar charged with kidnapping, assault - VT Digger – Tiffany Tan



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Cole Barney, MPA  
*Constituent Services Manager*  
*Office of Governor Phil Scott*



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[Cole.Barney@vermont.gov](mailto:Cole.Barney@vermont.gov) | [governor.vermont.gov](http://governor.vermont.gov)

Help raise money for Vermonters impacted by flood damage and show your Vermont pride with *Vermont Strong* and *Tough Too* license plates and socks. [Click here to purchase your Vermont Strong gear](#) or visit [DMV.Vermont.gov/VermontStrong23](http://DMV.Vermont.gov/VermontStrong23).

Impacted Vermonters can find resources and referrals by visiting [Vermont.Gov/Flood](http://Vermont.Gov/Flood).

## Governor's Daily News Clips

**Wednesday, January 24, 2024**

### Gov. Scott pitches \$8.6B budget plan to Vt. Lawmakers – WCAX

A budget battle is looming at the Statehouse between Vermont's Republican governor and Democrats in the Legislature. Gov. Phil Scott on Tuesday laid out his \$8.6 billion budget plan, leaving out many Democratic priorities and scolding lawmakers for overspending in recent years.

The governor's budget rests on three tenets he presented during [his State of the State address](#) earlier this month: housing, public safety and affordability. His proposal keeps spending level with inflation at 3% and does not raise fees or taxes.

"I don't think there will be a lot of disagreement about what's in this budget. The disagreement will lie in what's not in it," said Scott, R-Vermont.

The governor said addressing the housing shortage is key to addressing other challenges like declining demographics and a shrinking tax base. He's proposing loosening regulations on local zoning and Act 250, and continued rehabbing of old homes.

"Having a multipronged approach is what will turn the tide," the fourth-term governor said.

Scott says the housing crisis is also directly linked to rising crime and public safety concerns. He's pitching a public safety package repealing bail reform, and more accountability for repeat offenders, drug dealers and juveniles, saying the pendulum has swung too far.

"I may have been wrong. I've supported and signed some of the very legislation I'll ask you to change today," he said.

Scott also addressed an eye-popping forecasted 17% school property tax increase, which would cost more than \$200 million to buy down. He said lawmakers should have listened to his past proposals to rein in education spending.

"Maybe we need to revisit and undo some of the things we have done that added to school pressures, or rethink the funding formula," the governor said.

The budget includes \$60 million in one-time investments, including:

- \$16.5 million for hotel vouchers for the homeless
- \$12.5 million earmarked to match FEMA flood funds
- \$5 million for the state colleges
- Nearly \$5 million to tackle opioid addiction and treatment

Scott's recommendations follow [a somewhat encouraging revenue upgrade from state economists](#). But the governor is still concerned, citing pandemic cash going away, matching money for FEMA flood aid, inflation and public employee pensions.

"When we fail to address the fundamentals of decades-old problems, they get worse, making it harder to find money to catch up," he said.

Scott acknowledged Democrats will be at odds with parts of his spending plan. The last session ended in a dramatic veto override of the state budget.

This is just the beginning of the session and lawmakers will now use the governor's plan as a baseline to build their own budget.

Leaders of the Democratic supermajority said the devil will be in the details, and that Scott left out several key areas.

Democrats in the Senate said they did not hear any solutions to skyrocketing property taxes and education funding, and a shortfall in the transportation fund. They also said they didn't hear about what they describe as widespread economic benefits from their priorities-- such as the \$120 million child care bill or additional financial help for survivors of this summer's floods.

"He talked a lot about fixing problems rather than funding them when he didn't want to spend money. When he did want to spend money, it was a great initiative he was willing to describe," said Sen. Phil Baruth, D-Vt. Senate President Pro Tem.

"I think in Vermont we have challenges, that's for sure, but we also have opportunities. I think his speech was long on fear and short on hope," said Rep. Jill Krowinski, D-Vt. House Speaker.

Lawmakers said they agree with Scott that something needs to be done on public safety, but they pushed back on pulling back [the Raise the Age initiative](#) and said putting young offenders in prison is not the answer.

They said they also have concerns about the level funding of government and what it means for recruitment and staffing in mental health.

They described their relationship with the governor as strained at times, where they said he has not weighed in on bills until the end of the session.

[Click here for the full transcript of the governor's Budget Address.](#)

[Click here for the Executive Budget Summary.](#)

## **Gov. Phil Scott reverts to pre-pandemic spending norms in proposed fiscal year 2025 budget – Vermont Public – Peter Hirschfeld, Abagael Giles & Lola Duffort**

In his annual budget address Tuesday, Republican Gov. Phil Scott called on Democratic lawmakers to rein in spending growth that he says has “crushed” working-class Vermonters with higher taxes and fees.

*Above you can listen to analysis of Scott's speech provided by Vermont Edition host Mikaela Lefrak, Vermont Public reporter Peter Hirschfeld and Report for America corps member Carly Berlin, who covers housing and infrastructure for Vermont Public and VTDigger.*

The fourth-term governor’s 43-minute speech was laced with critiques of fiscal management in a Democratically-controlled Legislature that has used its supermajority in recent years to override Scott’s vetoes of major spending bills.

“I truly believe most of us want to help people. It’s who we are,” Scott told members of the House and Senate Tuesday. “But burdening them with more taxes, fees and other costs is not the way to do it, especially when they have less expensive options.”

Scott was referencing a number of initiatives enacted by the Legislature over his objections, including last year’s state budget, which relied on a general fund increase of 13%.

The \$8.6 billion spending plan unveiled by Scott on Tuesday relies on a general fund increase for fiscal year 2025 of 3.57%.

“When we spend beyond our means, it catches up to us, and ultimately with taxpayers,” Scott said. “And when we fail to address the fundamentals of decades-old problems, they get worse, making it harder to find money to catch up.”

In order to live within its means this year, Scott said, Vermont will need to forgo the high-priced housing, broadband and child care packages that defined the previous three budget cycles. And he said incoming revenues for fiscal year 2025 will leave little room for anything beyond a level-funding of existing programs and services.

“I don’t think there will be a lot of disagreement about what’s in this budget,” he said. “The disagreement will lie in what’s not in it. But pretending we can fund everything isn’t realistic.”

If Scott was looking to forge a collegial relationship with Democrats heading into this year’s budget cycle, then leaders in the House and Senate say he missed an opportunity to cement one.

“To hear jabs throughout this speech at policies that we’ve worked on and had tri-partisan support on isn’t helpful,” House Speaker Jill Krowinski told reporters after the speech. “And it’s not a good way to start off how we’re going to collaborate on the budget.”

Democrats also objected to Scott’s bleak characterization of the problems Vermont faces with public safety, housing, aging demographics and overall fiscal health.

“I think his speech was long on fear and short on hope,” Krowinski said.

## Education

Lawmakers also faulted Scott for not producing concrete policy proposals to address some of the most pressing issues facing Vermonters, including a projected 17% rise in education property taxes next year, which, according to Senate President Pro Tem Phil Baruth, has become the top concern among lawmakers in Montpelier.

Scott in his speech nodded to proposals he has made to contain costs in Vermont schools in years prior, like minimum classroom sizes and property tax caps. But he noted that his ideas had been rejected by the Legislature before, and implied that this time, he wanted lawmakers to make the first move.

“I’m not naïve. Without a willing partner, I’m sure any proposal I put on the table will be used to drive divisive attacks and headline clicks, and we won’t get anything done,” Scott said.

But Baruth, calling it “the elephant in the room,” pointed to education spending as the prime example of the governor’s alleged habit of washing his hands of difficult matters.

“In terms of courage, he always uses phrases like ‘take things head on, do the hard work.’ If you’re going to do the hard work, if you’re going to take it head on, you would talk about that tax increase and say, ‘I can do this from my end. What can you do?’” Baruth said.

Several lawmakers also pointedly noted that Vermont’s education system has remained without a permanent leader since the spring, when [Education Secretary Dan French stepped down](#) from his post.

“Some of the solutions should be coming from the (Agency) of Education. And that’s under the governor’s control. And we haven’t had a secretary since last June,” said Sen. Ann Cummings, a Democrat from Washington County who chairs the tax-writing Senate Finance Committee.

## Public safety

During his State of the State address earlier this month, Scott listed public safety as one of the three most urgent issues facing Vermont. And in his budget address, he outlined a tougher-on-crime approach that he said will curb quality-of-life issues now plaguing not just larger cities but small towns as well.

Specifically, Scott wants lawmakers to repeal or revise two criminal justice reforms that he enthusiastically signed into law.

“Let’s start with something you don’t hear too often in this building: I may have been wrong,” he said. “I’ve supported, and signed, some of the very legislation I’ll ask you to change today.”

Scott wants to repeal a 2018 law that made it more difficult for judges and prosecutors to hold alleged offenders in custody pending their criminal trial. He also wants to undo portions of a 2019 law known as “Raise the Age” that was enacted to prevent juveniles and young adults from being charged as adults.

“I agree people deserve second chances, and maybe even third or fourth, especially when it comes to mistakes made as a young adult or when struggling with addiction,” Scott said. “But I wish I had better anticipated the challenge of implementing laws to raise the age of criminal accountability, because we weren’t ready. We put the policy idea ahead of the fundamentals, the real work of actually helping our youth.”

Scott said criminal gangs are exploiting the statute by sending young couriers into the state to deliver narcotics such as fentanyl. And he said the state’s child welfare system lacks the physical infrastructure and safety apparatus to house violent young offenders who, save for Raise the Age, would be sent to the Department of Corrections.

“Like many other areas, we moved too far and too fast into a policy experiment,” Scott said. “And we didn’t plan for, or build, the system needed to address extreme cases, or have the workforce to support it. We focused so much on our well-intentioned goals that we didn’t think through all the possible consequences.”

The Legislature, according to Krowinski, is as committed as Scott to addressing what she said are legitimate public safety concerns among Vermonters.

“But I think sending kids to jail isn’t going to solve our problems,” she said. “We need to make investments in our justice system to handle the backlog that we have.”

## Housing

As it has been in past years, housing remains a top priority. But Scott has made clear in recent months that his legislative agenda would focus on [regulatory reform](#) – not direct investments – and his budget proposal reflected this.

In the last two years alone, Vermont has directed over \$250 million to bring new units online, Administration Secretary Kristin Clouser said in a press briefing before Scott’s address. But housing-related line items in Scott’s budget this year are far less ambitious. They include:

- **\$6 million** to bring blighted rental units up to code
- **\$4 million** to help low-income homeowners make improvements to septic and wastewater systems
- **\$2 million** for manufactured home repairs
- **\$7 million** to expand shelters

Emergency housing is becoming another point of contention between lawmakers and the governor. Scott’s budget holds firm to two spring deadlines by which hundreds of unhoused Vermonters must leave state-subsidized hotel rooms. But while administration officials are attempting to stand up temporary shelters as alternatives, they’ve also been upfront that they won’t have [nearly enough beds](#) ready to meet the outstanding need.

Lawmakers have [heavily criticized](#) the governor for failing to secure shelter for those in motels, and the House is poised to pass a mid-year budget adjustment bill that would extend their stay until June 30.

“Even though they told us that they would fix that problem last year, a year has gone by and we're in the exact same position where we will have to carry that investment,” Baruth said.

## Climate and resilience

Climate scientists agree that human-caused climate change is bringing more extreme weather to the state. A 2021 study from the University of Vermont found the Lake Champlain Basin alone [could see more than \\$5 billion in flood damage by the end of this century](#). And Scott emphasized repeatedly that Vermont needs to become more resilient to future flooding events — though he didn't speak much about climate change.

Among other initiatives, the governor proposed setting aside \$500,000 in matching funds to partner with the Army Corps of Engineers to study ways to improve flood resilience up and down the Winooski River watershed.

The governor also proposed using \$12.5 million in state dollars to help Vermont communities leverage FEMA Hazard Mitigation funds, totaling about \$100 million for home buyouts and floodplain restoration. And he called for \$1 million to be set aside for the Unsafe Dam Revolving Loan Fund, which helps fund repairs of private dams in the state.

Lawmakers welcomed the governor's proposal to fully fund the state match needed to draw down FEMA money. But Democrats have made clear they [want to go much further](#) to help individuals and businesses recover. Washington County's Sen. Ann Cummings, whose districts include some of the cities hardest hit by the July floods — Barre and Montpelier — called the governor's proposals “helpful” but also “nowhere near enough.”

In talking about what he sees as a crisis of affordability in the state, the governor lamented the “unknown of higher fuel and electricity costs,” a veiled reference to efforts by lawmakers to reduce greenhouse gas emissions in the home heating sector by passing the Affordable Heat Act last year. Legislators also introduced a bill in the House that requires Vermont utilities get 100% of their power from renewables by 2030.

## Budget priorities

Thanks to a [revenue upgrade](#) that state economists delivered last week, administration officials said the governor's budget does not include any cuts or reductions to existing programs and services.

And even in a more limited revenue context, Scott said Vermont still has some capacity to fund new programs next year. The proposed new expenditures include:

- **\$4.9 million** to expand Vermont's opioid use disorder treatment system
- **\$9.9 million** to expand skilled nursing facilities

- **\$1.7 million** to fund 20 mental health workers in state police barracks
- **\$1 million** in start-up funds for a youth psychiatric inpatient facility
- **\$9.3 million** for a health care payment reform project
- **\$5 million** to shore up finances at Vermont State University
- **\$1 million** for tuition subsidies for certain degrees at the Community College of Vermont

Some lawmakers, however, say using small-dollar line items to address major public policy dilemmas won't lead to any substantive progress.

"We can't nibble around the edges. We can't do what we were doing five years ago or proposing five years ago," said Brattleboro Rep. Emilie Kornheiser, the Democratic chair of the House Committee on Ways and Means. "These are difficult times, and they're new times and if we want to build a strong future for Vermont, we need to actually ... buckle down, do the work, and focus on that vision of that future with a full set of policy priorities that have details and funding attached to them."

Caledonia County Sen. Jane Kitchel, the Democratic chair of the Senate Committee on Appropriations, said the Legislature's \$170 million child care bill last year has shown that government initiatives can deliver net benefits to Vermonters even if they require an increase in taxes.

Lawmakers overrode Scott's veto of the child care bill, which relied on a new payroll tax on virtually every working resident in the state. Lawmakers say the new law has funded the creation of an additional 1,000 child care slots, increased pay for workers, and lowered child care bills for parents.

"I would submit that if we are really thinking about strategies to attract families, to support working families ... what we've done with our child care initiative is one of the most important actions that we have taken relative to workforce, workforce availability, affordability, and supporting working families," Kitchel said.

Lawmakers are already considering more big-ticket packages in 2024. Legislation introduced in the House and Senate would make tens of thousands of Vermonters newly eligible for government-subsidized health insurance. A bill in the House that has support from leadership contains nearly \$90 million in appropriations for flood recovery and climate resiliency.

Scott prevailed on Democrats Tuesday to shelve any policy proposals that will require new revenues, and therefore an increase in taxes and fees. He also acknowledged that their supermajorities in both chambers limit his ability to stop them if they try:

"You don't have to listen, or even consider, my priorities or objections," Scott said.



### **Scott Proposes State Budget With Modest Increases – Seven Days – Kevin McCullum**

Vermont Gov. Phil Scott outlined an \$8.6 billion proposed state budget for next year that he said could help address pressing problems but reflects one of the tightest fiscal environments in years.

“Despite the recent upgrade in revenue, this is still going to be a tough budget year,” Scott told lawmakers during his annual budget address, referring to rosier-than-anticipated predictions from economists about state revenues.

Addressing the challenges was going to take more than just shrewd fiscal management and a willingness to say no to desired programs, he said.

Lawmakers also have to face the fact that some of the policies passed in recent years have had unintended negative consequences for communities.

This includes bail reform that has allowed some people freed while facing pending criminal matters to commit new crimes, he said. Juvenile justice policies, meantime, have caused drug traffickers to consider Vermont “a destination state,” Scott said.

Scott said he bore some responsibility for signing some of these well-intentioned laws, but the impacts on communities are undeniable and the policies need immediate reform.

“I may have been wrong,” Scott said. “I’ve supported, and signed, some of the very legislation I’ll ask you to change today.”

Legislative leaders were unimpressed, and noted that the speech’s multiple references to crime struck a darker note than his State of the State address, which largely extolled the virtues of neighbors helping neighbors.

“I think the speech was long on fear and short on hope,” House Speaker Jill Krowinski (D-Burlington) said afterward.

She and other lawmakers did not take kindly to Scott’s multiple references to past policies and spending by the legislature that he insinuated have put the state in such a tough financial position.

“To hear jabs throughout the speech at policies that we’ve worked on, that had tri-partisan support, isn’t helpful. It’s not a good way to start off how we’re going to collaborate on the budget,” Krowinski said.

Sen. Jane Kitchel (D-Caledonia), chair of the powerful Appropriations Committee, agreed that the speech seemed to emphasize the obstacles facing the state and glossed over the progress made on many fronts, including investments in a childcare system that are bearing fruit and helping working families.

“I think we have things to celebrate, and I didn’t see a lot of celebration,” Kitchel said.

Scott failed to address a 17.3 percent forecasted increase in property taxes due to changes in the education spending formula, Senate President Pro Tempore Phil Baruth (D/P-Chittenden-Central) said.

While Scott said Vermonters can't afford such an increase and he stood willing to work with the legislature to fix the problem, Baruth noted that the speech contained few constructive suggestions.

"We were listening for that and didn't hear it," he said.

Scott said he and his staff worked hard to keep the state's general fund, which pays for most state operations, to a base increase of 3.6 percent. Limiting the general fund to \$2.3 billion next year was intentional.

"I didn't just pick it out of a hat. It is what we can do within available revenue, without new or higher taxes and fees," he told lawmakers.

As he often does, Scott stressed the critical need for the state to limit taxes and fees on Vermonters living in "desperation and fear" and facing high housing prices, high energy costs and inflation. People are getting "crushed by the burden of property taxes" and lawmakers need to help, he said.

"I truly believe most of us want to help people; it's who we are. But burdening them with more taxes, fees and other costs is not the way to do it," he said.

Scott's budget chief, Adam Greshin, before the speech likened this year's budget to a "distance runner who gets a little heavy around the middle" during the holidays and now "needs to get back into fighting form."

While the base general fund increase is lower than in previous years, the areas of focus are similar to past years' and will continue to fund many programs on which there is broad agreement.

These include \$6 million to help rehabilitate homes to increase the stock of rental housing and \$2 million to help people repair mobile homes. The budget provides \$12.5 million for cities and towns for flood relief; these matching funds will ensure municipalities can get maximum flood aid from the Federal Emergency Management Agency.

The proposal would also set up a \$1 million loan fund to help property owners fix damaged dams and \$500,000 for a flood control study of the Winooski Basin to help prevent future flooding.

"This will not be a budget that will raise eyebrows and cause hackles," Greshin said.

The budget is benefiting from an infusion of funds from some new sources. This includes \$10 million in cannabis tax revenue that exceeds what is needed for regulation of the industry and \$7 million in expected revenue from the newly launched sports wagering industry in the state, Greshin noted.

The budget also contains a number of tax breaks meant to stimulate growth. This includes increasing the downtown development tax credits from \$3 million to \$5 million, and \$400,000 in tax relief to investors who buy blighted properties.

The state is also benefiting from an increase in the federal Medicaid funding formula, which reduces the state contribution by \$31 million.

But there have also been some surprise expenses, such as the need to pay \$9.5 million toward the \$16.5 million settlement negotiated by the Vermont Attorney General's Office with the foreign investors scammed in the EB-5 scandal. The investors accuse the state of failing to manage the program.

The budget also includes \$5 million for Vermont State University and tuition relief for community college students enrolled in certain degree programs, including nursing.

Like Greshin, Scott said he doubted anyone would be opposed to the initiatives in his budget, which he said enjoyed broad support.

“I don’t think there will be a lot of disagreement about what’s in this budget. The disagreement will lie in what’s not in it,” he said.

Sen. Ann Cummings (D-Washington), chair of the Finance Committee, agreed.

The \$12.5 million to help cities and towns devastated by summer flooding was helpful but insufficient, she said. Communities like Barre and Montpelier have seen businesses destroyed and properties literally wiped off their grand lists, leaving them with immediate and long-term budget needs, she said.

### Vt. lawmakers fail to override governor’s veto of expanded bottle bill – WCAX

Vermont lawmakers have failed to override the governor’s veto of the state’s bottle bill reform bill.

Tuesday morning, the Vermont Senate voted 17-13 in favor of the override but that was three votes short of the needed two-thirds majority.

Lawmakers had expected the override to be successful after the Vermont House voted overwhelmingly in favor of it earlier this month.

The bill would have expanded the 5-cent refund to water and sports drink bottles and added a 15-cent deposit on wine bottles. Backers said it would help Vermonters recycle more.

But Gov. Phil Scott argued it would be more expensive for consumers and more complicated for people who don’t live near recycling centers. Sen. Thomas Chittenden, D-Chittenden County agreed. “This would take resources away from our blue bin system. Standing up a secondary

stream with these reverse vending machines would dilute our recycling efforts and it would only focus on materials from beverage containers,” said Sen. Thomas Chittenden, D-Chittenden County.

“This legislation would have increased recycling, reduced pollution, eased the burden on small businesses, and made redemption easier for consumers all across the state,” said Paul Burns with VPIRG.

### **Key House panel advances plan to extend motel program through June – Vermont Public – Carly Berlin**

A key House panel has voted to give a temporary reprieve to hundreds of Vermonters sheltered in motels and hotels who are [set to lose their state-sponsored rooms this spring](#).

On [Monday afternoon](#), the House Committee on Appropriations advanced a [mid-year budget adjustment bill](#) that provides funding to keep the expanded pandemic-era version of the state’s motel housing program going through the end of June. The program is [set to sunset on April 1](#).

The bill also includes provisions to keep people currently sheltered in motels and hotels under the state’s [winter weather policy](#) in emergency housing through June 30. As of now, unhoused Vermonters can get state vouchers for rooms in 30-day increments until March 15.

Proponents of the emergency housing extension emphasized the need to eliminate “artificial” distinctions dictating who gets access to shelter.

“Whether you’re a mom with two children and you happen to become homeless during COVID, or you’re a mom with two children who happened to become homeless last night, your need is for emergency shelter,” said Rep. Theresa Wood, D-Waterbury, chair of the House Committee on Human Services, in an interview.

The appropriations panel’s vote could set up another [standoff between lawmakers and the governor](#) over the fate of the program. If the measure passes the full House, it would still need Senate approval before heading to the governor’s desk. And Scott administration officials have consistently called for an end to the pandemic-era program.

“We think the focus should be on shifting away from our reliance on hotels for temporary shelter,” Nya Pike, a spokesperson for the Department for Children and Families, reiterated in an email Tuesday. Extending the winter weather policy through June “would do the opposite of that and increase our reliance on an expensive program that does not provide any additional resources to Vermonters experiencing homelessness,” Pike said.

The state currently has the capacity to shelter around 1,600 households in state-sponsored rooms, and this winter, rooms are [regularly at or near capacity](#). Last week, the department said it is turning away around 60 households a day.

The budget adjustment bill would provide the Department for Children and Families with over \$13 million to keep the emergency housing program going through the end of the fiscal year. That's \$5 million more [than the administration originally requested](#).

The bill also contains an additional \$4 million to stand up emergency shelters in five areas. [The administration has proposed](#) opening temporary shelters for a three-month time period after the pandemic-era motel program's anticipated wind-down by April 1.

But lawmakers have criticized the administration's [lack of a firm plan](#) to roll out these shelters, and questioned whether they would be ready by spring.

"Is there any reasonable thinking right now that they would have them ready by April 1? It's the end of January," said Rep. Diane Lanpher, D-Vergennes, chair of the House Committee on Appropriations.

Pike said that despite the potential motel program extension, the emergency shelters are still necessary, as is "a continued focus on building up Vermont's affordable housing stock."

The budget adjustment bill also caps the rate at which the state can reimburse a hotel or motel to shelter a household at \$75 a day. That's significantly lower than the [\\$132 nightly average](#) the state paid in December.

The administration supports the rate cap, though Pike said the department is concerned that it might cause hotels to drop out of the program. But the department is "optimistic" that the cap could provide the state leverage to buy or lease hotels.

"Buying or leasing hotels would allow them to be turned into more traditional shelters, with access to all of the services available within shelters that the hotel program currently lacks," Pike said.

The bill also requires the state to "strictly enforce" safety codes at participating hotels and motels. And keeping people in "temporary emergency housing" through June could include shelters or apartments, not just motel rooms.

The timeline proposed in the bill hews closely to a recommendation [from the city of Burlington to the state last week](#), which suggested that Chittenden County could house all people in the pandemic-era version of the motel program by July 1.

Brenda Siegel, an advocate for unhoused Vermonters, said the extension through June for a broad swath of people in motel-based shelter "sends a clear and strong message that everybody who is experiencing homelessness deserves to be sheltered."

But given [the striking increase in homelessness](#) Vermont has seen since the onset of the pandemic, Siegel argued that the state needs to develop a long-term plan for addressing the crisis – instead of extending benefits incrementally.

"For the past three years, every few months, people experiencing homelessness, providers, communities, hotels, have all been on the edge of their seat until just a couple of days before the

end of a deadline for emergency shelter,” she said. “What that has done is made it so that people are in fear of crisis [and] of being unhoused.”

### **Gov. Phil Scott unveils his budget and met with mixed reaction – WPTZ – Stephen Biddix**

On Tuesday afternoon Gov. Phil Scott unveiled his fiscal year 2025 budget.

Scott said we’re now back to pre-pandemic times where spending has to be more sustainable which is why his budget only increases roughly 2% to \$8.6 billion.

The general fund had a roughly 3.5% growth rate to \$2.3 billion, the education rose to \$2.4 billion, and transportation fund sits at \$353 million.

Key items this year are building more housing, improving public safety, and the opioid crisis, along with making Vermont more affordable.

Scott called for millions of dollars of new investments into housing programs like VHIP to ease the housing shortage, and wants to give the judicial branch more money to reduce the backlog of pending criminal cases.

However, the elephant in the room was the estimated 17%-19% property tax increase to pay for public schools over the next year. Scott wants lawmakers to look at potentially consolidating schools and said he is open to working with majority democrats.

His administration says it would cost over \$200,000 million to buy it down and not a feasible option. He also re-pitched other ideas he's brought up in recent biennium's.

"From rightsizing schools and classrooms, to better addressing healthcare and retirement costs to property tax caps and adjustments, or more. Maybe we need to revisit and undo some of the things we have done that added to school pressures." said Scott.

However, Democratic leadership wanted a more tangible plan.

"He didn't offer any solutions on the December 1<sup>st</sup> letter of the 18% potential tax increase and we were listening for that and didn't hear it. If your governor you have the ability to address only what you want and he talked a lot about fixing problems rather than funding them when he didn't want to spend money," said Sen. Phil Baruth, the President Pro Tem of the senate.

Scott said over and over he wants to work with the legislature but admitted democrats hold a supermajority in the house and senate and said he knows they may ignore his wishes.

Scott also appealed to what he called the “middle majority” in the house and senate asking them to work with him on a spending plan Vermonters can afford.

The legislature will begin crafting their budget this week.

### Governor expands paid family leave program – The Commons – Joyce Martel

Last week, Gov. Phil Scott, in conjunction with The Hartford, a Connecticut insurance firm, announced a new paid family leave program that extends to the private sector a program already in place for state employees.

Meanwhile, the Senate is working on its own paid family leave bill, one that originated there and was written by Rep. Emilie Kornheiser, D-Brattleboro. That bill has already passed out of the House.

The difference between the governor's plan and the Senate's is who will pay for the program and how much pay it will actually provide.

"Providing all Vermonters with access to affordable paid family and medical leave, without imposing a new mandatory tax, is truly a win-win," said Scott in a press release. "I'm excited to move forward with this new phase of the Vermont Family and Medical Leave initiative and look forward to Vermonters benefiting from the program for years to come."

There is no doubt that a strong paid family leave bill would fill a critical need for Vermonters.

Taking care of an ill loved one means that a caretaker must occasionally prioritize care over work. And not being paid for the time away could put a strain on anyone's budget. Having to weigh the welfare of a child or a parent - or of oneself - against a day's income can be difficult.

And, at a time when employees are desperately needed in almost every industry, losing workers because of their need to care for someone in their family puts a strain on employers, who have to hire and train replacements.

The governor has vetoed Democratic-backed paid family leave plans before. In 2020, he vetoed one that was to be funded by a \$29 million mandatory payroll tax that would fall on workers or employers.

"For years, Vermonters have made it clear they don't want, nor can they afford, new broad-based taxes," the governor said in his message explaining the veto.

In 2018, he vetoed an even more robust plan with the same funding mechanism.

His new plan is actually an insurance program.

The benefits "provide partial income replacement for workers who need to take care of a family member with a serious health condition, bond with a new child, tend to their own serious health condition, care for a military service member's serious injury or illness, or address certain needs related to a family member's covered active military duty or call to active duty," the press release said.

Contributions to the plan can be "fully paid by the employer, split between the employer and employees, or fully paid for by the employees as a voluntary benefit," according to the press release.

The options can run from six to 26 weeks per 12-month period and offer covered employees 60% to 70% of their wages, with additional options available.

The first phase of the program was implemented for state employees in July 2023.

### **Is it enough?**

According to Kornheiser, the governor's bill does not come close to providing necessary assistance for workers.

"The administration has been sort of planning this for a while," Kornheiser said. "Originally it was going to be a partnership with New Hampshire. But the partnership didn't work out. And so New Hampshire launched maybe a year earlier than the Scott administration.

"And the Scott administration has been doing it for state employees through The Hartford for about six months now. But the coverage has been unbelievably low. All the national research on voluntary programs like this point to really low wage coverage."

The people who need these benefits, Kornheiser said - even the lowest-paid state employees - probably cannot afford to take it.

"So they might have the benefit, technically, if they're lucky," Kornheiser said. "But it's not enough coverage to be able to afford to take time off. So we don't see any of the benefits that a family medical leave program has, about people's ability to stay connected to their employer, about the possibility to care for themselves, about people's ability to stay financially viable while they're caring for loved ones."

States that have offered the kinds of plan the governor is offering have found that they just don't work, Kornheiser said.

"None of the benefits that we see of a strong family medical leave program have proven out in states that have had these kinds of voluntary programs," she said.

The family leave bill Kornheiser wrote - the one now in the Senate - allows for 90% wage coverage that would, after taxes, be equal to a worker's salary, compared to the 60% to 70% of a weekly paycheck that The Hartford offers.

Offering wage coverage so low that it does not help the worker might be a political move rather than a policy one, Kornheiser said.

"I think it's political compromises to keep the program less expensive," she said. "In states that are voluntary with low wage coverage and are privately administered, like we're seeing in Vermont or New Hampshire, it seems to me to just be the government essentially prioritizing one private sector corporation and giving them an advantage in the market over others. I don't really see what else is happening."



Vermont workers and their employers already have the ability to sign up for a voluntary low-wage coverage program with insurance carriers such as Aflac anytime they want, she pointed out.

"So it's not clear to me what actually the benefits are of the state setting up something like that," Kornheiser said. "There's no guarantee of coverage. There's no guarantee of accountability if the issue that you're seeking coverage for is rejected."

Furthermore, "it's not a high-enough level of wage replacement to actually cause any financial stability or create financial stability for people," she continued.

Any coverage is better than none, however, Kornheiser said.

"I'm glad that state employees have that program right now," she said. "I think it's great. They all have it. They didn't have it before. I know someone who took the opportunity to use it and it allowed them to take care of themselves to some level, but only for a short period of time."

In the meantime, "I think we need to keep on working for a universal and robust program," Kornheiser said.

### **AARP jumps in**

A new player in the game, AARP Vermont, is ramping up its advocacy for the Senate legislation. The position of the organization, which advocates for the interests of people age 50 and older, is that the governor's new initiative is insufficient.

Instead, it is gearing up to pressure the Legislature to pass the paid family leave bill.

"Right now, 73% of Vermont workers are one family or medical emergency away from losing their pay - and for some, even their job," the organization says on its [website](#). "Our communities are stronger when Vermonters can count on paid family and medical leave."

It describes the Senate bill as one "allowing most public- and private-sector workers to take up to 12 weeks of paid leave for an illness or to care for a family member with a serious health condition."

The governor "has begun setting up an alternative paid leave program, through an administrative directive, that would be voluntary for employers and offer less time off at lower pay," the website said. "AARP Vermont needs help lobbying lawmakers to pass the legislation."

The Legislature will keep working on the bill, Kornheiser said.

"When I talk to people in Vermont about it, it's a real combination of folks who have worked white collar jobs most of their life and have always had this benefit," she said. "They don't realize how many people don't have it."

Meanwhile, "there are folks who have never had it, and don't even realize that it's possible," Kornheiser said. "So it is going to take a lot of community conversations to realize that something could actually change."

### **Vt. unemployment rose to 2.2% in December – WCAX**

Vermont's unemployment rate rose in December.

The monthly data from the Department of Labor released Tuesday showed a statewide unemployment rate of 2.2% -- up from 2.1% in November.

The December unemployment rates for Vermont's 17 labor market areas ranged from 1.5% in Woodstock to 3.3% in Derby.

The national unemployment rate held at 3.7% in December,

### **UVM hospital says it will save millions if it buys Fanny Allen Campus – Burlington Free Press – Dan D'Ambrosio**

The University of Vermont Medical Center (UVMHC) wants to buy the Fanny Allen Campus in Colchester, which it has been leasing for years.

The medical center said in a news release the purchase will save at least \$4 million, and as much as \$6 million, over a 15-year financing period, compared to current lease payments.

The Fanny Allen Campus is owned by Covenant Health, a Catholic health care system, which agreed to sell the 22-acre property to UVMHC for \$17.3 million. The sale must be approved by the Green Mountain Care Board, which regulates major areas of the health care system in the state, including hospital budgets.

"The Fanny Allen is critical to UVM Medical Center's plans to meet the health access needs of Vermonters over the next decade, and preserving uninterrupted access to the wide variety of services on the campus must be a top priority," Dr. Stephen Leffler, UVM Medical Center president and chief operating officer, said in a statement. "We refuse to gamble on that future, and so we must move now to secure this essential asset that serves the health and well-being of our patients."

The Fanny Allen Campus houses a wide array of UVM Medical Center clinics and offices, including surgical services and a suite of operating rooms, audiology, breast imaging, inpatient and outpatient rehabilitation, rehabilitation therapy, speech language pathology, pediatric hospitalist services, psychological services, radiology, urgent care, urology, pharmacy and laboratory services.

**An unidentified odor plagued Fanny Allen for years, but now has been resolved**

Fanny Allen was plagued for years with an unidentified odor that caused dizziness and nausea in staff members. The odor was first detected in October 2019 and returned again in November 2019, the hospital said at the time. On Nov. 27, 2019, seven employees were medically evaluated after smelling an exhaust-like smell and having headache and nausea symptoms. The operating rooms were shut down in December 2019 and didn't reopen until the end of January 2020.

In January 2022, UVM Medical Center announced it was moving patients back to Fanny Allen from the main hospital after working throughout 2021 with outside experts to assess, renovate and optimize Fanny Allen's complex system of filtration, ventilation, air conditioning and heating units. The system was outdated and didn't allow for "optimal airflow" in spaces where staff reported their symptoms, according to a news release.

Inpatient rehabilitation had been relocated to UVM Medical Center's main campus since late October 2020, when [14 patients were transferred from Fanny Allen, after staff members were affected](#). The hospital said no patients experienced dizziness or nausea, and all staff who experienced symptoms were treated and recovered.

In an email on Tuesday, hospital spokesman Phillip Rau said the issue of odors at Fanny Allen have been resolved, and "all affected spaces have been operating safely and successfully since early 2022."

"Repairs included a major renovation of the building and the mechanical systems that serve it – including two new air handlers, upgrading and cleaning ductwork, and installation of additional airflow devices," Rau said. "Owning and operating the campus is the best way to ensure the facility continues to meet our strict standards for safety, cleanliness and accessibility."

### **Vermont Senate Fails to Override Veto of Bottle Bill Expansion – Seven Days – Kevin McCallum**

The Vermont Senate on Tuesday failed to muster enough votes to override Gov. Phil Scott's June veto of a bill to significantly expand the state's bottle redemption system.

Unlike their colleagues in the House of Representatives, who earlier this month easily cleared the two-thirds majority needed to override Scott's veto, the Senate failed to find the 20 votes necessary to follow suit.

The 17-13 vote means Scott's veto stands and the state's 5-cent per bottle redemption system will remain limited to beer, wine coolers and carbonated drinks.

The bill would have added a 5-cent deposit to a variety of other beverage containers beginning in 2027, including hard cider, coffee, sports drinks, juices and waters, and a 15-cent deposit for wine bottles.

The number and variety of bottled drinks has exploded in recent years, but the redemption system has not kept up, advocates argue.

The bill would also have compelled drink manufacturers to establish an organization to manage the redemption program and would have exempted small retailers from having to accept bottle returns.

The goal of the bill, H.158, was to increase recycling rates, which are higher for beverage containers with deposits than for those recycled through the single-stream “blue bin” system. It would have the first major overhaul of the state’s bottle redemption system in 50 years.

Sen. Thomas Chittenden (D-Chittenden-Southeast) voted against overriding the veto. He argued that the state already has very high recycling rates and it would make more sense to improve the recycling system than the deposit system.

In an interview after the vote, Chittenden said he was worried that the changes would divert more recyclable material from the blue bin system and harm the bottom line of organizations such as the Chittenden Solid Waste District.

He also said he sees the deposit program as placing burdens on lower-income people and people who live in apartments and lack the space to store bags full of cans and bottles.

“I argue that it's a regressive tax on people’s time, storage and transportation costs,” Chittenden said.

The bill was a high priority for the Vermont Public Research Interest Group, the state’s largest environmental organization. Paul Burns, the group’s executive director, said it was unfortunate that some senators received poor information about the bill’s impacts.

The bill would have increased the number of redemption centers. “Those senators who voted against this are the ones who are making it more difficult for people to redeem their containers,” Burns said.

He said he planned to continue trying to educate lawmakers on the benefits of updating the redemption system and would push for the changes in future years.

### **Slate Ridge case now before the Vermont Supreme Court – WPTZ – Adrian Pastor**

The case of the town of Pawlet vs. Daniel Banyai has gone before the Vermont Supreme Court.

Attorneys had just 15 minutes to present their arguments before the justices, leaving them to reach their decision, which typically takes several weeks.

The Vermont Supreme Court will need to decide whether or not the state’s environmental court should have been able to order the arrest of Daniel Banyai and allow the town of Pawlet to bring his property into zoning compliance.

"The issue before the court today is when superior court renders a judgment and when this court affirms that judgment must the parties comply with the court's orders," said Merrill E. Bent, representing the town of Pawlet.

In March 2021, Banyai was ordered to remove structures that were not permitted along his property.

His defense claimed the opinion was unclear and did not outline which set of structures needed to be removed.

"It's Mr. Banyai's position that he has actually complied; the town has a different point of view. We're here litigating today is whether a trial court like in this case enforcing a zoning order can put someone in jail," Robert Kaplan.

The town arguing the consequences facing Banyai are a direct result of his failure to comply.

"Step one was in 30 days of that order was for Mr. Banyai to take a survey that listed the structures out. it took a year and a half for Mr. Banyai to take step 1," said Bent. "The lack of clarity was because of Mr. Banyai's failure to engage in the process."

Over the years, the proceedings have to a series of fines, which now amount to more than \$100,000 dollars and also an arrest warrant issued for Banyai.

"Mr. Banyai's pattern of compliance is not only blatant, but it is enthusiastic," said Bent.

Banyai was not present during Tuesday's proceedings and has reportedly left the state.

His attorney said the actions of lower courts thus far have given the town of Pawlet the ability to decide how long Banyai could remain behind bars as they comb through his property, removing structures they determined should not be there.

"It's become, in a sense, a battle between the town wanting to show its force to impose its will on Mr. Banyai over the question of whether particular zoning regulations are not complied with," said Kaplan.

Kaplan said the case is in a "holding pattern" right now as justices deliberate their ruling.

There is currently no set date as to when a decision on today's proceedings will be; it could take weeks or even months.

### Scott outlines \$8.6B budget – Times Argus – Keith Whitcomb, Jr.

Gov. Phil Scott is proposing an \$8.6 billion budget that he says won't be disputed for what it contains, but for what it doesn't.

The budget calls for \$2.3 billion in the General Fund, which Scott said is a 3.57% increase.

“I didn’t just pick it out of a hat,” he told a joint assembly of the Legislature on Tuesday afternoon. “It is what we can do within available revenue, without new or higher taxes and fees.”

Despite growth in state revenue, Scott said, it’s going to be a tough year, and he said he doesn’t wish to see the cost of living go up.

The one-time federal funding Vermont received for the pandemic is gone, Scott said.

“We had unexpected obligations, like FEMA match, and \$9.5 million for the first of three payments negotiated by the attorney general to settle the EB-5 scandal of 2015,” said Scott. “We as a state are also impacted by inflation, rising costs, and other increased pressures. Nearly all the additional revenue is needed just to sustain our core services and programs.”

He pointed to a few: \$24.7 million for the hotel voucher program; \$23 million for last year’s staffing; \$31.7 million for employee salaries and benefits — a \$10 million increase over last year; \$2.7 million for E911 and fire safety deficits; and \$5 million to keep Vermont State University afloat. Pension payments are \$485 million, with \$2 billion spent on them over the past half decade, which leaves another \$4.7 billion before they’re fully funded, he said.

### **Health care**

Scott proposes to stabilize nursing home and rehab center costs by increasing spending there by \$4.2 million, which he said would secure another \$4.7 million from the federal government so the state won’t be reliant on emergency funds.

He stated that he’d like to see the state keep moving away from the “fee-for-service” model of health care. He proposed spending \$3.9 million to work with the Biden administration on developing a new model.

He cited the state’s demographic challenges as being at the root of many of its financial troubles.

### **Education**

Scott said Vermonters might see education property tax bills rise by 17.3% this year.

“Vermonters can’t afford this increase. And when you consider it comes with stagnant or declining enrollment, and troubling test scores, none of us should be OK with it,” he said.

It would take \$213 million to buy that rate down to around 2%, he said. Since the state doesn’t have that lying around, changes to policies and perhaps funding formulas need to be looked at.

“But I’m not naïve. Without a willing partner, I’m sure any proposal I put on the table will be used to drive divisive attacks and headline clicks, and we won’t get anything done,” he said.

### **Public safety**

“Let’s start with something you don’t hear too often in this building: I may have been wrong,” said the governor. “I’ve supported, and signed, some of the very legislation I’ll ask you to change today.”

He said that while he believes in second chances, especially for young people and those with addiction, “But I wish I had better anticipated the challenge of implementing laws to raise the age of criminal accountability.”

Scott stated that policy was put in front of fundamentals.

“Like many other areas, we moved too far and too fast into a policy experiment, and we didn’t plan for, or build, the system needed to address extreme cases, or have the workforce to support it,” said Scott, adding that he signed off on bail reform because he agreed with its goals, but doing so led to other problems, such as an increase in the number of older, violent offenders in Department for Children and Families’ caseloads.

“And on top of that, conditions of release aren’t effective, which makes it harder to prevent people from harming their neighbors and communities, over and over and over,” he said.

### **Public health**

Scott proposed using \$4.9 million in opioid settlement funds toward staff for addiction treatment, and opening a new hub in Bennington. Another \$1 million would be spent on preventing relapses, and \$1.4 million on school-based prevention programs.

### **Housing**

“Most of us agree we need to act on our housing crisis,” Scott stated, touting recent announcements about tri-partisan bills aimed at making it easier to build housing units.

“Act 250 was supposed to prevent sprawl,” he said. “So to limit housing density in the places we want it, and then force a homebuilder to move 5 miles away to build more, is counterintuitive. That seems to encourage sprawl and makes individual projects more expensive with fewer units. It just doesn’t make sense to me. Neither does an appeals system that allows a small number of people to stop a project the vast majority want, and can also be used to exclude people from neighborhoods.”

He proposes spending \$6 million on the Vermont Housing Improvement Program; \$4 million on the Healthy Homes program; and \$2 million on the Mobile Home Improvement and Repair program. The budget also included \$24 million for the Vermont Housing and Conservation Board with \$7.1 million toward homeless shelters.

### **Disaster recovery**

Given this past summer’s devastating floods, it’s not surprising that Scott’s budget contains millions of dollars in flood mitigation work. He also mentioned the numerous property buyouts that have occurred following not just the recent floods, but those of Tropical Storm Irene in 2011.

“While often necessary, we know the negative impact buyouts can have, including on municipal budgets and the Education Fund,” Scott said. “So, I propose a Disaster Resilient Investment initiative, which will offer a TIF-like approach to recovery and resiliency projects, to keep or add properties to the grand list.”

TIF (Tax Increment Financing) is a financial tool that allows municipalities to direct tax revenue generated by new development to pay off bonds that spurred said development.

“I don’t think there will be a lot of disagreement about what’s in this budget,” Scott said, near the close of his budget address. “The disagreement will lie in what’s not in it. But pretending we can fund everything isn’t realistic.”

Republicans in the Senate stated they approve of Scott’s budget address.

“While Vermonters have been living within their means, Montpelier has been living beyond its means,” stated Franklin County Sen. Randy Brock in a release on behalf of the Vermont Senate Republican Caucus. “Legislative Republicans and Governor Scott have been sounding the alarm about our fiscal situation for years. Now, the chickens have come home to roost.”

### **Climate Superfund Act would make oil companies pay for climate damages in Vermont – Vermont Public – Abagael Giles**

Through the Superfund program, the federal government has for decades collected payment from big companies that create hazardous waste while doing business. It’s a pretty simple concept: The polluter pays.

This legislative session, some Vermont lawmakers and environmental advocates are pushing for the state to create [a similar program](#) to pay for climate damages in the Green Mountain State using money from big oil companies.

Climate change is bringing more supercharged storms to Vermont, and the [costs are piling up](#). State [officials estimate](#) that July’s historic flooding will cost taxpayers north of \$1 billion in property damages.

That price tag is just for one storm. A 2021 study from the University of Vermont estimated that climate-change-fueled flooding damages in the Lake Champlain basin alone could [top \\$5 billion by the end of this century](#).

During a press conference at the Statehouse last week, environmental advocates and Democratic lawmakers from heavily affected districts said their constituents shouldn’t have to foot that bill.

“Let’s be clear. Vulnerable Vermonters, mom and pop businesses in small cities and towns, aren’t the cause of this damage,” said Sen. Anne Watson, a Democrat who represents Montpelier and Barre and is a lead sponsor of the Climate Superfund Act. “Big oil knew decades ago that their products would cause this damage. So it is only right that they pay a share of the cost to clean up this mess.”



Under [the bill, S.259](#), Vermont would mimic the [U.S. Environmental Protection Agency's Superfund program](#), which makes big companies pay to clean up toxic waste they made while doing business. Since its launch in 1980, the program has been used to clean up catastrophic pollution at mines and old abandoned factories across the country.

Vermont's bill would create a similar program, but for climate damages. Companies that produced more than 1 billion metric tons of carbon dioxide equivalent between 2000 and 2019 would have to pay a share of what climate change has cost Vermont, based on how much that company contributed to global emissions during the same period.

"It's essentially taking that model that's well established in the hazardous waste context and adapting that to the latest and most pressing environmental crisis we all face, which is climate change," said Anthony Iarrapino, a lawyer and lobbyist for the environmental advocacy group Conservation Law Foundation.

U.S. Sen. Bernie Sanders has introduced a similar bill at the federal level, though Iarrapino says it's unlikely to get through Congress. At the state level, climate superfund bills have also been introduced in Maryland, New York and Massachusetts.

"It's a good idea," said Patrick Parenteau, Vermont Law School professor emeritus. "But like a lot of good ideas, it's the execution and the implementation of a law like this that gets complicated."

Parenteau used to litigate Superfund cases for the EPA's New England office. He says the stickiest part of the federal Superfund program is actually getting big polluters to pay up and part with their money. Superfund cases tend to be big, complex legal battles that can take years to resolve in the courts.

Part of the challenge, Parenteau says, will be building an airtight accounting of the damages caused to Vermont by the global burning of fossil fuels and the investments needed to adapt to a warming climate. It's a task the bill leaves to the state treasurer to complete by 2025.

New York State has already tallied this figure, estimating that adapting to climate change could cost the state more than \$150 billion by 2050. The bill's proponents here say Vermont could borrow from that work, which leans on a field of science called extreme event attribution, which can help determine how much more powerful a storm was because of climate change.

For many of the extreme weather events Vermont is likely to see more of, scientists can do this work with growing accuracy.

Vermont Treasurer Mike Picciak says he's excited about the task.

"At the end of the day, Vermont is going to have a lot of money due because of climate change, and the question is kind of: 'Who is going to pay for that?'" Picciak said.

He says it shouldn't be all on Vermonters to foot the bill, and he thinks his office can build a list of damages that's airtight and could withstand litigation.

Parenteau, with Vermont Law, says they'll have to.

"Companies aren't just going to cave in," he said. "They're going to fight like hell and say, 'We're not liable, you can't make us liable. This is a global problem. It requires a global solution. You could sue us and put us out of business and it wouldn't fix the problem.'"

In an emailed statement, Michael Gaimo, Northeast region director for the American Petroleum Institute — which represents U.S. oil and natural gas companies — says the Climate Superfund Act takes the wrong approach.

"This proposal is likely unconstitutional and represents nothing more than a punitive new tax on American energy that would only stall the innovative progress underway to accelerate low-carbon solutions while delivering the energy communities need," he says.

Parenteau says the state will also have to make sure it can prove that what it's spending money from the fund on is actually making Vermont more resilient to climate change — something big companies often sue over in Superfund cases.

The bill tasks the Agency of Natural Resources with creating a master plan for how to spend the funds on projects ranging from improving roads and bridges to weatherizing homes and helping communities repair damages to businesses after extreme weather events.

And while lawyers find this path promising, it isn't the only way Vermont is using the legal system to try to get big oil companies to pay up.

In 2021, Vermont's Attorney General [sued Exxon, Shell, Sunoco and CITGO](#) under the Consumer Protection Act. The [lawsuit](#) alleges the companies knew their products were contributing to global warming for decades, and lied to the public about it — even launching targeted disinformation campaigns.

The suit calls for the companies to stop greenwashing — but it also seeks financial damages.

"The civil penalties associated with the Consumer Protection Act are up to \$10,000 per violation," says Vermont Attorney General Charity Clark. "So that's per consumer, per time you lied. So magnify that over the decades: It's a lot of money."

Clark's office just filed their last documents in the case earlier this month. Right now it's held up in the federal court system, but Clark says the consumer protection approach is a winner, because the receipts are pretty clear.

Iarrapino and Parenteau say the superfund approach should be even more straightforward, from a legal perspective, since it relies on the principle of "strict liability," and doesn't require proof of willful wrongdoing.

But again, Parenteau says, if lawmakers pursue this approach, Vermont would be wise to staff up on lawyers for the fight ahead.

Iarrapino says he doesn't disagree, but that what matters is the strength of the legal argument itself.

"It's true that there is a history of legal resistance on the part of polluters [to paying]," he said. "But there's also an equally compelling history of the states and federal government seeking to hold those polluters accountable and prevailing in court."

The Climate Superfund Act has more than 100 sponsors in the Legislature, including a supermajority in the Senate, which has tended to be more conservative than the House on climate issues this biennium.

Sen. Dick Sears, a Democrat from Bennington County who chairs the Senate Judiciary Committee, where the bill is now, says he's been talking to small businesses in his district that still haven't received federal aid from the July floods, who could really use help getting back on their feet.

He says a decade ago, he might not have supported legislation like this, but he said he changed his mind after he saw how the plastics manufacturer St. Gobain was [made to pay for carbon filters](#) in homes where drinking water was [found to be contaminated with toxic PFOA](#) chemicals as well as medical monitoring for residents affected in his district.

"I don't know where else the victim pays," he says. "I've dealt with criminal justice laws on judiciary for years, and everywhere, the victim is not the one that's responsible to pay, it's the offender. And here, for some reason, with these major companies, they aren't required to pay the victim."

Gov. Phil Scott has yet to weigh in on the proposal, but even if he vetoes the bill, it appears likely based on the number of sponsors alone that lawmakers could mount an override.

### **'Homelessness is not acceptable. It is a crisis. It is a tragedy. And it is preventable.' – The Commons – Ellen Pratt**

On a 25-degree afternoon, about 60 people - some without hats, gloves, or boots - held a candlelight vigil in Pliny Park to acknowledge and grieve the 19 unhoused local people who died last year.

It was Homelessness Awareness Day on Jan. 18, and Vermonters across the state were renewing their commitment to end homelessness.

"In 2023 almost 8,000 Vermonters experienced homelessness, including 2,000 children," event organizer Fred Breunig told the gathering. "Over the past year, local service providers supported 648 people experiencing homelessness, including 140 children and 42 people over the age of 65."

"Homelessness is not acceptable," said Breunig, a member of the Housing Coalition of Southeast Vermont, an organization focusing on housing and homelessness in the region. "It is a crisis. It is a tragedy. And it is preventable."

Event organizers planted 648 small flags on the lawn of the Municipal Center as a visual reminder of the extent of the need for housing and related services.

"As you contemplate the display, please remember that each flag represents a person with a face and a name," Breunig said. "They each have a story, and hopes and fears, sadness and discouragements."

### **'I'm not sleeping on a bench tonight'**

Lisa Marie, a homeless advocate, told a bit of her story to the crowd.

"I have been homeless for almost 2{1/2} years," she said. "I'm lucky because I get to live in a hotel. The hotels are not awesome. But every day, I have to keep reminding myself. No matter how scary it is, how dangerous, it's a roof over my head. And I am not sleeping on a bench tonight."

Vermont is a "shelter first" state, which means that people experiencing homelessness must first attempt to access local shelters before applying for the state's emergency motel program.

Groundworks Collaborative, which runs a 34-bed shelter in Brattleboro, has been "at capacity" with about a five-person wait list each night, according to Groundworks' Director of Shelters Karli Schrade, who said that she could think of at least 10 to 15 people who sometimes sleep outside.

Schrade noted that it is difficult to identify unsheltered people who may not want to be seen. "We're not entirely sure how many people are unsheltered," she said.

All but one region of the state have described availability in hotels as either "none" or "extremely limited" as of Jan. 18, according to the Department of Children and Families' Economic Services Division, which runs the motel program.

As of Dec. 26, 206 households were sheltering in Brattleboro-area motels.

### **Small gestures help**

"What sucks is there's a lot of hate towards us," said Lisa Marie at the vigil. "And what people don't understand is that it could be you tomorrow. It could be your brother, your sister, your daughter, a cousin, a next-door neighbor."

Even small gestures can have impact, she said.

"Any little thing, whether it's a smile, a 'hello, how are you doing?' can keep somebody alive for that day," Lisa Marie said. "Even if it's a cup of coffee on a frigid day. You don't have to give money. Give a laundry card, a blanket, mittens, just a conversation."

"A lot of my friends have died this year," she said. "Most all of them could have been prevented."

Kenny G., a local "street minister," spoke at the vigil about his many friends who have died from overdoses.

"I carry four Narcan [an over-the-counter opioid overdose treatment] with me at all times," he said. "It's not difficult to obtain. It's easy to use, and you're not going to get sued for using it. You'll save someone's life."

Schrade said that local service providers identified 19 unhoused people who died this year. However, because not all unhoused people access services, she believes that it is likely that more than 19 people experiencing homelessness died in the region last year.

And it is also impossible to generalize the extent to which homelessness can be blamed for their demise, though it can't help but be a contributing factor in a lot of cases.

"A lot of the causes [of death] are unknown to us," Schrade said. "We support a lot of people who are navigating really complex medical needs, and their ability to maintain interventions for their health is certainly significantly less [than others' ability] because of systemic barriers."

### **Connecting where people feel the most comfortable**

In February, Groundworks will launch an outreach program to provide community-based services specifically for people experiencing unsheltered homelessness.

"Our 4½-person team will be out connecting with people where they feel most comfortable," Schrade said. "If people are ready to access support for substance use treatment or mental health treatment or health care, then we will support them in doing that. But if they're not interested in any of that, then we will find things that they have needs for and we will support them."

Schrade has worked at Groundworks for six years and described it as "an experience unlike any experience I've ever had."

"The drop-in center is a very, very special place," she said. "There's this appreciation for us showing up and for being consistent and for being genuine and for asking questions and being curious and really seeing people as people experiencing homelessness, not homeless people."

### **Housing is the issue right now**

"There's a lot of anger and frustration directed towards individuals," said Josh Davis, executive director of Southeast Vermont Community Action and former executive director of Groundworks, in an interview with *The Commons*.

"When folks see people on the street asking for money or camping in the woods, the focus becomes about the people as opposed to the system that creates the conditions that folks without housing experience," Davis said.

"It's not about fixing people without housing," he added. "It's about fixing the system around housing."

Davis said that "time and again, when we direct resources where they're needed most, it makes a huge impact and a huge difference."

Describing homelessness as "a policy choice," he said that to "really turn the tide on homelessness, it takes political will and it takes action in places like the Statehouse."

But Davis spoke hopefully.

"I'm seeing housing at the forefront of so many discussions now," he said. "People really get the housing crunch that we're in. We're seeing policy action being directed toward housing, we're seeing resources being allocated for housing. And that goes across the board, not just for folks experiencing homelessness, but housing in general, across all incomes in the state."

"It feels like housing is the issue right now. And rightfully so," Davis said.

### **Slate Ridge owner's lawyer appeals arrest order – WCAX – Kiana Burks**

Lawyers for the owner of an unpermitted former para-military training camp are asking the Vermont Supreme Court to throw out his arrest warrant.

Daniel Banyai, the owner of Slate Ridge in West Pawlet reportedly left the state last month after a new arrest warrant was issued for his arrest. In oral arguments before the Vermont Supreme Court Tuesday, his lawyers argued that the state Environmental Court shouldn't have been able to order him arrested.

After failing to bring his property into compliance, the Environmental Court judge ruled Banyai was in contempt of court last November and issued an order that he turn himself in on December 22. Police say they planned to arrest Banyai during a meeting on December 19th but that he contacted them saying he would not be there in person.

Banyai's lawyer argued that the arrest warrant and more than \$100,000 in fines were unfair and punitive measures and that the court's processes were too confusing for Banyai to comply with.

But Merrill Bent, the attorney for the town of Pawlet, told the court that Banyai has been allowed to evade the law and that they've exhausted their efforts trying to bring him into compliance. "We should not lose sight of the fact that while Mr. Banyai is here complaining to the court that the coercive sanctions placed upon him are excessive and unfair, they still haven't convinced him to comply with the court's orders. Mr. Banyai has chosen the path of defiance at his own peril, and he has no one to blame for the consequences of his actions but himself," he said.

Police last year say they had checked his Slate Ridge property over a dozen times but that no arrest had been made.

There is no timeline for when the Vermont Supreme Court will rule on this latest appeal.

**In budget address, Phil Scott beats familiar drum of maintaining — not raising — taxes and fees – VT Digger – Sarah Mearhoff & Shaun Robinson**

In his budget address delivered to the Legislature on Tuesday, Republican Gov. Phil Scott once again implored lawmakers to refrain from increasing state taxes and fees on Vermonters, and keep state spending within current revenues.

And similar to his State of the State address earlier this month, Scott again threw up his hands, conceding that Democrats hold theoretically veto-proof majorities in both the House and Senate, “which means you don’t have to listen, or even consider, my priorities or objections.”

“But I bet many of you do hear, and maybe even share, some of my concerns. More importantly, I’m pretty sure the majority of our constituents certainly do,” Scott continued in the opening of his speech. “Let’s put them first by doing the hard work to fix — not just fund — the problems they face, put party labels aside, and listen to each other.”

Hard feelings over last year’s budget showdown — which ultimately resulted in Scott’s veto and the Legislature’s definitive override — loomed over not only the governor’s speech, but also Democratic legislative leaders’ reactions to it.

Speaking to reporters afterward, House Speaker Jill Krowinski, D-Burlington, criticized the governor for his tone and what she characterized as a lack of concrete policy solutions.

“I think his speech was long on fear and short on hope,” Krowinski said. “We in the legislature are ready to get to work... and we’ll do our work because we believe that this budget is a reflection of our values. It’s not a political strategy.”

Last year, Scott made his objections to [lawmakers’ fiscal year 2024 budget](#) known to no avail, [vetoing the \\$8.5 billion spending plan](#) — which marked a 13% increase in state spending from the previous year, a percentage that Scott deemed unsustainable. Lawmakers responded by [overwhelmingly voting to override Scott’s veto](#) and dubbing it, in the words of Senate President Pro Tempore Phil Baruth, D/P-Chittenden Central, [at the time](#), “the most flawed and harmful (veto) of any in recent memory.”

In his speech Tuesday, Scott once again harkened back to that 13% increase in spending, drawing the ire of Sen. Jane Kitchel, D-Caledonia, who chairs the Senate’s influential Appropriations Committee. Yes, she told reporters after Scott’s speech, last year’s overall budget increased by 13% — but that was largely attributable to one-time funding, not ongoing spending. She pushed back against the implication that lawmakers were spending irresponsibly.

“I’m a Vermonter from way back, and I view myself as very much a guardian of the budget and the decisions and the integrity of the budget, and the sustainability,” she told reporters. “Those are the kinds of comments that I think, if I’m the general public, could really create a source of concern.”

Kicking off negotiations for this coming year's budget, Scott on Tuesday implored lawmakers to keep a lid on new spending — though he did not call for substantial cuts to state government operations. The governor ultimately proposed an \$8.6 billion budget, divvied up over the state's three major pots of money: \$2.4 billion for education, \$2.3 billion in the general fund and \$353 million for the state's transportation fund, which did not enjoy the same sunny [revenue projections from state economists](#) as the other two funds last week. (The remaining approximately \$3 million of the proposed spending is backed by federal funds, for the state's Medicaid program and other social services.)

The spending plan Scott proposed Tuesday was, according to Secretary of Administration Kristin Clouser, substantially more optimistic than what the administration had been expecting to propose before it heard positive fund revenue projections during last week's Emergency Board meeting. It was then that state economists offered Scott and legislative leaders their rare assurance that a recession is not on Vermont's horizon, and other than the state's transportation fund, revenues remain strong.

Clouser referred to the economists' revenue projections as "welcome news" for the administration, "because prior to that revenue increase, we were looking at a budget that included cuts."

"Thankfully, because we got that slight bump, we're no longer in that position where we need to make cuts to balance the budget," she continued. "However, we are still in a position where we have to make very targeted strategic investments, along with policy changes and tweaks in order to grow within our means."

In that vein, Scott proposed to keep increases to general fund spending under 3.6% — a number that falls below the nation's current rate of inflation. That number, the governor insisted, is "not arbitrary. I didn't just pick it out of a hat."

"It's what we can do within available revenue, without new or higher taxes and fees," Scott said in his speech. "I'm sure it's no surprise to you, given the growing burden they already face, I don't support asking Vermonters to pay more."

Adam Greshin, Vermont's commissioner of finance and management, told reporters shortly before the budget address that the budget proposal represents "slimmed-down growth" compared to the past several years, which were bolstered by historic influxes of federal cash — "But it is growth."

Asked after the speech what she made of limiting general fund increases to under 3.6%, House Appropriations Committee Chair Rep. Diane Lanpher, D-Vergennes, told reporters, "the devil's in the details."

"What does it result in for services for Vermonters?" she pondered. "What are they going to do without because of that?"

Legislative leaders also took jabs at Scott for a speech that, in their view, offered much criticism of the Legislature's spending and policies, but was short on solutions.



Most notably missing from the address, according to Sen. Pro Tem Baruth, were solutions to what he called the “elephant in the room”: an anticipated double-digit percentage increase in property taxes first flagged in [the administration’s Dec. 1 letter](#), attributable to statewide education spending. That figure has since been [updated by the administration](#) to a 17.3% increase.

“The truth is, that’s the number-one concern for all of us in the building right now. I know it’s one of the governor’s No. 1 concerns,” Baruth told reporters after Scott’s speech. “He always uses phrases like, ‘Take things head on,’ ‘Do the hard work.’ If you’re going to do the hard work, if you’re going to take it head on, you would talk about that tax increase and say, ‘I can do this (as governor) from my end.’”

Scott did note the projected tax increase in his speech, saying that it was something that “none of us should be OK with.” But he also questioned the Legislature’s willingness to work collaboratively with the administration on the issue.

“I’m not naive,” Scott said. “Without a willing partner, I’m sure any proposal I put on the table will be used to drive divisive attacks and headline clicks, and we won’t get anything done.”

Covering the spending increase this budget cycle would cost the state \$213 million, Scott said in his speech. Earlier Tuesday, Clouser told reporters that amount was unaffordable in an already tight budget proposal. Asked what solutions they would propose on Tuesday, both House and Senate leadership said they needed more time and committee hearings to come up with their strategies.

Asked whether she was optimistic that property taxes would not increase at that level, Rep. Emilie Kornheiser, a Brattleboro Democrat who chairs the House Ways and Means Committee, told reporters it was too early to tell. Lawmakers need time to dig into the most updated data from the Agency of Education, she said, something she expects will happen later this week.

Roughly three weeks into the legislative session, the governor’s annual budget address marks a turning point when activity ramps up in the Statehouse. With a framework for state spending on the table, legislators begin making their tweaks and — depending on how much money is on the table — deciding what policies the state can afford to enact.

Ultimately, it’s legislators who write the final budget, or the so-called “big bill,” which is historically the last bill passed at the conclusion of the legislative session in May.

### **UVM Medical Center seeks to purchase Fanny Allen campus – VT Digger – Peter D’Auria**

The University of Vermont Medical Center announced plans to purchase the Fanny Allen campus, where the hospital currently leases space and operates clinics.

The medical center submitted documents Tuesday to the Green Mountain Care Board requesting approval to buy the 22-acre Colchester campus from Covenant Health, a Catholic health care system that owns the facility. It expects to pay \$17.3 million for the complex, the hospital said.

The hospital must seek a “certificate of need” from the care board due to the cost of the purchase.

“The Fanny Allen is a critical piece of our plan to meet the health access needs of Vermonters over the next decade, and preserving uninterrupted access to the wide variety of services on the campus must be a top priority,” Dr. Stephen Leffler, the hospital’s president and chief operating officer, said in a [press release](#) announcing the move.

“We refuse to gamble on that future, and so we must move now to secure this essential asset that serves the health and wellbeing of our patients,” Leffler said.

Administrators said the purchase is necessary to ensure that the hospital can continue to provide crucial care, especially as Vermont’s population ages and Chittenden County’s population continues to grow.

UVM Medical Center is also seeking to build a \$130 million surgery center in South Burlington, an expansion it says is necessary to address the region’s increasing medical needs.

The medical center has occupied the Fanny Allen campus since the early 1990s. It pays roughly \$1.7 million annually to lease the space, which holds facilities for surgery, rehabilitation, urgent care and lab work, among other functions.

The purchase will save “at least \$4-6 million over a 15-year financing period when compared to its current lease obligations,” according to the press release.

Phillip Rau, a spokesperson for the medical center, said that the hospital had no current plans to renovate or upgrade the facility.

“We don’t have any immediate changes planned following the purchase, were it to be approved,” Rau said in an email.

However, “as part of our long-term facilities plan, we routinely evaluate our campus and facilities to determine whether changes, renovations or upgrades are necessary, sustainable and fiscally responsible,” he said.

### **Senate fails to override bottle bill veto by 3 votes – VT Digger – Emma Cotton**

A bill that would have expanded Vermont’s bottle deposit law, often called the “bottle bill,” has failed after state senators declined to override Gov. Phil Scott’s veto Tuesday morning.

Seventeen senators voted in favor of the bill and 13 voted against it. The bill would have needed two-thirds of the senators present, or at least 20 on Tuesday, to successfully override the veto.

On Jan. 4, House members [voted 112-32](#) to override Scott’s veto.

Vermont passed its original bottle bill in 1972, before people commonly used single-use containers for beverages such as energy drinks, hard cider and water. The law requires an extra five cents to be added onto certain beverage containers, and consumers can redeem that cost if they take the containers to a redemption center.

[H.158](#) would have marked the law's first major update, expanding it to include additional types of beverage containers, such as plastic water bottles and glass wine bottles, with a goal of keeping more containers out of the landfill.

In his veto message last year, Scott called the beverage redemption system "labor intensive" and said the state "should instead focus on investing in and improving zero-sort (or blue bin) recycling." He also cited concerns that H.158 would increase costs for Vermonters.

Senators did not discuss the bill before taking a vote.

Marcie Gallagher, a lobbyist for Vermont Public Interest Research Group, said the bill's failure is a disappointment for the environmental advocacy group, which has been working to update the bottle bill for years.

Gallagher said the materials that consumers attempt to recycle through the single-stream, "blue bin" method aren't always recycled in the end. Sometimes the materials, having been combined, are contaminated and hard to use, which can lower their value and make it harder for the recycled material to offset a need for new materials.

Materials salvaged from the beverage redemption system are separated, which makes the material cleaner and easier to use, Gallagher said. Bales made from bottle bill material are "sold for double what single-stream bales are sold for, and virtually 100% is recycled," she said.

"And then it's much more likely to be turned into something that can be recycled again," she said.

More than 75% of the covered bottles have been redeemed in Vermont each year, according to the Vermont Public Interest Research Group. Unclaimed deposits go to the state's Clean Water Fund.

The law can reduce litter problems because people are incentivized to exchange their empty containers for cash, said Nora Bosworth, an attorney at the Conservation Law Foundation who works on waste issues.

"It's pretty simple," she said. "It — consistently, in almost all the states that have bottle bills — cuts litter rates in half."

Representatives from Casella Waste Systems have testified before lawmakers to express opposition to an updated bottle bill. The redemption system threatens to grab valuable recyclables from their blue-bin system, taking a source of revenue from the company and by extension, hurting customers, according to Jeff Weld, a Casella spokesperson.

Weld told VTDigger he thinks the fact that the Senate sustained Scott's veto of the bill is "good news for Vermonters from an economic standpoint." He called the redemption system "redundant."

"I think a better use of our time would be to come together and recognize the real challenges that are out there when it comes to recycling and to come up with better systems," he said. "You know, invest that time and effort into new technologies."

Sen. Richard Westman, R-Lamoille, voted in favor of the bill as it took its first turn through the Senate last year, but voted against it on Tuesday.

Westman served on the Senate Natural Resources and Energy Committee, which worked on the bill last session.

"It's a very close call either way for me," he told VTDigger. There are two redemption centers in the 10 towns he serves, and one has an updated system that handles bottle bill collection easily, while the other struggles to handle the volume. He said he's worried that it might be hard for some of his constituents to access the redemption centers.

Westman expressed concern that Vermont isn't having a larger conversation about waste management, given that the state's only operating landfill in Coventry is [running out of space](#). And though proponents of the bottle bill think an updated redemption system could be part of the waste reduction solution, Westman pointed to Casella's argument that moving valuable recycles into the beverage redemption system would make it more financially difficult for the company to recycle effectively.

Gallagher dismissed the argument that the system would hurt Casella so much that it would force the business to operate differently.

"I'd say a cost to Casella, which is a billion-dollar operation that operates in nine northeast states, does not necessarily mean a cost pass-down to Vermonters," she said.

Gallagher said she still sees a path forward for a modernized bottle bill, which 83% of Vermonters support, according to polling by her organization. The bill was supported by a majority of lawmakers in both chambers, she said.

"There's some really incredible successes that have happened through this process that I don't want to lose sight of," she said.

### **Prosecutors drop what police had deemed a 'hate-motivated' assault case – VT Digger – Tiffany Tan**

State prosecutors have dropped a case against a Milton man accused of sexually assaulting a transgender boy, saying the complainant no longer wanted to engage in the criminal justice process.

The defendant, Alfonso Williams, 42, was charged in Chittenden County in 2022 with aggravated sexual assault of a child younger than 13. Police said he attacked the 12-year-old in 2019 [partly due to the child's gender identity](#), making it a hate-motivated crime.

Investigators said Williams knew the child, and reportedly said it was “not right” the child wanted to be a boy. Under state law, a person’s gender identity is a protected category, and a crime that is wholly or partly motivated by the victim’s protected category is classified as a hate-motivated crime.

Williams’ case was going through pretrial proceedings when the Chittenden County State’s Attorney’s Office dismissed it in September, according to court records. When asked about the reason for the dismissal, State’s Attorney Sarah George said the complainant no longer wanted to pursue the case.

“They were really wanting to move forward with their life,” George said in an email, “and we do not force victims of sexual assault charges to engage in the legal process beyond their comfort level.”

Williams’ felony charge was dismissed without prejudice, which means prosecutors maintain the option of recharging him.

He has two other pending cases in Chittenden County, both involving charges of aggravated domestic assault in 2022. He is currently under court-imposed conditions of release.

### **‘There’s no rules or oversight’: New bill seeks to ease Vermont’s animal welfare ‘crisis’ – VT Digger – Babette Stolk**

For months, maybe even years, people had raised concerns about two horses in Randolph who looked like they were neglected and starving. Time passed on, until finally the many calls reached the right destination. Together with law enforcement, a rescue organization went up to the property last summer, to find the horses, by then more skeleton than horse, miraculously still standing.

Under the care of that organization, Dorset Equine Rescue, the horses, called [Thunder and Ginger](#), were carefully transported to a farm where they were fed, and examined by a vet. It would have been the start of a better life, but the next morning Thunder’s organs crashed — he died of starvation.

The death, according to the founder and director of Dorset Equine Rescue, Jen Straub, was entirely preventable.

“It was just too late. His organs were already shutting down and it’s devastating,” Straub said. “It makes you so sad and angry because if help was just there, you know, if somebody just went out a week earlier, he would not have died,” she said in an interview with VTDigger.

The horses in Randolph are just one example of many.

Earlier that summer, Dorset Equine Rescue was also involved in the seizure of more than 100 horses in [Townsend](#). Last year, baby goats [in Charlotte](#) were dying in public view, while various organizations and agencies pointed in circles when asked who was responsible.

Advocates for change say that the state's handling of animal abuse complaints operates in a fragmented system with no clear entity in charge. As a result, especially in a state with staffing shortages in law enforcement, cases of animal abuse often fall through the cracks.

"There's no rules or oversight," Straub said.

For almost five years, [since 2019](#), the [Animal Cruelty Investigations Advisory Board](#), which advises state officials on animal welfare, has been making the same recommendation: Like its neighboring states, Vermont should establish a state-level division of animal welfare. This year, it may land.

A new bill, [H.626](#), was referred to the House Committee on Government Operations and Military Affairs last week that would create a Division of Animal Welfare under the Department of Public Safety. The bill is scheduled to be discussed again there on Jan. 25.

"We have a fragmented system that is overwhelmed with demand," said Rep. Katherine Sims, D-Craftsbury, one of the bill's sponsors, in an interview. "It's time that we create a unified system and structure."

Whose responsibility it is to respond to animal abuse differs depending on the case and the town in which it occurs, according to Erika Holm, the animal cruelty board's chair.

In some towns, generally those without law enforcement, the [Vermont Fish & Wildlife Department](#) has been taking on more and more cases, Holm said. In other places, the task falls to the town's law enforcement or animal control officers. Neither arrangement is ideal, according to animal welfare experts such as Holm, because the former is often too busy while the latter can be unequipped to handle such cases.

"Untrained animal control officers in towns, they are trying to do an investigation because they took a phone call from a concerned neighbor," Holm said in an interview. "They may not even have the most basic cruelty investigation training that has been offered,"

With such a fragmented system, it is difficult to even determine how large the scale of animal abuse is in Vermont, as no one agency collects data of people reporting abuse.

Holm is also the director of [the Central Vermont Humane Society](#), a rescue organization that, like Dorset Equine Rescue, often assists law enforcement in animal cruelty investigations.

According to Holm, Vermont's animal welfare is reaching a crisis point, as the state increasingly relies on nonprofits that often do not have the capacity to house animals, which can be seized indefinitely during court cases. "We don't have the resources, nor do we have the space," she added.

“No longer is there an animal cruelty investigation involving six dogs. It involves 25 dogs or 90 dogs, and no shelter,” Holm went on. “No one organization has the capacity for that and the state is really the level that this needs to be handled at.”

If passed, the new animal welfare division would launch on July 1 and a director of animal welfare would be appointed by the public safety commissioner, creating a clear point of contact for Vermonters who want to report animal abuse. That person would be charged with supervising investigations of abuse complaints.

“It’s frustrating when people try to get in touch with someone when it seems like there’s an emergency or an urgent situation, which there often is with animals. It’s frustrating for people to not have somewhere to go,” said Rep. Chea Waters Evans, D-Charlotte, another bill sponsor, in an interview. “A lot of times it is just a pure lack of knowledge (of) what to do next.”

If the new bill were to pass, the state would still rely on rescue organizations, although to a lesser extent, and it would create an animal welfare fund to, among other things, compensate them for some expenses. Many organizations currently rely solely on donations.

As envisioned by the bill, the new division would not only be a point of contact, but would also function as a form of oversight to further prevent animal abuse. For example, the division would make sure animal shelters are licensed, something that is currently not a mandatory requirement.

Several animal welfare experts, including Straub and Holm, expressed enthusiasm when asked about the bill.

“Not only did they write a bill, but (they) actually included some of our suggestions and that meant a lot to our organization. It made us feel very heard,” Straub said.

### **Final Reading: Race for Statehouse’s next sergeant-at-arms is underway – VT Digger**

As many lawmakers were gearing up for [yet another stern talking-to](#) from Gov. Phil Scott on Tuesday, Democratic members of the Senate gathered at lunchtime to ponder something entirely different: who should they elect to be the Statehouse’s next sergeant-at-arms?

Janet Miller, who has held her post for [nigh on nine years](#), plans to retire on March 1. That same day, members of the House and Senate are slated to convene a joint session to vote for her replacement.

Two people are vying for Miller’s job, which includes both ceremonial duties and a wide range of practical responsibilities, including overseeing both the Capitol Police Department and the Legislative Page program.

One is Agatha Kessler, the deputy director of the state’s Office of Professional Regulation. The other is Mike Ferrant, who heads up the Office of Legislative Operations — an office tasked with providing administrative support to the many legislative committees and their chairs.

Not unlike a high school debate for student council president, Kessler and Ferrant had about 15 minutes each on Tuesday to make their pitches.

Kessler talked up her experience working in the Office of Legislative Counsel for almost a decade before she took her current job. She said she's interested in making changes to the Legislative Page program to account for a steady decrease in paper communication in the building, and would consider installing new security features there such as metal detectors.

Ferrant, meanwhile, pointed to his longtime past experience as an engineer in the U.S. Army Reserve, which he said would make him a good candidate to be sergeant-at-arms during [a planned expansion](#) of the building over the next decade. He said he's also open to some security changes but emphasized that "I do not want to lose the accessibility of this place."

Both candidates encouraged lawmakers to find them in the building over the next few weeks if they have more questions about the ways that they'd make the gig their own.

— *Shaun Robinson*

### **In the know**

In his budget address delivered to the Legislature on Tuesday, Republican Gov. Phil Scott once again **implored lawmakers to refrain from increasing state taxes and fees** on Vermonters, and keep state spending within current revenues.

And similar to his State of the State address earlier this month, Scott again threw up his hands, conceding that Democrats hold theoretically veto-proof majorities in both the House and Senate, "which means you don't have to listen, or even consider, my priorities or objections."

Hard feelings over last year's budget showdown — which ultimately resulted in Scott's veto and the Legislature's overwhelming override — loomed not only over Scott's speech, but also Democratic legislative leaders' reactions immediately afterward.

Speaking to reporters afterward, House Speaker Jill Krowinski, D-Burlington, criticized the governor for his tone and, according to her, lack of concrete policy solutions to the issues he raised.

[Read more here.](#)

— *Sarah Mearhoff*

A bill that would have expanded Vermont's bottle deposit law, often called **the "bottle bill,"** has **failed** after state senators declined to override Gov. Phil Scott's veto Tuesday morning.

Seventeen senators voted in favor of the bill and 13 voted against it. The bill would have needed two-thirds of the senators present, or at least 20 on Tuesday, to successfully override the veto.

Vermont passed its original bottle bill in 1972, before people commonly used single-use containers for beverages such as energy drinks, hard cider and water. The law requires an extra



five cents to be added onto certain beverage containers, and consumers can redeem that cost if they take the containers to a redemption center.

[H.158](#) would have marked the law’s first major update, expanding it to include additional types of beverage containers, such as plastic water bottles and glass wine bottles, with a goal of keeping more containers out of the landfill.

[Read more here.](#)

— *Emma Cotton*

### **On the move**

A key House panel has voted to give a temporary reprieve to **hundreds of Vermonters sheltered in motels and hotels** who are [set to lose their state-sponsored rooms this spring](#).

On [Monday afternoon](#), the House Committee on Appropriations advanced a [mid-year budget adjustment bill](#) that provides funding to keep the expanded pandemic-era version of the state’s motel housing program going through the end of June. The program is [set to sunset on April 1](#).

The bill also includes provisions to keep people currently sheltered in motels and hotels under the state’s [winter weather policy](#) in emergency housing through June 30. As of now, unhoused Vermonters can get state vouchers for rooms in 30-day increments until March 15.

Proponents of the emergency housing extension emphasized the need to eliminate “artificial” distinctions dictating who gets access to shelter.

[Read more here.](#)

— *Carly Berlin*

VTDigger has launched its [2024 Vermont Legislative Guide](#) to help readers **stay up to date on all the Statehouse happenings**.

This is your one-stop hub for the latest news on Vermont’s 2024 legislative session: Learn more about how the Legislature works with our [“starter kit” articles](#), track key bills of the biennium as they move through the legislative process with our [2024 Bill Tracker](#), look up [your legislator](#) by entering your address and read [our legislative coverage](#) in one convenient place.

— *VT Digger Editor*

### **In Daniel Banyai’s absence, attorneys hash out his appeal before the Vermont Supreme Court – VT Digger – Ethan Weinstein**

With Daniel Banyai nowhere in sight, the Vermont Supreme Court heard his appeal regarding whether the state environmental court should have been able to order his arrest, fine him, and allow the town of Pawlet to bring his property into zoning compliance.

Yet as Merrill Bent, Pawlet's attorney, told the court, Banyai is not in jail, and his property, the controversial former paramilitary training facility [Slate Ridge](#), is not in compliance.

Banyai, she argued, has been operating "under the patina of good faith legal argument" while evading the law.

Banyai currently faces an active arrest warrant and more than \$100,000 in fines. Earlier this month, law enforcement authorities said they had been told the former Pawlet resident had [left Vermont with no plans to return](#).

Four of Vermont's five supreme court justices plus a substitute, Superior Court Judge Timothy Tomasi, weighed in on the case Tuesday, asking questions of Bent and Banyai's attorney, Robert Kaplan, during half an hour of oral arguments. Justice William Cohen was disqualified from hearing the appeal.

Chief Justice Paul Reiber opened the hearing by thanking the state workers who had helped reopen the court following last summer's flooding. Tuesday's hearings, he noted, were the first heard in person in more than six months.

"We're pleased to be back in the courthouse," Reiber said.

Kaplan, arguing first on Tuesday morning, contended that the environmental court had moved from "coercive" to "punitive" sanctions by levying more than \$100,000 in fines against his client and potentially allowing for Banyai to remain in jail until Pawlet officials bring his property into compliance.

A particular concern for Kaplan was his interpretation that the environmental court had "given the town the power" to decide "how long (Banyai) would be in jail," because the court's orders indicated Banyai would be held in jail until his property was brought into compliance, and the town was given permission to enter his property and effect compliance.

Arguing second, Bent highlighted that the ostensibly punitive nature of the sanctions, as Kaplan described them, had still not resulted in the deconstruction of unpermitted structures on the property.

In turn, she posed to the court whether Banyai was free to "defy court orders" and "endlessly litigate."

Vermont State Police and the Rutland County sheriff are required to inform the environmental court every 30 days of their attempts to arrest Banyai.

A previous warrant for Banyai's arrest expired unexecuted. After an inspection of Slate Ridge late last year, Judge Thomas Durkin ruled in environmental court that the property remained noncompliant and [reissued an arrest warrant](#) for Banyai.

Banyai appealed the court's sanctions against him last July. There is no specific timeline for the court to rule on his appeal.

Asked before the hearing whether he'd heard from his client, Kaplan offered little insight.

He has a lot of clients, he said, adding, "Some I hear from, some I don't."

### **Man accused of trapping 2 people at Burlington bar charged with kidnapping, assault - VT Digger – Tiffany Tan**

Two patrons who were held hostage for hours in a Burlington bar on Monday told police they escaped after one of them hit their captor with a bar stool as he was making Molotov cocktails, according to a police affidavit that was released on Tuesday.

The suspect, Tyshawn Lee, 23, of Winooski, has since been charged with kidnapping, assault and a host of other offenses, court documents show.

He was [arrested Monday night](#) after a nearly five-hour standoff with police at T. Rugg's Tavern in the Old North End. Police said Lee fled into the Elmwood Avenue bar after they tried to take him into custody on outstanding charges.

He is detained with no option to post bail at Northwest State Correctional Facility in St. Albans, and is scheduled to answer to the charges in Chittenden County Superior criminal court on Wednesday.

Chittenden County State's Attorney Sarah George, in a court filing on Tuesday, asked that Lee continue to be held without bail. The prosecutor said there is "substantial evidence" that Lee is guilty. She cited, for example, allegations that he'd wedged pool sticks in the bar's front and rear doors to evade Burlington police officers.

An affidavit that contained accounts by three Burlington police officers described one, Officer Julian Gonzalez, attempting to detain Lee after seeing him walking on North Champlain Street during an unrelated traffic stop at about 2:07 p.m. Monday. Police said Lee had been wanted on charges of violating his conditions of release and felony identity theft.

Gonzalez wrote that, after he informed Lee that he was under arrest, Lee "held an edged cutting instrument to his neck with his right hand and pulled out another edged weapon in his left hand and held it out while pointing it at me." Gonzalez pulled out his gun and Lee fled, the officer wrote, before Lee was seen entering the bar.

One of the two people described in charging documents as hostages — John Whyte, 58 — later told police that he was sitting at the bar with the other person, 37-year-old Sarah Metts, when he noticed police cruisers gathering outside and police began clearing out the bar. (The bar's owner, Mike Dunn, told VTDigger on Tuesday that Whyte and Metts were regular customers.)

"Whyte said he didn't fully comprehend the situation and did not know that Lee was 'the guy,' so he stepped to a corner of T. Ruggs and pulled Metts back with him," police wrote. He said Lee told the pair "don't move" and that he felt unfree to leave, deciding that following Lee's commands was his "safest option."

During this time, authorities said, Lee was speaking with crisis negotiators and reportedly asked that police provide him with a car in exchange for the release of the two hostages. The Burlington Police Department said it asked Vermont State Police for assistance at about 5 p.m., and the state agency's tactical services unit arrived over the next two hours.

State's Attorney George also said that Lee had shattered a glass at the bar and armed himself with the glass shards, along with a knife he had. Surveillance video, Burlington police said, showed him making the Molotov cocktails — a crude flammable device — with liquor bottles and rags at the bar.

It was at that point, around 7 p.m., according to the police affidavit, that Whyte and Metts acted.

“(Metts) said that she knew it was now or never and that they needed to act now because the situation was only going to end one way with Lee making Molotov cocktails,” officers wrote in the affidavit. “(Metts) advised that she and Whyte exchanged a hard glance, nodded their heads, and then (Metts) struck Lee with a stool in order to affect their escape and prevent Lee from igniting the Molotov cocktails.”

George alleged Lee's actions show he poses a risk of fleeing to avoid the criminal justice system. “Mr. Lee will go to extreme lengths to avoid capture and prosecution including his use of weapons, threatening self-harm, threatening bodily injury to law enforcement, and threatening the safety of the community and specific members of the community,” she wrote in the court filing.

The most serious charges against Lee — two felony counts of kidnapping — are punishable by life in prison on each count. Prosecutors also charged him with two counts of manufacturing a destructive device and one count of misdemeanor arson, referring to the Molotov cocktails he made.

He likewise faces misdemeanor charges for allegedly spitting on emergency responders and police and for resisting arrest.

T. Rugg's Tavern reopened as usual on Tuesday afternoon. Dunn, the owner, said he and his staff decided it was the appropriate response to the harrowing experience the neighborhood bar experienced the previous day.

“It's very important to be open for the neighborhood,” he said in an interview. “You can't hide from people doing crazy shit.”

Dunn, who described himself as a Burlington resident of 20 years, said he was “impressed” with the way Burlington police and Vermont State Police handled the incident.

“Their professionalism really, really shone through, and they resolved it in an extremely peaceful manner that I'm incredibly grateful for,” he said. “This incident could have gone awry and many different times.”

As of late Tuesday afternoon, Dunn said he had not heard from local elected officials about the hostage situation at his bar, which he thought was confusing.

“This seems like a pretty big thing that happened. ... Maybe we should be looking back towards our own city,” he said, referencing the Burlington City Council’s [discussions about the Israel-Hamas war](#) on Monday night.

**From:** Elena Mihaly <emihaly@clf.org>  
**Sent:** Thursday, January 25, 2024 11:02 AM  
**To:** Moore, Julie  
**Subject:** FW: Amendment to 3-1406 - Timeline?

**EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.**

FYI.

Also, here's the two "Make Big Oil Pay/ Climate Superfund" bills: [S.259](#) and [H.809](#). We're working with VPIRG, VNRC, and others to advance the legislation and I'd gladly serve as a liaison to share any feedback/critique/questions that you have once you've reviewed.

---

**From:** Elena Mihaly  
**Sent:** Friday, January 19, 2024 2:03 PM  
**To:** Ellermann, Katelyn (she/her) <Katelyn.Ellermann@vermont.gov>  
**Cc:** Polaczyk, Amy <Amy.Polaczyk@vermont.gov>; Collins, Heather <Heather.Collins@vermont.gov>; LaFlamme, Pete <Pete.LaFlamme@vermont.gov>; Gonda, Jordan <Jordan.Gonda@vermont.gov>; Nora Bosworth <nbosworth@clf.org>; pblair@just-zero.org  
**Subject:** RE: Amendment to 3-1406 - Timeline?

Dear Katelyn,

Thanks for your email. Firstly, we'd be happy to comply with your request that we 'cc' the appropriate legal contact on any future email correspondence with Agency staff regarding this or other permits that we're tracking. For this permit, we'll assume that's you.

Second, regarding meeting with the Agency, it was our hope that we could have an opportunity to sit down with Agency staff who have been steeped in working on this permit to discuss the substantive concerns we raised in our comments related to the proposed PFAS treatment methodology.

We understand that the Agency cannot accept additional comments now that the comment period has closed. But that's not what we're asking for here. You wrote that the Agency will use its best professional judgment in interpreting comments—including potential clarification if warranted. We're requesting a meeting with you simply so the Agency staff can engage with us directly to help interpret our comments and/or to clarify anything we (or the experts) state therein. In my experience, this kind of informal in-person (or Zoom) dialogue can often resolve concerns much better than just relying on paper/email exchanges.

It is of course the Agency's prerogative whether to meet, but I wanted to provide our rationale for making that request. Thanks for your continued partnership in this permit review process.

Sincerely,  
Elena

---

**From:** Ellermann, Katelyn (she/her) <[Katelyn.Ellermann@vermont.gov](mailto:Katelyn.Ellermann@vermont.gov)>  
**Sent:** Thursday, January 18, 2024 7:58 AM  
**To:** Nora Bosworth <[nbosworth@clf.org](mailto:nbosworth@clf.org)>; Elena Mihaly <[emihaly@clf.org](mailto:emihaly@clf.org)>; [pblair@just-zero.org](mailto:pblair@just-zero.org)  
**Cc:** Polaczyk, Amy <[Amy.Polaczyk@vermont.gov](mailto:Amy.Polaczyk@vermont.gov)>; Collins, Heather <[Heather.Collins@vermont.gov](mailto:Heather.Collins@vermont.gov)>; LaFlamme, Pete <[Pete.LaFlamme@vermont.gov](mailto:Pete.LaFlamme@vermont.gov)>; Gonda, Jordan <[Jordan.Gonda@vermont.gov](mailto:Jordan.Gonda@vermont.gov)>  
**Subject:** RE: Amendment to 3-1406 - Timeline?

CAUTION: Email from outside CLF.

Good morning Attorneys Bosworth, Mihaly, and Blair:

I'm writing to follow up on the below plans for a meeting with the Agency's Watershed Management Division/Wastewater Program on the New England Waste Services of Vermont, Inc. Pretreatment Permit No. 3-1406. First, thank you for your submitted December 20, 2023 comment letter and attachments. We also appreciate the offer to discuss them. Given the public comment period has closed, however, the Agency will hold off on the plan to meet at this time. We are focused on reviewing extensive comment, including careful consideration of the joint CLF-Just Zero comments. The Agency will use its technical expertise and best professional judgment in interpreting comments and considering their impact on the proceeding, including potential clarification of comments if warranted.

Going forward, we'd like to encourage that permit-specific communications with the Agency come through the Agency's legal points of contact, such as Ed McNamara (ANR General Counsel), Jordan Gonda (DEC General Counsel), or myself. If you already have a line of communication with non-legal staff on a topic, please also kindly copy one of us attorneys.

Thanks again for your input on No. 3-1406 and your willingness to discuss.

Sincerely,  
Katelyn Ellermann



**Katelyn Ellermann** (she/her) | Associate General Counsel  
Vermont Agency of Natural Resources  
1 National Life Drive, Davis 2 | Montpelier, VT 05620-3520  
802-522-7125 (cell) | [Katelyn.Ellermann@vermont.gov](mailto:Katelyn.Ellermann@vermont.gov)  
Connect with us on our [website](#).

*The Agency of Natural Resources supports telework, and there are times when I may be working from another office location. I am available to connect by phone and email. I am also available to connect in-person upon request.*

Written communications to and from state officials regarding state business are considered public records and may be subject to public scrutiny.

Disclaimer: This email message from the Vermont Agency of Natural Resources Office of General Counsel is intended only for the individual(s) to which it is addressed. This message may contain information that is privileged, confidential, and exempt from disclosure under applicable law. If you are not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you received this email by accident, please notify the sender immediately and destroy this email and all copies of it.

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**From:** Nora Bosworth <[nbosworth@clf.org](mailto:nbosworth@clf.org)>  
**Sent:** Wednesday, January 17, 2024 4:29 PM  
**To:** Elena Mihaly <[emihaly@clf.org](mailto:emihaly@clf.org)>; Polaczyk, Amy <[Amy.Polaczyk@vermont.gov](mailto:Amy.Polaczyk@vermont.gov)>  
**Cc:** Collins, Heather <[Heather.Collins@vermont.gov](mailto:Heather.Collins@vermont.gov)>; LaFlamme, Pete <[Pete.LaFlamme@vermont.gov](mailto:Pete.LaFlamme@vermont.gov)>; Peter Blair <[pblair@just-zero.org](mailto:pblair@just-zero.org)>  
**Subject:** RE: Amendment to 3-1406 - Timeline?

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Good afternoon Amy and all,

I hope you're doing well and I just wanted to circle back and see if we could solidify a time.

Looks like 1/29 at 9am is the preferred time for Elena, and all of us seem to have stated availability then, does that still work for your team?

Many thanks for coordinating this!

My best,

**Nora Bosworth, Esq.**

Staff Attorney, Zero Waste Project  
Conservation Law Foundation  
*Pronouns: she/her*

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**From:** Elena Mihaly <[emihaly@clf.org](mailto:emihaly@clf.org)>

**Sent:** Thursday, January 4, 2024 10:12 PM

**To:** Nora Bosworth <[nbosworth@clf.org](mailto:nbosworth@clf.org)>; Polaczyk, Amy <[Amy.Polaczyk@vermont.gov](mailto:Amy.Polaczyk@vermont.gov)>

**Cc:** Collins, Heather <[Heather.Collins@vermont.gov](mailto:Heather.Collins@vermont.gov)>; LaFlamme, Pete <[Pete.LaFlamme@vermont.gov](mailto:Pete.LaFlamme@vermont.gov)>; Peter Blair <[pblair@just-zero.org](mailto:pblair@just-zero.org)>

**Subject:** RE: Amendment to 3-1406 - Timeline?

Hi All,

Thanks for including me. I can meet on 1/29 at 9AM (preferred) or 1/30 at 11AM.

Thank you!

Elena

---

**From:** Nora Bosworth <[nbosworth@clf.org](mailto:nbosworth@clf.org)>

**Sent:** Thursday, January 4, 2024 5:07 PM

**To:** Polaczyk, Amy <[Amy.Polaczyk@vermont.gov](mailto:Amy.Polaczyk@vermont.gov)>

**Cc:** Collins, Heather <[Heather.Collins@vermont.gov](mailto:Heather.Collins@vermont.gov)>; LaFlamme, Pete <[Pete.LaFlamme@vermont.gov](mailto:Pete.LaFlamme@vermont.gov)>; Peter Blair <[pblair@just-zero.org](mailto:pblair@just-zero.org)>; Elena Mihaly <[emihaly@clf.org](mailto:emihaly@clf.org)>

**Subject:** Re: Amendment to 3-1406 - Timeline?

Hi all-

I'm looping in Elena Mihaly as I know she hopes to be able to attend as well.

Elena, right now the proposed times are 1/29 at 9 or 10, or 1/30 at 11. Either works for me and Peter.

Best,



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**From:** Nora Bosworth <[nbosworth@clf.org](mailto:nbosworth@clf.org)>  
**Sent:** Thursday, January 4, 2024 5:04 PM  
**To:** Polaczyk, Amy <[Amy.Polaczyk@vermont.gov](mailto:Amy.Polaczyk@vermont.gov)>  
**Cc:** Collins, Heather <[Heather.Collins@vermont.gov](mailto:Heather.Collins@vermont.gov)>; LaFlamme, Pete <[Pete.LaFlamme@vermont.gov](mailto:Pete.LaFlamme@vermont.gov)>; Peter Blair <[pblair@just-zero.org](mailto:pblair@just-zero.org)>  
**Subject:** Re: Amendment to 3-1406 - Timeline?

Hi Amy - I can do any of those times as well :)

Whichever works best for you.

Best,

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**From:** Polaczyk, Amy <[Amy.Polaczyk@vermont.gov](mailto:Amy.Polaczyk@vermont.gov)>  
**Sent:** Thursday, January 4, 2024 4:49:26 PM  
**To:** Nora Bosworth <[nbosworth@clf.org](mailto:nbosworth@clf.org)>  
**Cc:** Collins, Heather <[Heather.Collins@vermont.gov](mailto:Heather.Collins@vermont.gov)>; LaFlamme, Pete <[Pete.LaFlamme@vermont.gov](mailto:Pete.LaFlamme@vermont.gov)>; Peter Blair <[pblair@just-zero.org](mailto:pblair@just-zero.org)>  
**Subject:** RE: Amendment to 3-1406 - Timeline?

CAUTION: Email from outside CLF.

Hi Nora,

Unfortunately, it doesn't look like the 18<sup>th</sup> will work on our end and given the short week 1/15-19, calendars are tight. What about Monday 1/29 at 9 or 10am or Tuesday 1/30 at 11am?

Amy

Amy L. Polaczyk, PhD | Program Manager (she/her)  
Vermont Department of Environmental Conservation  
Watershed Management Division, Wastewater Management Program  
Davis 3, 1 National Life Dr | Montpelier, VT 05620-3522  
802-490-6185 (cell)  
<https://dec.vermont.gov/watershed/wastewater>

---

**From:** Nora Bosworth <[nbosworth@clf.org](mailto:nbosworth@clf.org)>  
**Sent:** Thursday, January 4, 2024 10:05 AM  
**To:** Polaczyk, Amy <[Amy.Polaczyk@vermont.gov](mailto:Amy.Polaczyk@vermont.gov)>  
**Cc:** Collins, Heather <[Heather.Collins@vermont.gov](mailto:Heather.Collins@vermont.gov)>; LaFlamme, Pete <[Pete.LaFlamme@vermont.gov](mailto:Pete.LaFlamme@vermont.gov)>; Peter Blair <[pblair@just-zero.org](mailto:pblair@just-zero.org)>  
**Subject:** RE: Amendment to 3-1406 - Timeline?

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Hi Amy,

Wow, that's a lot of input! I am unfortunately out of the country next week, would it be possible/ practical to schedule a time the following week, 1/16-1/19?

CC'ing Peter Blair from Just Zero as he will want to attend as well. Personally, I can move things around the week of 1/16-1/19 to accommodate your schedules. Otherwise, I have **1/18** very open.

All my best,

**Nora Bosworth, Esq.**

Staff Attorney, Zero Waste Project  
Conservation Law Foundation  
*Pronouns: she/her*

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---

**From:** Polaczyk, Amy <[Amy.Polaczyk@vermont.gov](mailto:Amy.Polaczyk@vermont.gov)>

**Sent:** Thursday, January 4, 2024 10:01 AM

**To:** Nora Bosworth <[nbosworth@clf.org](mailto:nbosworth@clf.org)>

**Cc:** Collins, Heather <[Heather.Collins@vermont.gov](mailto:Heather.Collins@vermont.gov)>; LaFlamme, Pete <[Pete.LaFlamme@vermont.gov](mailto:Pete.LaFlamme@vermont.gov)>

**Subject:** RE: Amendment to 3-1406 - Timeline?

CAUTION: Email from outside CLF.

Good morning Nora,

We received nearly 200 pages of comments and are reviewing those now. I do think setting up a time to talk would be helpful, so perhaps we can identify a time in a week or so that will work for all of us to meet? Thank should give us enough time to digest the comments, including the input from CLF.

Thanks-

Amy

**Amy L. Polaczyk**, PhD | Program Manager (she/her)  
Vermont Department of Environmental Conservation  
Watershed Management Division, Wastewater Management Program  
Davis 3, 1 National Life Dr | Montpelier, VT 05620-3522  
802-490-6185 (cell)  
<https://dec.vermont.gov/watershed/wastewater>

---

**From:** Nora Bosworth <[nbosworth@clf.org](mailto:nbosworth@clf.org)>

**Sent:** Thursday, January 4, 2024 9:56 AM

**To:** Polaczyk, Amy <[Amy.Polaczyk@vermont.gov](mailto:Amy.Polaczyk@vermont.gov)>

**Subject:** Amendment to 3-1406 - Timeline?

**EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.**

Good morning Amy and Happy New Year – I hope you got some restful time off.

I was writing to inquire if we have a date by which the Dep't will reach a decision on Casella's Pilot Plan / application to amend Permit 3-1406?

I also wanted to reextend Peter Blair's offer to meet with us to discuss the concerns we raise in our comment / expert report, if it would be helpful.

All my best and thanks as always for your help,

**Nora Bosworth, Esq.**

Staff Attorney, Zero Waste Project

Conservation Law Foundation

*Pronouns: she/her*

53 Exchange St. #200

Portland, ME 04101

P: 207-210-6439 x.5017

E: [nbosworth@clf.org](mailto:nbosworth@clf.org)

[www.clf.org](http://www.clf.org)

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**From:** Moore, Julie  
**Sent:** Thursday, January 25, 2024 11:06 AM  
**To:** McNamara, Ed  
**Subject:** FW: Amendment to 3-1406 - Timeline?



**Julia S. Moore, P.E.** | Secretary (she/her)  
Vermont Agency of Natural Resources  
1 National Life Dr, Davis 2 | Montpelier, VT 05620-3901  
802-828-1294 office  
[julie.moore@vermont.gov](mailto:julie.moore@vermont.gov)  
[anr.vermont.gov](http://anr.vermont.gov)

*The Agency of Natural Resources supports telework and there are times when I may be working from another location. I am generally available to connect by phone and email during business hours. I am also available to meet in-person upon request.*

Help raise money for Vermonters impacted by flood damage and show your Vermont pride with *Vermont Strong and Tough Too* license plates and socks. [Click here to purchase your Vermont Strong gear](#) or visit [DMV.Vermont.gov/VermontStrong23](http://DMV.Vermont.gov/VermontStrong23).

Impacted Vermonters can find resources and referrals by visiting [Vermont.Gov/Flood](http://Vermont.Gov/Flood).

---

**From:** Elena Mihaly <[emihaly@clf.org](mailto:emihaly@clf.org)>  
**Sent:** Thursday, January 25, 2024 11:02 AM  
**To:** Moore, Julie <[Julie.Moore@vermont.gov](mailto:Julie.Moore@vermont.gov)>  
**Subject:** FW: Amendment to 3-1406 - Timeline?

**EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.**  
FYI.

Also, here's the two "Make Big Oil Pay/ Climate Superfund" bills: [S.259](#) and [H.809](#). We're working with VPIRG, VNRC, and others to advance the legislation and I'd gladly serve as a liaison to share any feedback/critique/questions that you have once you've reviewed.

---

**From:** Elena Mihaly  
**Sent:** Friday, January 19, 2024 2:03 PM  
**To:** Ellermann, Katelyn (she/her) <[Katelyn.Ellermann@vermont.gov](mailto:Katelyn.Ellermann@vermont.gov)>  
**Cc:** Polaczyk, Amy <[Amy.Polaczyk@vermont.gov](mailto:Amy.Polaczyk@vermont.gov)>; Collins, Heather <[Heather.Collins@vermont.gov](mailto:Heather.Collins@vermont.gov)>; LaFlamme, Pete <[Pete.LaFlamme@vermont.gov](mailto:Pete.LaFlamme@vermont.gov)>; Gonda, Jordan <[Jordan.Gonda@vermont.gov](mailto:Jordan.Gonda@vermont.gov)>; Nora Bosworth <[nbosworth@clf.org](mailto:nbosworth@clf.org)>; [pblair@just-zero.org](mailto:pblair@just-zero.org)  
**Subject:** RE: Amendment to 3-1406 - Timeline?

Dear Katelyn,

Thanks for your email. Firstly, we'd be happy to comply with your request that we 'cc' the appropriate legal contact on any future email correspondence with Agency staff regarding this or other permits that we're tracking. For this permit, we'll assume that's you.

Second, regarding meeting with the Agency, it was our hope that we could have an opportunity to sit down with Agency staff who have been steeped in working on this permit to discuss the substantive concerns we raised in

our comments related to the proposed PFAS treatment methodology.

We understand that the Agency cannot accept additional comments now that the comment period has closed. But that's not what we're asking for here. You wrote that the Agency will use its best professional judgment in interpreting comments –including potential clarification if warranted. We're requesting a meeting with you simply so the Agency staff can engage with us directly to help interpret our comments and/or to clarify anything we (or the experts) state therein. In my experience, this kind of informal in-person (or Zoom) dialogue can often resolve concerns much better than just relying on paper/email exchanges.

It is of course the Agency's prerogative whether to meet, but I wanted to provide our rationale for making that request. Thanks for your continued partnership in this permit review process.

Sincerely,  
Elena

---

**From:** Ellermann, Katelyn (she/her) <[Katelyn.Ellermann@vermont.gov](mailto:Katelyn.Ellermann@vermont.gov)>

**Sent:** Thursday, January 18, 2024 7:58 AM

**To:** Nora Bosworth <[nbosworth@clf.org](mailto:nbosworth@clf.org)>; Elena Mihaly <[emihaly@clf.org](mailto:emihaly@clf.org)>; [pblair@just-zero.org](mailto:pblair@just-zero.org)

**Cc:** Polaczyk, Amy <[Amy.Polaczyk@vermont.gov](mailto:Amy.Polaczyk@vermont.gov)>; Collins, Heather <[Heather.Collins@vermont.gov](mailto:Heather.Collins@vermont.gov)>; LaFlamme, Pete <[Pete.LaFlamme@vermont.gov](mailto:Pete.LaFlamme@vermont.gov)>; Gonda, Jordan <[Jordan.Gonda@vermont.gov](mailto:Jordan.Gonda@vermont.gov)>

**Subject:** RE: Amendment to 3-1406 - Timeline?

CAUTION: Email from outside CLF.

Good morning Attorneys Bosworth, Mihaly, and Blair:

I'm writing to follow up on the below plans for a meeting with the Agency's Watershed Management Division/Wastewater Program on the New England Waste Services of Vermont, Inc. Pretreatment Permit No. 3-1406. First, thank you for your submitted December 20, 2023 comment letter and attachments. We also appreciate the offer to discuss them. Given the public comment period has closed, however, the Agency will hold off on the plan to meet at this time. We are focused on reviewing extensive comment, including careful consideration of the joint CLF-Just Zero comments. The Agency will use its technical expertise and best professional judgment in interpreting comments and considering their impact on the proceeding, including potential clarification of comments if warranted.

Going forward, we'd like to encourage that permit-specific communications with the Agency come through the Agency's legal points of contact, such as Ed McNamara (ANR General Counsel), Jordan Gonda (DEC General Counsel), or myself. If you already have a line of communication with non-legal staff on a topic, please also kindly copy one of us attorneys.

Thanks again for your input on No. 3-1406 and your willingness to discuss.

Sincerely,  
Katelyn Ellermann



**Katelyn Ellermann** (she/her) | Associate General Counsel

Vermont Agency of Natural Resources

1 National Life Drive, Davis 2 | Montpelier, VT 05620-3520

802-522-7125 (cell) | [Katelyn.Ellermann@vermont.gov](mailto:Katelyn.Ellermann@vermont.gov)

Connect with us on our [website](#).

*The Agency of Natural Resources supports telework, and there are times when I may be working from another office location. I am available to connect by phone and email. I am also available to connect in-person upon request.*

Written communications to and from state officials regarding state business are considered public records and may be subject to public scrutiny.

Disclaimer: This email message from the Vermont Agency of Natural Resources Office of General Counsel is intended only for the individual(s) to which it is addressed. This message may contain information that is privileged, confidential, and exempt from disclosure under applicable law. If you are not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you received this email by accident, please notify the sender immediately and destroy this email and all copies of it.

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**From:** Nora Bosworth <[nbosworth@clf.org](mailto:nbosworth@clf.org)>  
**Sent:** Wednesday, January 17, 2024 4:29 PM  
**To:** Elena Mihaly <[emihaly@clf.org](mailto:emihaly@clf.org)>; Polaczyk, Amy <[Amy.Polaczyk@vermont.gov](mailto:Amy.Polaczyk@vermont.gov)>  
**Cc:** Collins, Heather <[Heather.Collins@vermont.gov](mailto:Heather.Collins@vermont.gov)>; LaFlamme, Pete <[Pete.LaFlamme@vermont.gov](mailto:Pete.LaFlamme@vermont.gov)>; Peter Blair <[pblair@just-zero.org](mailto:pblair@just-zero.org)>  
**Subject:** RE: Amendment to 3-1406 - Timeline?

**EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.**

Good afternoon Amy and all,

I hope you're doing well and I just wanted to circle back and see if we could solidify a time.

Looks like 1/29 at 9am is the preferred time for Elena, and all of us seem to have stated availability then, does that still work for your team?

Many thanks for coordinating this!

My best,

**Nora Bosworth, Esq.**  
Staff Attorney, Zero Waste Project  
Conservation Law Foundation  
*Pronouns: she/her*

53 Exchange St. #200  
Portland, ME 04101

P: 207-210-6439 x.5017  
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---

**From:** Elena Mihaly <[emihaly@clf.org](mailto:emihaly@clf.org)>  
**Sent:** Thursday, January 4, 2024 10:12 PM  
**To:** Nora Bosworth <[nbosworth@clf.org](mailto:nbosworth@clf.org)>; Polaczyk, Amy <[Amy.Polaczyk@vermont.gov](mailto:Amy.Polaczyk@vermont.gov)>  
**Cc:** Collins, Heather <[Heather.Collins@vermont.gov](mailto:Heather.Collins@vermont.gov)>; LaFlamme, Pete <[Pete.LaFlamme@vermont.gov](mailto:Pete.LaFlamme@vermont.gov)>; Peter Blair <[pblair@just-zero.org](mailto:pblair@just-zero.org)>

**Subject:** RE: Amendment to 3-1406 - Timeline?

Hi All,

Thanks for including me. I can meet on 1/29 at 9AM (preferred) or 1/30 at 11AM.

Thank you!  
Elena

---

**From:** Nora Bosworth <[nbosworth@clf.org](mailto:nbosworth@clf.org)>  
**Sent:** Thursday, January 4, 2024 5:07 PM  
**To:** Polaczyk, Amy <[Amy.Polaczyk@vermont.gov](mailto:Amy.Polaczyk@vermont.gov)>  
**Cc:** Collins, Heather <[Heather.Collins@vermont.gov](mailto:Heather.Collins@vermont.gov)>; LaFlamme, Pete <[Pete.LaFlamme@vermont.gov](mailto:Pete.LaFlamme@vermont.gov)>; Peter Blair <[pblair@just-zero.org](mailto:pblair@just-zero.org)>; Elena Mihaly <[emihaly@clf.org](mailto:emihaly@clf.org)>  
**Subject:** Re: Amendment to 3-1406 - Timeline?

Hi all-

I'm looping in Elena Mihaly as I know she hopes to be able to attend as well.

Elena, right now the proposed times are 1/29 at 9 or 10, or 1/30 at 11. Either works for me and Peter.

Best,  
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---

**From:** Nora Bosworth <[nbosworth@clf.org](mailto:nbosworth@clf.org)>  
**Sent:** Thursday, January 4, 2024 5:04 PM  
**To:** Polaczyk, Amy <[Amy.Polaczyk@vermont.gov](mailto:Amy.Polaczyk@vermont.gov)>  
**Cc:** Collins, Heather <[Heather.Collins@vermont.gov](mailto:Heather.Collins@vermont.gov)>; LaFlamme, Pete <[Pete.LaFlamme@vermont.gov](mailto:Pete.LaFlamme@vermont.gov)>; Peter Blair <[pblair@just-zero.org](mailto:pblair@just-zero.org)>  
**Subject:** Re: Amendment to 3-1406 - Timeline?

Hi Amy - I can do any of those times as well :)

Whichever works best for you.

Best,  
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---

**From:** Polaczyk, Amy <[Amy.Polaczyk@vermont.gov](mailto:Amy.Polaczyk@vermont.gov)>  
**Sent:** Thursday, January 4, 2024 4:49:26 PM  
**To:** Nora Bosworth <[nbosworth@clf.org](mailto:nbosworth@clf.org)>  
**Cc:** Collins, Heather <[Heather.Collins@vermont.gov](mailto:Heather.Collins@vermont.gov)>; LaFlamme, Pete <[Pete.LaFlamme@vermont.gov](mailto:Pete.LaFlamme@vermont.gov)>; Peter Blair <[pblair@just-zero.org](mailto:pblair@just-zero.org)>  
**Subject:** RE: Amendment to 3-1406 - Timeline?

CAUTION: Email from outside CLF.

Hi Nora,

Unfortunately, it doesn't look like the 18<sup>th</sup> will work on our end and given the short week 1/15-19, calendars are tight. What about Monday 1/29 at 9 or 10am or Tuesday 1/30 at 11am?

Amy

Amy L. Polaczyk, PhD | Program Manager (she/her)  
Vermont Department of Environmental Conservation  
Watershed Management Division, Wastewater Management Program  
Davis 3, 1 National Life Dr | Montpelier, VT 05620-3522  
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<https://dec.vermont.gov/watershed/wastewater>

---

**From:** Nora Bosworth <[nbosworth@clf.org](mailto:nbosworth@clf.org)>  
**Sent:** Thursday, January 4, 2024 10:05 AM  
**To:** Polaczyk, Amy <[Amy.Polaczyk@vermont.gov](mailto:Amy.Polaczyk@vermont.gov)>  
**Cc:** Collins, Heather <[Heather.Collins@vermont.gov](mailto:Heather.Collins@vermont.gov)>; LaFlamme, Pete <[Pete.LaFlamme@vermont.gov](mailto:Pete.LaFlamme@vermont.gov)>; Peter Blair <[pblair@just-zero.org](mailto:pblair@just-zero.org)>  
**Subject:** RE: Amendment to 3-1406 - Timeline?

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Hi Amy,

Wow, that's a lot of input! I am unfortunately out of the country next week, would it be possible/ practical to schedule a time the following week, 1/16-1/19?

CC'ing Peter Blair from Just Zero as he will want to attend as well. Personally, I can move things around the week of 1/16-1/19 to accommodate your schedules. Otherwise, I have **1/18** very open.

All my best,

**Nora Bosworth, Esq.**  
Staff Attorney, Zero Waste Project  
Conservation Law Foundation  
*Pronouns: she/her*

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Portland, ME 04101

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[www.clf.org](http://www.clf.org)

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---

**From:** Polaczyk, Amy <[Amy.Polaczyk@vermont.gov](mailto:Amy.Polaczyk@vermont.gov)>  
**Sent:** Thursday, January 4, 2024 10:01 AM  
**To:** Nora Bosworth <[nbosworth@clf.org](mailto:nbosworth@clf.org)>  
**Cc:** Collins, Heather <[Heather.Collins@vermont.gov](mailto:Heather.Collins@vermont.gov)>; LaFlamme, Pete <[Pete.LaFlamme@vermont.gov](mailto:Pete.LaFlamme@vermont.gov)>  
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Thanks-  
Amy

**Amy L. Polaczyk**, PhD | Program Manager (she/her)  
Vermont Department of Environmental Conservation  
Watershed Management Division, Wastewater Management Program  
Davis 3, 1 National Life Dr | Montpelier, VT 05620-3522  
802-490-6185 (cell)  
<https://dec.vermont.gov/watershed/wastewater>

---

**From:** Nora Bosworth <[nbosworth@clf.org](mailto:nbosworth@clf.org)>  
**Sent:** Thursday, January 4, 2024 9:56 AM  
**To:** Polaczyk, Amy <[Amy.Polaczyk@vermont.gov](mailto:Amy.Polaczyk@vermont.gov)>  
**Subject:** Amendment to 3-1406 - Timeline?

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All my best and thanks as always for your help,

**Nora Bosworth, Esq.**  
Staff Attorney, Zero Waste Project  
Conservation Law Foundation  
*Pronouns: she/her*

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[www.clf.org](http://www.clf.org)

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**From:** Ramirez-Richer, Emma  
**Sent:** Friday, January 26, 2024 4:47 PM  
**To:** ANR  
**Subject:** Weekly news links 1.26.24

**Notes:**

- Free Ice Fishing Day is on Saturday! This Saturday, you can go ice fishing wherever you'd like (after checking the ice is safe), no matter if you have a license or not. Fish & Wildlife will be at Lake Elmore to provide the public with rods and augers to use, and there will also be hot chocolate and a fish fry. Bring your friends and family!
- Ed McNamara, general counsel for the Agency, had his last day at ANR today. He will be starting at State of Vermont's Public Utility Commission on Monday. Read more below. Congrats Ed!

**This week in the Secretary's office:**

- Secretary Moore and Climate Action Office Manager Jane Lazorchak traveled to Augusta, Maine on Tuesday to discuss the December flooding event that hit Maine very hard. Maine's Governor, Janet Mills, and her Climate Council, invited ANR to share how Vermont has adapted with the goal to become more resilient. ANR shared what has been learned from the summer 2023 flood and discussed how to be better prepared in the face of intensifying storms.
- Governor Scott gave his annual budget address Tuesday. The speech lays out his FY2025 investments, which include ANR's budget asks. Deputy Secretary Gendron, and Commissioners Fitzko, Herrick and Batchelder were in the audience. The biggest themes that the Governor highlighted in his speech were the importance of investing in resilience post-flood, public safety, affordability, and housing. You'll see more about the Governor's budget in the news below.

**News:**

- Scott taps Ed McNamara to chair Public Utility Commission ([VTDigger](#))
- Protect Our Wildlife and others sue VT Fish & Wildlife over trapping and hounding rules ([Burlington Free Press](#))
- Wildlife advocates sue state over certain hunting and trapping practices ([WPTZ](#))
- Wildlife advocates sue Vermont Department of Fish and Wildlife over trapping, coyote hunting rules ([Vermont Public](#))
- Wildlife advocates sue Vt. Fish and Wildlife over trapping, hunting rules ([WCAX](#))
- Vt. lawmakers fail to override governor's veto of expanded bottle bill ([WCAX](#))
- Vermont Senate Fails to Override Veto of Bottle Bill Expansion ([Seven Days](#))
- Senate fails to override bottle bill veto by 3 votes ([VTDigger](#))
- Vt. reaches \$2.3M settlement over cleanup of former Hartford dry cleaning business ([WCAX](#))
- Turtles, frogs hanging around in warmer winter ([Addison Independent](#))
- Wildlife Watch: Unique adaptations of resident bird populations ([WCAX](#))
- Transportation Agency says landslide in Plainfield becoming more dangerous ([WCAX](#))
- State monitoring landslide near Route 2 in Plainfield ([Times Argus](#))
- 23 lost skiers and snowboarders rescued in frigid temperatures in Killington, Vermont ([AP](#))

- Critics Call a Logging Plan in the Worcester Range a Missed Conservation Opportunity ([Seven Days](#))
- Lawmakers look to protect you from home and land improvement fraud ([WPTZ](#))
- Nearly 5,000 acres permanently conserved in Vermont's northern Greens ([Vermont Public](#))
- Managing forests for birds ([Charlotte News](#))
- Senate fast-tracks approval of school tax relief for flooded municipalities ([VTDigger](#))
- House advances 'life raft' budget adjustment to help flood-affected municipalities ([VTDigger](#))
- Municipalities could be getting flood-related tax abatements reimbursed ([WPTZ](#))
- Hinesburg looks to state for landfill fixes ([The Citizen](#))
- Vt. lawmakers to consider ban on treated seeds toxic to pollinators ([WCAX](#))
- Vermont agency stands by honeybee report despite pushback from beekeepers ([Vermont Public](#))
- USDA grants \$3.7 million for clean energy projects in Vermont ([Vermont Public](#))
- Vermont lawmakers look to strengthen animal welfare laws ([WCAX](#))
- 'There's no rules or oversight': New bill seeks to ease Vermont's animal welfare 'crisis' ([VTDigger](#))
- Vermonters encouraged to donate to Nongame Wildlife Fund on taxes ([WCAX](#))
- Climate Superfund Act would make oil companies pay for climate damages in Vermont ([Vermont Public](#))
- Stowe holds off on beaver trapping, but for how long? ([VTDigger](#))
- Slate Ridge case now before the Vermont Supreme Court ([WPTZ](#))
- Gov. Scott pitches \$8.6B budget plan to Vt. lawmakers ([WCAX](#))
- Gov. Phil Scott reverts to pre-pandemic spending norms in proposed fiscal year 2025 budget ([Vermont Public](#))
- Scott Proposes State Budget With Modest Increases ([Seven Days](#))
- In budget address, Phil Scott beats familiar drum of maintaining — not raising — taxes and fees ([VTDigger](#))

#### Opinion:

- Zack Porter: Hanging in the balance — the uncertain future of the wild Worcester Range ([VTDigger](#))

#### Press Releases:

- Waterfowl Blinds Must Be Removed ([FWD](#))
- Vermonters Encouraged to Support Threatened and Endangered Species Recovery with Nongame Tax Checkoff ([FWD](#))
- Clean Water Conversation Series Launch ([DEC](#))
- \$12.4 Million in Funding Available to Help Property Owners Meet Water Quality Regulations ([DEC](#))
- Announcing the Vermont Clean Water Initiative 2023 Performance Report ([DEC](#))

- Opinion: The Importance of a Resilience Implementation Strategy ([ANR](#))

**Emma Ramirez-Richer** | Executive Assistant (she/her)

[Vermont Agency of Natural Resources](#) Secretary's Office

1 National Life Drive, Davis 2, Montpelier, VT 05620

802-828-0316 (o) | 802-261-5920 (c) | [emma.ramirez-richer@vermont.gov](mailto:emma.ramirez-richer@vermont.gov)

Help raise money for Vermonters impacted by flood damage and show your Vermont pride with *Vermont Strong* and *Tough Too* license plates and socks. [Click here to purchase your Vermont Strong gear](#) or visit [DMV.Vermont.gov/VermontStrong23](https://DMV.Vermont.gov/VermontStrong23). Impacted Vermonters can find resources and referrals by visiting [Vermont.Gov/Flood](https://Vermont.Gov/Flood).

**From:** Ramirez-Richer, Emma  
**Sent:** Monday, January 29, 2024 9:51 AM  
**To:** ANR  
**Subject:** Re: Weekly news links 1.26.24

Good morning everyone,

One more opinion piece to add to the below that FPR shared with me:

- Rep. Mike Rice: It's time to protect and invest in Vermont's outdoor recreation economy ([Manchester Journal](#))

Thank you!  
Emma

PS: you can usually open news articles that require a subscription a private browser.

**Emma Ramirez-Richer** | Executive Assistant (she/her)  
[Vermont Agency of Natural Resources](#) Secretary's Office  
1 National Life Drive, Davis 2, Montpelier, VT 05620  
802-828-0316 (o) | 802-261-5920 (c) | [emma.ramirez-richter@vermont.gov](mailto:emma.ramirez-richter@vermont.gov)

Help raise money for Vermonters impacted by flood damage and show your Vermont pride with *Vermont Strong* and *Tough Too* license plates and socks. [Click here to purchase your Vermont Strong gear](#) or visit [DMV.Vermont.gov/VermontStrong23](https://DMV.Vermont.gov/VermontStrong23). Impacted Vermonters can find resources and referrals by visiting [Vermont.Gov/Flood](#).

---

**From:** Ramirez-Richer, Emma <[Emma.Ramirez-Richer@vermont.gov](mailto:Emma.Ramirez-Richer@vermont.gov)>  
**Sent:** Friday, January 26, 2024 4:46 PM  
**To:** ANR <[ANR@vermont.gov](mailto:ANR@vermont.gov)>  
**Subject:** Weekly news links 1.26.24

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- Wildlife advocates sue Vt. Fish and Wildlife over trapping, hunting rules ([WCAX](#))
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- Senate fails to override bottle bill veto by 3 votes ([VTDigger](#))
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- Transportation Agency says landslide in Plainfield becoming more dangerous ([WCAX](#))
- State monitoring landslide near Route 2 in Plainfield ([Times Argus](#))
- 23 lost skiers and snowboarders rescued in frigid temperatures in Killington, Vermont ([AP](#))
- Critics Call a Logging Plan in the Worcester Range a Missed Conservation Opportunity ([Seven Days](#))
- Lawmakers look to protect you from home and land improvement fraud ([WPTZ](#))
- Nearly 5,000 acres permanently conserved in Vermont's northern Greens ([Vermont Public](#))
- Managing forests for birds ([Charlotte News](#))
- Senate fast-tracks approval of school tax relief for flooded municipalities ([VTDigger](#))
- House advances 'life raft' budget adjustment to help flood-affected municipalities ([VTDigger](#))
- Municipalities could be getting flood-related tax abatements reimbursed ([WPTZ](#))
- Hinesburg looks to state for landfill fixes ([The Citizen](#))
- Vt. lawmakers to consider ban on treated seeds toxic to pollinators ([WCAX](#))
- Vermont agency stands by honeybee report despite pushback from beekeepers ([Vermont Public](#))
- USDA grants \$3.7 million for clean energy projects in Vermont ([Vermont Public](#))
- Vermont lawmakers look to strengthen animal welfare laws ([WCAX](#))
- 'There's no rules or oversight': New bill seeks to ease Vermont's animal welfare 'crisis' ([VTDigger](#))
- Vermonters encouraged to donate to Nongame Wildlife Fund on taxes ([WCAX](#))
- Climate Superfund Act would make oil companies pay for climate damages in Vermont ([Vermont Public](#))

- Stowe holds off on beaver trapping, but for how long? ([VTDigger](#))
- Slate Ridge case now before the Vermont Supreme Court ([WPTZ](#))
- Gov. Scott pitches \$8.6B budget plan to Vt. lawmakers ([WCAX](#))
- Gov. Phil Scott reverts to pre-pandemic spending norms in proposed fiscal year 2025 budget ([Vermont Public](#))
- Scott Proposes State Budget With Modest Increases ([Seven Days](#))
- In budget address, Phil Scott beats familiar drum of maintaining — not raising — taxes and fees ([VTDigger](#))

#### Opinion:

- Zack Porter: Hanging in the balance — the uncertain future of the wild Worcester Range ([VTDigger](#))

#### Press Releases:

- Waterfowl Blinds Must Be Removed ([FWD](#))
- Vermonters Encouraged to Support Threatened and Endangered Species Recovery with Nongame Tax Checkoff ([FWD](#))
- Clean Water Conversation Series Launch ([DEC](#))
- \$12.4 Million in Funding Available to Help Property Owners Meet Water Quality Regulations ([DEC](#))
- Announcing the Vermont Clean Water Initiative 2023 Performance Report ([DEC](#))
- Opinion: The Importance of a Resilience Implementation Strategy ([ANR](#))

**Emma Ramirez-Richer** | Executive Assistant (she/her)  
[Vermont Agency of Natural Resources](#) Secretary's Office  
 1 National Life Drive, Davis 2, Montpelier, VT 05620  
 802-828-0316 (o) | 802-261-5920 (c) | [emma.ramirez-richer@vermont.gov](mailto:emma.ramirez-richer@vermont.gov)

Help raise money for Vermonters impacted by flood damage and show your Vermont pride with *Vermont Strong* and *Tough Too* license plates and socks. [Click here to purchase your Vermont Strong gear](#) or visit [DMV.Vermont.gov/VermontStrong23](https://DMV.Vermont.gov/VermontStrong23). Impacted Vermonters can find resources and referrals by visiting [Vermont.Gov/Flood](https://Vermont.Gov/Flood).

**From:** Ramirez-Richer, Emma  
**Sent:** Thursday, February 1, 2024 4:26 PM  
**To:** Gendron, Maggie; Coster, Billy; Moore, Julie  
**Subject:** Re: Senate Judiciary Testimony 2/8/2024 - S. 259

Adding Billy and Julie at Maggie's request to brainstorm our response to the invite to testify on S.259 the climate superfund bill next Thursday from 9-12.

**Emma Ramirez-Richer** | Executive Assistant (she/her)  
[Vermont Agency of Natural Resources](#) Secretary's Office  
1 National Life Drive, Davis 2, Montpelier, VT 05620  
802-828-0316 (o) | 802-261-5920 (c) | emma.ramirez-richer@vermont.gov

Help raise money for Vermonters impacted by flood damage and show your Vermont pride with *Vermont Strong* and *Tough Too* license plates and socks. [Click here to purchase your Vermont Strong gear](#) or visit [DMV.Vermont.gov/VermontStrong23](https://DMV.Vermont.gov/VermontStrong23). Impacted Vermonters can find resources and referrals by visiting [Vermont.Gov/Flood](https://Vermont.Gov/Flood).

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**From:** Gendron, Maggie <Maggie.Gendron@vermont.gov>  
**Sent:** Thursday, February 1, 2024 2:36 PM  
**To:** Ramirez-Richer, Emma <Emma.Ramirez-Richer@vermont.gov>  
**Subject:** Re: Senate Judiciary Testimony 2/8/2024 - S. 259

This is the super fund cost recovery idea. I would add Julie and Billy and see how they want to handle.

---

**From:** Ramirez-Richer, Emma <Emma.Ramirez-Richer@vermont.gov>  
**Sent:** Thursday, February 1, 2024 2:33:39 PM  
**To:** Gendron, Maggie <Maggie.Gendron@vermont.gov>  
**Subject:** Fw: Senate Judiciary Testimony 2/8/2024 - S. 259

Hi Maggie,

Do you know what Senate Judiciary is talking about (below) or do you need me to ask for more details?

Thanks,  
Emma

**Emma Ramirez-Richer** | Executive Assistant (she/her)  
[Vermont Agency of Natural Resources](#) Secretary's Office  
1 National Life Drive, Davis 2, Montpelier, VT 05620  
802-828-0316 (o) | 802-261-5920 (c) | emma.ramirez-richer@vermont.gov

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**From:** Ben Donsbach <BDonsbach@leg.state.vt.us>  
**Sent:** Thursday, February 1, 2024 1:51 PM  
**To:** Ramirez-Richer, Emma <Emma.Ramirez-Richer@vermont.gov>  
**Subject:** Senate Judiciary Testimony 2/8/2024 - S. 259

**EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.**

Good afternoon,



Senate Judiciary will be taking up S. 259, an act relating to climate change cost recovery, on Thursday (2/8) from 9:00am until 12:00pm. The committee would like to hear from the Agency of Natural resources on this bill. Could you please let me know who is available to testify.

Best,  
Ben

**Ben Donsbach**

Committee Assistant for Senate Judiciary  
Vermont General Assembly  
Office of Legislative Operations

**From:** Werther, Guntram  
**Sent:** Sunday, February 4, 2024 9:56 PM  
**To:** Gendron, Maggie  
**Subject:** Legislative Agenda for Feb 4-10, 2024

## LEGISLATIVE AGENDA FOR THE WEEK FEBRUARY 4-10, 2024

### TUESDAY

#### HOUSE

##### House committee on Agriculture, Food Resiliency and Forestry

**2:00 PM**

#### **FY25 Budget**

*Natural Resources Conservation Service Request*

Jill Arace, Executive Director, Vermont Association of Conservation Districts

Emily Finnegan, District Manager, Caledonia County Natural Resources Conservation District

Sarah Damsell, District Manager, Orleans County Natural Resources Conservation Districts

##### House Committee on Environment & Energy

**1:00 PM**

#### **Natural Resources Conservation Districts**

Jill Arace, Executive Director, Vermont Association of Conservation Districts

Witnesses TBA, Vermont Association of Conservation Districts

**1:30 PM**

#### **H. 687 - An act relating to community resilience and biodiversity protection through land use**

*NRB Governance*

Jon Groveman, Policy and Water Program Director, Vermont Natural Resources Council

**2:00 PM**

#### **H. 289 - An act relating to the Renewable Energy Standard**

*Discussion and possible vote*

Ellen Czajkowski, Legislative Counsel, Office of Legislative Counsel

##### House Committee on Judiciary

**1:30 PM**

#### **H. 614 - An act relating to land improvement fraud and timber trespass**

*Walk-Through and Testimony*

Michael O'Grady, Deputy Chief Counsel, Office of Legislative Counsel

Rep. Jed Lipsky, House Committee on Agriculture, Food Resiliency, and Forestry - Invited  
Sam Lincoln, Principal, Lincoln Farm Timber Harvesting - Invited  
Keith Thompson, Private Lands Program Manager, Department of Forests, Parks and Recreation - Invited  
Mike Carriveau, Resident, Plainfield - Invited

#### House Committee on Transportation

#### **1:00 PM                      July 2023 Flood Recovery, Funding, and Resiliency**

Douglas Farnham, Chief Recovery Officer, Agency of Administration

#### **1:45 PM                      H. 693 - An act relating to 2024 transportation initiatives to improve infrastructure, increase resiliency, and reduce carbon emissions**

*Section 17: Mobility and Transportation Innovations Program*

Ross MacDonald, Public Transit Program Manager, Agency of Transportation

Dan Currier, Public Transit Coordinator, Agency of Transportation - Invited

#### **2:30 PM                      Break**

#### **2:45 PM                      Emergency Disaster and Preparedness**

Charles Baker, Secretary/Treasurer, Vermont Association of Planning and Development

#### **3:30 PM                      H. 693 - An act relating to 2024 transportation initiatives to improve infrastructure, increase resiliency, and reduce carbon emissions**

*Sections 6, 8, 9, and 11; Weights and Measures on Electric Vehicle Supply Equipment*

Marc Parquette, Weights and Measures Program Chief, Agency of Agriculture, Food and Markets

#### **SENATE**

#### Senate Committee on Agriculture

#### **9:30 AM                      Senate Floor**

#### **15 minutes after Senate adjourns                      Flood Recovery/Relief**

Doug Farnham, Chief Recovery Officer, Agency of Administration

#### Senate Appropriation:

#### **1:00 PM                      H. 839 - An act relating to fiscal year 2024 budget adjustments**

*Mark-up*

#### Senate Committee on Government Operations

**1:30 PM**

**Government Response to Flood Recovery**

*Testimony on DR 24-0141*

Susanna Gellert, Executive Artistic Director, Weston Theater Company (1:30 PM)

Amy Cunningham, Deputy Director, Vermont Arts Council (1:40 PM)

Corinne Cooper, Homeowner, Berlin Mobile Home Park (1:50 PM)

Kelley Hamshaw, Research Specialist, Center for Rural Studies (2:00 PM)

Liz Royer, Executive Director, Vermont Rural Water Association (2:10 PM)

Haley Pero, Outreach Staff, Office of Senator Bernie Sanders (2:20 PM) - Invited

**3:15 PM**

**Government Response to Flood Recovery**

Sue Minter, Executive Director, Capstone Community Action - Invited

Julie Moore, Secretary, Agency of Natural Resources - Invited

Steve Howard, Executive Director, Vermont State Employees Association - Invited

Beth Fastiggi, Commissioner, Department of Human Resources - Invited

Michael Harrington, Commissioner, Department of Labor - Invited

June Tierney, Commissioner, Department of Public Service - Invited

**Senate Committee on Institutions**

**1:15 PM**

**Agency of Natural Resources**

*Expenditures related to 2023 Flooding*

**2:15 PM**

**Governor's Recommended FY24-25 Capital Budget Adjustment**

*Spreadsheet discussion*

Scott Moore, Legislative Finance Manager, Joint Fiscal Office

**Senate Committee on Energy and Natural Resources**

**9:30 AM**

**Senate Floor**

**10:00 AM**

**S. 213 - An act relating to the regulation of wetlands, river corridor development, and dam safety**

*Dam Ownership*

Josh Castonguay, Vice President: Chief Innovation and Engineering Executive, Green Mountain Power

Candace Morgan, Director of Corporate Affairs, Green Mountain Power

Amy Merritt, Agent, Hickock and Boardman

**10:30 AM**

**S. 290 - An act relating to the Study Committee on Dam Emergency Action Planning**

*Bill Introduction and Walk through*

Sen. Andrew Perchlik, Reporter, Sponsor - Invited

Michael O'Grady, Legislative Counsel, Office of Legislative Counsel

**11:00 AM**

**S. 213 - An act relating to the regulation of wetlands, river corridor development, and dam safety**

*Possible Amendment*

Michael O'Grady, Legislative Counsel, Office of Legislative Counsel

**WEDNESDAY**

**HOUSE**

**House Committee on Agriculture, Food Resiliency and Forestry**

**11:15 AM**

**H. 128 - An act relating to removing regulatory barriers for working lands businesses**

*Walk-through*

Ellen Czajkowski, Legislative Counsel, Office of Legislative Counsel

**12:00 PM**

**Lunch**

**1:00 PM**

**H. 673 - An act relating to Vermont's outdoor recreation economy**

Rebecca Washburn, Director, Lands Administration and Recreation, Department of Forests, Parks and Recreation

**1:30 PM**

**H. 673 - An act relating to Vermont's outdoor recreation economy**

Jill Sudhoff-Guerin, Maidstone Public Relations, Vermont Medical Society

Nick Bennette, Co-Chair , Vermont Trails and Greenways Council

Tommy O'Connor, Co-Chair, Vermont Trails and Greenways Council

Abigail Long, Executive Director, Kingdom Trails Association, East Burke

Matt Williams, Executive Director, Catamount Trail Association

Kelly Ault, Executive Director, Vermont Outdoor Business Alliance

Sharon Plumb, Program Manager, Vermont Trails and Greenways Council

**House Committee on Energy & Environment**

**9:00 AM**

**H. 687 - An act relating to community resilience and biodiversity protection through land use**

Catherine Dimitruk, Chair, Vermont Association of Planning & Development Agencies - Invited

Charlie Baker, Executive Director, Chittenden County Regional Planning Commission

Steve Collier, General Counsel, Agency of Agriculture, Food and Markets

Ryan Patch, Agriculture Climate and Land Use Policy Manager, Agency of Agriculture, Food and Markets

Ari Rockland-Miller, Senior Agricultural Development Coordinator, Agency of Agriculture, Food and Markets

Brent Rakowski - Invited

Andrew Rowe - Invited

Chris Cochran, Director of Community Planning Revitalization, Department of Housing and Community Development

Jacob Hemmerick, Community Planning & Policy Manager, Department of Housing and Community Development

**12:00 PM                      Lunch**

**1:00 PM                      H. 687 - An act relating to community resilience and biodiversity protection through land use**

Ellen Czajkowski, Legislative Counsel, Office of Legislative Counsel

**House Ways and Means Committee**

**1:15 PM                      Climate Infrastructure Financing Report**

Michael Pieciak, Vermont State Treasurer, Office of the State Treasurer

**2:00 PM                      Break**

**2:10 PM                      H. 586 - An act relating to flood protection and climate resilience infrastructure and financing**

Michael Pieciak, Vermont State Treasurer, Office of the State Treasurer

**SENATE**

**Senate Appropriations**

**1:30 PM                      H. 839 - An act relating to fiscal year 2024 budget adjustments**

*Mark-up*

**Senate Committee on Health and Welfare**

**10:00 AM                      S. 197 - An act relating to the procurement and distribution of products containing perfluoroalkyl and polyfluoroalkyl substances and monitoring adverse health conditions attributed to perfluoroalkyl and polyfluoroalkyl substances**

*Committee Discussion*

Katie McLinn, Legislative Counsel, Office of Legislative Counsel

Jennifer Fitch, Commissioner, Department of Buildings and General Services - Invited

Jessa Barnard, Executive Director, Vermont Medical Society

**Senate Committee on Institutions**

**1:00 PM Senate Floor**

**15 minutes after Senate adjourns Committee Discussion**

**2:15 PM Governor's Recommended FY24 - FY25 Capital Budget Proposal**

Forests, Parks and Recreation request

Danielle Fitzgo, Commissioner, Fish and Wildlife

Frank Spaulding, Parks Projects Manager, Department of Forests, Parks and Recreation

**Senate Committee on Energy and Natural Resources**

**8:30 AM Mapping**

Billy Coster, Director of Policy and Planning, Agency of Natural Resources

**10:15 AM S. 213 - An act relating to the regulation of wetlands, river corridor development, and dam safety**

Michael O'Grady, Legislative Counsel, Office of Legislative Counsel

**THURSDAY**

**HOUSE**

**House Committee on Agriculture, Food Resiliency and Forestry**

**10:30 AM H. 706 - An act relating to banning the use of neonicotinoid pesticides**

*Vermont Dairy Producers Alliance*

Larry Gervais, Gervais Family Farm, Vice Chair, Farmers Watershed Alliance

**11:00 AM Local Food Incentive and Farm to School Grants**

Betsy Rosenbluth, Farm to School Director, Shelburn Farms, Vermont FEED

Kayla Henry, Teacher, Crossett Brook Middle School

Alyssa Pratt, Support Specialist, Spaulding Educational Alternatives

Jake Gallogly, Food Service Manager, Leland and Gray Union Middle and High Schools

Angus Baldwin, Farmer, West Farm

Tom Brewton, Food Hub Institutional Sales Associates, Food Connects

Gina Clithero, Farm to Institution Program Manager, Agency of Agriculture, Food and Markets - Invited

Kayla Strom, Farm to School Programs Coordinator, The Northeast Organic Farming Association of VT

**12:00 PM**                      **Lunch**

**1:00 PM**                      **H. 706 - An act relating to banning the use of neonicotinoid pesticides**

*Vermont Dairy Producers Alliance*

Denna Benjamin, Riverview Farm, Franklin

**1:30 PM**                      **H. 706 - An act relating to banning the use of neonicotinoid pesticides**

Steve Dwinell, Director, Public Health and Agricultural Resource Management, Agency of Agriculture, Food and Markets

**2:15 PM**                      **Break**

**2:30 PM**                      **Flood Recovery/Relief**

Douglas Farnham, Chief Recovery Officer, Department of Finance & Management

**House Committee on Energy and Environment**

**1:00 PM**                      **H. 687 - An act relating to community resilience and biodiversity protection through land use**

Ellen Czajkowski, Legislative Counsel, Office of Legislative Counsel

**House Committee on Transportation**

**9:00 AM**                      **H. 693 - An act relating to 2024 transportation initiatives to improve infrastructure, increase resiliency, and reduce carbon emissions**

*Section 18 Coordination between the Agency of Transportation and Amtrak; Amtrak passenger service*

Jane Brophy, Director, Government Affairs-Northeast, Amtrak

Linda Dunlavy, Executive Director, Franklin Regional Council of Governments - Invited

**11:15 AM**                      **H. 693 - An act relating to 2024 transportation initiatives to improve infrastructure, increase resiliency, and reduce carbon emissions**

*Section 24 Report on Sustainability Options*

Michael Pieciak, Vermont State Treasurer, Office of the State Treasurer

**-**                                      **Resilience Implementation Strategy Initiative**

Michael Pieciak, Vermont State Treasurer, Office of the State Treasurer



## SENATE

### Senate Committee on Government Operations

**3:00 PM**

#### **Government Response to Flood Recovery**

Michael Pieciak, Vermont State Treasurer, Office of the State Treasurer

### Senate Committee on Judiciary

**9:00 AM**

#### **S. 259 - An act relating to climate change cost recovery**

*Walk-through and Testimony*

Michael O'Grady, Legislative Counsel, Office of Legislative Counsel

Jon Groveman, Policy and Water Program Director, Vermont Natural Resources Council

**10:15 AM**

#### **Break**

**10:30 AM**

#### **S. 259 - An act relating to climate change cost recovery**

Rachel Rothschild, Professor, University of Michigan Law School

Prof. Jennifer Rushlow, Dean, Maverick Lloyd School for the Environment, Vermont Law School

Julie Moore, Secretary, Agency of Natural Resources

### Senate Committee on Energy and Natural Resources

**9:00 AM**

#### **S. 213 - An act relating to the regulation of wetlands, river corridor development, and dam safety**

*Discussion*

Peter Lafamme, Director of Wastewater Management Division, Agency of Natural Resources - Invited

Bethany Sargent, Monitoring and Assessment Program Manager, Watershed Management Division - Invited

Lynn Provost, Owner, Dock Doctors - Invited

## FRIDAY

## HOUSE

### House Committee on Agriculture, Food Resiliency and Forestry

**10:30 AM**

#### **H. 706 - An act relating to banning the use of neonicotinoid pesticides**

Kent McFarland, Senior Conservation Biologist, Vermont Center for Ecostudies

**11:00 AM**

**H. 128 - An act relating to removing regulatory barriers for working lands businesses**

Steve Collier, General Counsel, Agency of Agriculture, Food and Markets

Ryan Patch, Agriculture Climate and Land Use Policy Manager, Agency of Agriculture, Food and Markets

Abbey Willard, Director, Agricultural Development Division Director, Agency of Agriculture, Food and Markets

**1:00 PM**

**Forest Futures Roadmap**

Danielle Fitzko, Commissioner, Department of Forests, Parks and Recreation

Allan Thompson, Vermont Woodlands Association

Chris Fife, Public Affairs Manager, Weyerhaeuser Company

Christine McGowan, Forest Products Program Director, Vermont Sustainable Jobs Fund

Charlie Hancock, Chairman, Montgomery Selectboard

Abigail Long, Executive Director, Kingdom Trails Association, East Burke

**2:00 PM**

**Break**

**2:15 PM**

**H. 128 - An act relating to removing regulatory barriers for working lands businesses**

Sabina Haskell, Chair, Natural Resources Board

Peter Gill, Executive Director, Natural Resources Board

**3:15 PM**

**H. 706 - An act relating to banning the use of neonicotinoid pesticides**

Margaret Laggis, Lobbyist, Responsible Industry for a Sound Environment - Invited

Jon Gaeta, Director of State Affairs, Responsible Industry for a Sound Environment

Riley Titus, CropLife America

**House Committee on Transportation**

**11:15 AM**

**Governor's Proposed FY 2025 Budget**

*Climate Resiliency funding for municipalities*

Andrea Wright, Manager, Environmental Policy and Sustainability, Agency of Transportation

Joel Perrigo, Municipal Assistance Program Manager, Agency of Transportation

**SENATE**

**Senate Committee on Agriculture**

**10:45 AM**

**PFAS**

Kyla Bennett, Ph.D, Director, Science Policy, Public Employees for Environmental Responsibility (PEER)

Senate Committee on Energy and Natural Resources

**8:30 AM**

**S. 213 - An act relating to the regulation of wetlands, river corridor development, and dam safety**

*Committee discussion and Vote*

**From:** Werther, Guntram  
**Sent:** Sunday, February 4, 2024 10:11 PM  
**To:** Gendron, Maggie  
**Subject:** Word copy of Legislative Agenda Feb 4-10, 2024  
**Attachments:** LEGISLATIVE AGENDA FOR FEBRUARY 4-10, 2024.docx

## LEGISLATIVE AGENDA FOR THE WEEK FEBRURY 4-10, 2024

### TUESDAY

#### HOUSE

##### House committee on Agriculture, Food Resiliency and Forestry

**2:00 PM**

#### **FY25 Budget**

##### *Natural Resources Conservation Service Request*

Jill Arace, Executive Director, Vermont Association of  
Conservation Districts

Emily Finnegan, District Manager, Caledonia County Natural  
Resources Conservation District

Sarah Damsell, District Manager, Orleans County Natural  
Resources Conservation Districts

##### House Committee on Environment & Energy

**1:00 PM**

#### **Natural Resources Conservation Districts**

Jill Arace, Executive Director, Vermont Association of  
Conservation Districts

Witnesses TBA, Vermont Association of Conservation  
Districts

**1:30 PM**

#### **H. 687 - An act relating to community resilience and biodiversity protection through land use**

##### *NRB Governance*

Jon Groveman, Policy and Water Program Director, Vermont  
Natural Resources Council

**2:00 PM**

#### **H. 289 - An act relating to the Renewable Energy Standard**

##### *Discussion and possible vote*

Ellen Czajkowski, Legislative Counsel, Office of Legislative  
Counsel

**House Committee on Judiciary**

**1:30 PM**

**H. 614 - An act relating to land improvement fraud and timber trespass**

*Walk-Through and Testimony*

Michael O'Grady, Deputy Chief Counsel, Office of  
Legislative Counsel

Rep. Jed Lipsky, House Committee on Agriculture, Food  
Resiliency, and Forestry - Invited

Sam Lincoln, Principal, Lincoln Farm Timber Harvesting -  
Invited

Keith Thompson, Private Lands Program Manager,  
Department of Forests, Parks and Recreation - Invited

Mike Carriveau, Resident, Plainfield - Invited

**House Committee on Transportation**

**1:00 PM**  
**Resiliency**

**July 2023 Flood Recovery, Funding, and**

Douglas Farnham, Chief Recovery Officer, Agency of  
Administration

**1:45 PM**

**H. 693 - An act relating to 2024 transportation initiatives to  
improve infrastructure, increase resiliency, and reduce carbon  
emissions**

*Section 17: Mobility and Transportation Innovations Program*

Ross MacDonald, Public Transit Program Manager, Agency  
of Transportation

Dan Currier, Public Transit Coordinator, Agency of  
Transportation - Invited

**2:30 PM**

**Break**

**2:45 PM**

**Emergency Disaster and Preparedness**

Charles Baker, Secretary/Treasurer, Vermont Association of  
Planning and Development

**3:30 PM**

**H. 693 - An act relating to 2024 transportation initiatives to improve infrastructure, increase resiliency, and reduce carbon emissions**

*Sections 6, 8, 9, and 11; Weights and Measures on Electric Vehicle Supply Equipment*

Marc Parquette, Weights and Measures Program Chief,  
Agency of Agriculture, Food and Markets

**SENATE**

**Senate Committee on Agriculture**

**9:30 AM**

**Senate Floor**

**15 minutes after Senate adjourns**

**Flood Recovery/Relief**

Doug Farnham, Chief Recovery Officer, Agency of  
Administration

**Senate Appropriation:**

**1:00 PM**

**H. 839 - An act relating to fiscal year 2024 budget adjustments**

*Mark-up*

**Senate Committee on Government Operations**

**1:30 PM**

**Government Response to Flood Recovery**

*Testimony on DR 24-0141*

Susanna Gellert, Executive Artistic Director, Weston Theater  
Company (1:30 PM)

Amy Cunningham, Deputy Director, Vermont Arts Council  
(1:40 PM)

Corinne Cooper, Homeowner, Berlin Mobile Home Park  
(1:50 PM)

Kelley Hamshaw, Research Specialist, Center for Rural  
Studies (2:00 PM)

Liz Royer, Executive Director, Vermont Rural Water  
Association (2:10 PM)

Haley Pero, Outreach Staff, Office of Senator Bernie Sanders  
(2:20 PM) - Invited

**3:15 PM**

**Government Response to Flood Recovery**

Sue Minter, Executive Director, Capstone Community Action  
- Invited

Julie Moore, Secretary, Agency of Natural Resources -  
Invited

Steve Howard, Executive Director, Vermont State Employees  
Association - Invited

Beth Fastiggi, Commissioner, Department of Human  
Resources - Invited

Michael Harrington, Commissioner, Department of Labor -  
Invited

June Tierney, Commissioner, Department of Public Service -  
Invited

**Senate Committee on Institutions**

**1:15 PM**

**Agency of Natural Resources**

*Expenditures related to 2023 Flooding*

**2:15 PM**

**Governor's Recommended FY24-25 Capital Budget Adjustment**

*Spreadsheet discussion*

Scott Moore, Legislative Finance Manager, Joint Fiscal  
Office

**Senate Committee on Energy and Natural Resources**

**9:30 AM**

**Senate Floor**

**10:00 AM**

**S. 213 - An act relating to the regulation of wetlands, river  
corridor development, and dam safety**

*Dam Ownership*

Josh Castonguay, Vice President: Chief Innovation and  
Engineering Executive, Green Mountain Power

Candace Morgan, Director of Corporate Affairs, Green  
Mountain Power

Amy Merritt, Agent, Hickock and Boardman



**10:30 AM**

**S. 290 - An act relating to the Study Committee on Dam  
Emergency Action Planning**

*Bill Introduction and Walk through*

Sen. Andrew Perchlik, Reporter, Sponsor - Invited

Michael O'Grady, Legislative Counsel, Office of Legislative  
Counsel

**11:00 AM**

**S. 213 - An act relating to the regulation of wetlands, river  
corridor development, and dam safety**

*Possible Amendment*

Michael O'Grady, Legislative Counsel, Office of Legislative  
Counsel

**WEDNESDAY**

**HOUSE**

**House Committee on Agriculture, Food Resiliency and Forestry**

**11:15 AM H. 128 - An act relating to removing  
regulatory barriers for working lands businesses**

*Walk-through*

Ellen Czajkowski, Legislative Counsel, Office of Legislative  
Counsel

**12:00 PM**

**Lunch**

**1:00 PM**

**H. 673 - An act relating to Vermont's outdoor recreation  
economy**

Rebecca Washburn, Director, Lands Administration and  
Recreation, Department of Forests, Parks and Recreation

**1:30 PM**

**H. 673 - An act relating to Vermont's outdoor recreation  
economy**

Jill Sudhoff-Guerin, Maidstone Public Relations, Vermont  
Medical Society

Nick Bennette, Co-Chair , Vermont Trails and Greenways  
Council

Tommy O'Connor, Co-Chair, Vermont Trails and Greenways Council

Abigail Long, Executive Director, Kingdom Trails Association, East Burke

Matt Williams, Executive Director, Catamount Trail Association

Kelly Ault, Executive Director, Vermont Outdoor Business Alliance

Sharon Plumb, Program Manager, Vermont Trails and Greenways Council

### House Committee on Energy & Environment

**9:00 AM**

#### **H. 687 - An act relating to community resilience and biodiversity protection through land use**

Catherine Dimitruk, Chair, Vermont Association of Planning & Development Agencies - Invited

Charlie Baker, Executive Director, Chittenden County Regional Planning Commission

Steve Collier, General Counsel, Agency of Agriculture, Food and Markets

Ryan Patch, Agriculture Climate and Land Use Policy Manager, Agency of Agriculture, Food and Markets

Ari Rockland-Miller, Senior Agricultural Development Coordinator, Agency of Agriculture, Food and Markets

Brent Rakowski - Invited

Andrew Rowe - Invited

Chris Cochran, Director of Community Planning Revitalization, Department of Housing and Community Development

Jacob Hemmerick, Community Planning & Policy Manager, Department of Housing and Community Development

**12:00 PM**

**Lunch**

**1:00 PM**

#### **H. 687 - An act relating to community resilience and biodiversity protection through land use**

Ellen Czajkowski, Legislative Counsel, Office of Legislative Counsel

### House Ways and Means Committee

- 1:15 PM**                      **Climate Infrastructure Financing Report**  
Michael Pieciak, Vermont State Treasurer, Office of the State Treasurer
- 2:00 PM**                      **Break**
- 2:10 PM**                      **H. 586 - An act relating to flood protection and climate resilience infrastructure and financing**  
Michael Pieciak, Vermont State Treasurer, Office of the State Treasurer

### SENATE

#### Senate Appropriations

- 1:30 PM**                      **H. 839 - An act relating to fiscal year 2024 budget adjustments**  
*Mark-up*

#### Senate Committee on Health and Welfare

- 10:00 AM**                      **S. 197 - An act relating to the procurement and distribution of products containing perfluoroalkyl and polyfluoroalkyl substances and monitoring adverse health conditions attributed to perfluoroalkyl and polyfluoroalkyl substances**  
*Committee Discussion*  
Katie McLinn, Legislative Counsel, Office of Legislative Counsel  
  
Jennifer Fitch, Commissioner, Department of Buildings and General Services - Invited  
  
Jessa Barnard, Executive Director, Vermont Medical Society

#### Senate Committee on Institutions

- 1:00 PM**                      **Senate Floor**
- 15 minutes after Senate adjourns**                      **Committee Discussion**

**2:15 PM**

**Governor's Recommended FY24 - FY25 Capital Budget Proposal**

Forests, Parks and Recreation request

Danielle Fitzgo, Commissioner, Fish and Wildlife

Frank Spaulding, Parks Projects Manager, Department of  
Forests, Parks and Recreation

**Senate Committee on Energy and Natural Resources**

**8:30 AM**

**Mapping**

Billy Coster, Director of Policy and Planning, Agency of  
Natural Resources

**10:15 AM**

**S. 213 - An act relating to the regulation of wetlands, river  
corridor development, and dam safety**

Michael O'Grady, Legislative Counsel, Office of Legislative  
Counsel

**THURSDAY**

**HOUSE**

**House Committee on Agriculture, Food Resiliency and Forestry**

**10:30 AM**

**H. 706 - An act relating to banning the use of neonicotinoid  
pesticides**

*Vermont Dairy Producers Alliance*

Larry Gervais, Gervais Family Farm, Vice Chair, Farmers  
Watershed Alliance

**11:00 AM**

**Local Food Incentive and Farm to School Grants**

Betsy Rosenbluth, Farm to School Director, Shelburn Farms,  
Vermont FEED

Kayla Henry, Teacher, Crossett Brook Middle School

Alyssa Pratt, Support Specialist, Spaulding Educational  
Alternatives

Jake Gallogly, Food Service Manager, Leland and Gray  
Union Middle and High Schools

Angus Baldwin, Farmer, West Farm

Tom Brewton , Food Hub Institutional Sales Associates, Food Connects

Gina Clithero, Farm to Institution Program Manager, Agency of Agriculture, Food and Markets - Invited

Kayla Strom, Farm to School Programs Coordinator, The Northeast Organic Farming Association of VT

**12:00 PM**

**Lunch**

**1:00 PM**

**H. 706 - An act relating to banning the use of neonicotinoid pesticides**

*Vermont Dairy Producers Alliance*

Denna Benjamin, Riverview Farm, Franklin

**1:30 PM**

**H. 706 - An act relating to banning the use of neonicotinoid pesticides**

Steve Dwinell, Director, Public Health and Agricultural Resource Management, Agency of Agriculture, Food and Markets

**2:15 PM**

**Break**

**2:30 PM**

**Flood Recovery/Relief**

Douglas Farnham, Chief Recovery Officer, Department of Finance & Management

#### House Committee on Energy and Environment

**1:00 PM**

**H. 687 - An act relating to community resilience and biodiversity protection through land use**

Ellen Czajkowski, Legislative Counsel, Office of Legislative Counsel

#### House Committee on Transportation

**9:00 AM**

**H. 693 - An act relating to 2024 transportation initiatives to improve infrastructure, increase resiliency, and reduce carbon emissions**

*Section 18 Coordination between the Agency of Transportation and Amtrak; Amtrak passenger service*

Jane Brophy, Director, Government Affairs-Northeast,  
Amtrak

Linda Dunlavy, Executive Director, Franklin Regional  
Council of Governments - Invited

**11:15 AM**

**H. 693 - An act relating to 2024 transportation initiatives to improve infrastructure, increase resiliency, and reduce carbon emissions**

*Section 24 Report on Sustainability Options*

Michael Pieciak, Vermont State Treasurer, Office of the State  
Treasurer

-

**Resilience Implementation Strategy Initiative**

Michael Pieciak, Vermont State Treasurer, Office of the State  
Treasurer

**SENATE**

**Senate Committee on Government Operations**

**3:00 PM**

**Government Response to Flood Recovery**

Michael Pieciak, Vermont State Treasurer, Office of the State  
Treasurer

**Senate Committee on Judiciary**

**9:00 AM**

**S. 259 - An act relating to climate change cost recovery**

*Walk-through and Testimony*

Michael O'Grady, Legislative Counsel, Office of Legislative  
Counsel

Jon Groveman, Policy and Water Program Director, Vermont  
Natural Resources Council

**10:15 AM**

**Break**

**10:30 AM**

**S. 259 - An act relating to climate change cost recovery**

Rachel Rothschild, Professor, University of Michigan Law School

Prof. Jennifer Rushlow, Dean, Maverick Lloyd School for the Environment, Vermont Law School

Julie Moore, Secretary, Agency of Natural Resources

### Senate Committee on Energy and Natural Resources

9:00 AM

#### **S. 213 - An act relating to the regulation of wetlands, river corridor development, and dam safety**

##### *Discussion*

Peter Lafamme, Director of Wastewater Management Division, Agency of Natural Resources - Invited

Bethany Sargent, Monitoring and Assessment Program Manager, Watershed Management Division - Invited

Lynn Provost, Owner, Dock Doctors - Invited

## FRIDAY

## HOUSE

### House Committee on Agriculture, Food Resiliency and Forestry

10:30 AM

#### **H. 706 - An act relating to banning the use of neonicotinoid pesticides**

Kent McFarland, Senior Conservation Biologist, Vermont Center for Ecostudies

11:00 AM

#### **H. 128 - An act relating to removing regulatory barriers for working lands businesses**

Steve Collier, General Counsel, Agency of Agriculture, Food and Markets

Ryan Patch, Agriculture Climate and Land Use Policy Manager, Agency of Agriculture, Food and Markets

Abbey Willard, Director, Agricultural Development Division  
Director, Agency of Agriculture, Food and Markets

**1:00 PM                      Forest Futures Roadmap**

Danielle Fitzko, Commissioner, Department of Forests, Parks and Recreation

Allan Thompson, Vermont Woodlands Association

Chris Fife, Public Affairs Manager, Weyerhaeuser Company

Christine McGowan, Forest Products Program Director, Vermont Sustainable Jobs Fund

Charlie Hancock, Chairman, Montgomery Selectboard

Abigail Long, Executive Director, Kingdom Trails Association, East Burke

**2:00 PM                      Break**

**2:15 PM                      H. 128 - An act relating to removing regulatory barriers for working lands businesses**

Sabina Haskell, Chair, Natural Resources Board

Peter Gill, Executive Director, Natural Resources Board

**3:15 PM                      H. 706 - An act relating to banning the use of neonicotinoid pesticides**

Margaret Laggis, Lobbyist, Responsible Industry for a Sound Environment - Invited

Jon Gaeta, Director of State Affairs, Responsible Industry for a Sound Environment

Riley Titus, CropLife America

#### House Committee on Transportation

**11:15 AM                      Governor's Proposed FY 2025 Budget**

*Climate Resiliency funding for municipalities*

Andrea Wright, Manager, Environmental Policy and Sustainability, Agency of Transportation

Joel Perrigo, Municipal Assistance Program Manager, Agency of Transportation



## **SENATE**

### **Senate Committee on Agriculture**

**10:45 AM**

**PFAS**

Kyla Bennett, Ph.D, Director, Science Policy, Public  
Employees for Environmental Responsibility (PEER)

### **Senate Committee on Energy and Natural Resources**

**8:30 AM**

**S. 213 - An act relating to the regulation of wetlands, river  
corridor development, and dam safety**

*Committee discussion and Vote*

**From:** Gendron, Maggie  
**Sent:** Monday, February 5, 2024 9:52 AM  
**To:** ANR - Leadership Team; Zaikowski, John  
**Cc:** Werther, Guntram  
**Subject:** Legislative Calendar February 5 - 9, 2024  
**Attachments:** VTStateLeg\_Feb5.docx

Good morning,

Please forward to your teams. We have a couple of unresolved invitations out there with Senate Natural and Senate Gov Ops, so please still take a look at the legislative calendar for updates. Maggie

-  
**VERMONT LEGISLATURE 2024**

-  
**Items of interest week of February 5 – February 9, 2024:**

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- Doug Farnham providing testimony on flood recovery in many committees.
- H.693; 2024 transportation initiatives to improve infrastructure, increase resiliency and reduce carbon emissions; in House Transportation this week
- Climate Infrastructure and financing in House Ways & means on Wednesday
- Use of neonicotinoid pesticides testimony in House Ag on Thursday
- House General & Housing has mobile home park conversations we should watch

**Tuesday February 6**

**House Energy & Environment**

**1:00 PM: Natural Resources Conservation Districts**

- Jill Arace, Executive Director, Vermont Association of Conservation Districts
- Witnesses TBA, Vermont Association of Conservation Districts

**1:30 PM: H. 687: An act relating to community resilience and biodiversity protection through land use: *NRB Governance***

Jon Groveman, Policy and Water Program Director, Vermont Natural Resources Council

**2:00 PM: H. 289 - An act relating to the Renewable Energy Standard: *Discussion and possible vote***

**House Judiciary**

**1:30 PM: H. 614 - An act relating to land improvement fraud and timber trespass: *Walk-Through and Testimony***

- Michael O'Grady, Deputy Chief Counsel, Office of Legislative Counsel
- Rep. Jed Lipsky, House Committee on Agriculture, Food Resiliency, and Forestry - Invited
- Sam Lincoln, Principal, Lincoln Farm Timber Harvesting - Invited
- Keith Thompson, Private Lands Program Manager, Department of Forests, Parks and Recreation - Invited
- Mike Cariveau, Resident, Plainfield - Invited

**Senate Ag**

**15 minutes after Senate adjourns at 10 AM: Flood Recovery/Relief**

- Doug Farnham, Chief Recovery Officer, Agency of Administration

## Senate Government & Operations

### **1:30 PM: Government Response to Flood Recovery: *Testimony on DR 24-0141***

- Susanna Gellert, Executive Artistic Director, Weston Theater Company (1:30 PM)
- Amy Cunningham, Deputy Director, Vermont Arts Council (1:40 PM)
- Corinne Cooper, Homeowner, Berlin Mobile Home Park (1:50 PM)
- Kelley Hamshaw, Research Specialist, Center for Rural Studies (2:00 PM)
- Liz Royer, Executive Director, Vermont Rural Water Association (2:10 PM)
- Haley Pero, Outreach Staff, Office of Senator Bernie Sanders (2:20 PM) - Invited

### **3:15 PM: Government Response to Flood Recovery**

- Sue Minter, Executive Director, Capstone Community Action - Invited
- Julie Moore, Secretary, Agency of Natural Resources - Invited
- Steve Howard, Executive Director, Vermont State Employees Association - Invited
- Beth Fastiggi, Commissioner, Department of Human Resources - Invited
- Michael Harrington, Commissioner, Department of Labor - Invited
- June Tierney, Commissioner, Department of Public Service - Invited

## Senate Institutions

### **1:15 PM: Agency of Natural Resources: *Expenditures related to 2023 Flooding***

### **2:15 PM: Governor's Recommended FY24-25 Capital Budget Adjustment: *Spreadsheet discussion***

## Senate Natural Resources

### **10:00 AM: S. 213 - An act relating to the regulation of wetlands, river corridor development, and dam safety: *Dam Ownership***

- Josh Castonguay, Vice President: Chief Innovation and Engineering Executive, Green Mountain Power
- Candace Morgan, Director of Corporate Affairs, Green Mountain Power
- Amy Merritt, Agent, Hickock and Boardman

### **10:30 AM: S. 290 - An act relating to the Study Committee on Dam Emergency Action Planning: *Bill Introduction and Walk through***

- Sen. Andrew Perchlik, Reporter, Sponsor - Invited
- Michael O'Grady, Legislative Counsel, Office of Legislative Counsel

### **11:00 AM: S. 213 - An act relating to the regulation of wetlands, river corridor development, and dam safety: *Possible Amendment***

## Wednesday, February 7

## House Ag

### **1:00 PM: H. 673 - An act relating to Vermont's outdoor recreation economy**

- Rebecca Washburn, Director, Lands Administration and Recreation, Department of Forests, Parks and Recreation

### **1:30 PM: H. 673 - An act relating to Vermont's outdoor recreation economy**

- Jill Sudhoff-Guerin, Maidstone Public Relations, Vermont Medical Society
- Nick Bennette, Co-Chair, Vermont Trails and Greenways Council
- Tommy O'Connor, Co-Chair, Vermont Trails and Greenways Council
- Abigail Long, Executive Director, Kingdom Trails Association, East Burke
- Matt Williams, Executive Director, Catamount Trail Association

- Kelly Ault, Executive Director, Vermont Outdoor Business Alliance
- Sharon Plumb, Program Manager, Vermont Trails and Greenways Council

## **House Environment & Energy**

### **9:00 AM: H. 687 - An act relating to community resilience and biodiversity protection through land use**

- Catherine Dimitruk, Chair, Vermont Association of Planning & Development Agencies - Invited
- Charlie Baker, Executive Director, Chittenden County Regional Planning Commission
- Steve Collier, General Counsel, Agency of Agriculture, Food and Markets
- Ryan Patch, Agriculture Climate and Land Use Policy Manager, Agency of Agriculture, Food and Markets
- Ari Rockland-Miller, Senior Agricultural Development Coordinator, Agency of Agriculture, Food and Markets
- Brent Rakowski - Invited
- Andrew Rowe - Invited
- Chris Cochran, Director of Community Planning Revitalization, Department of Housing and Community Development
- Jacob Hemmerick, Community Planning & Policy Manager, Department of Housing and Community Development

### **1:00 PM: H. 687 - An act relating to community resilience and biodiversity protection through land use**

## **Senate Health & Welfare**

### **10:00 AM: S. 197 - An act relating to the procurement and distribution of products containing perfluoroalkyl and polyfluoroalkyl substances and monitoring adverse health conditions attributed to perfluoroalkyl and polyfluoroalkyl substances: *Committee Discussion***

- Katie McLinn, Legislative Counsel, Office of Legislative Counsel
- Jennifer Fitch, Commissioner, Department of Buildings and General Services - Invited
- Jessa Barnard, Executive Director, Vermont Medical Society

## **Senate Institutions**

### **2:15 PM: Governor's Recommended FY24 - FY25 Capital Budget Proposal**

Forests, Parks and Recreation request

- Danielle Fitzgo, Commissioner, Fish and Wildlife
- Frank Spaulding, Parks Projects Manager, Department of Forests, Parks and Recreation

## **Senate Natural Resources**

### **8:30 AM: Mapping**

- Billy Coster, Director of Policy and Planning, Agency of Natural Resources

### **10:15 AM: S. 213 - An act relating to the regulation of wetlands, river corridor development, and dam safety**

Thursday, February 8

## **Senate Judiciary**

### **10:30 AM: S. 259 - An act relating to climate change cost recovery**

- Rachel Rothschild, Professor, University of Michigan Law School
- Prof. Jennifer Rushlow, Dean, Maverick Lloyd School for the Environment, Vermont Law School
- Julie Moore, Secretary, Agency of Natural Resources

## Senate Natural Resources

**9:00 AM: S. 213 - An act relating to the regulation of wetlands, river corridor development, and dam safety:** *Discussion*

- Peter Lafamme, Director of Wastewater Management Division, Agency of Natural Resources - Invited
- Bethany Sargent, Monitoring and Assessment Program Manager, Watershed Management Division - Invited
- Lynn Provost, Owner, Dock Doctors - Invited

## Friday, February 9

### House Ag

**1:00 PM: Forest Futures Roadmap**

- Danielle Fitzko, Commissioner, Department of Forests, Parks and Recreation
- Allan Thompson, Vermont Woodlands Association
- Chris Fife, Public Affairs Manager, Weyerhaeuser Company
- Christine McGowan, Forest Products Program Director, Vermont Sustainable Jobs Fund
- Charlie Hancock, Chairman, Montgomery Selectboard
- Abigail Long, Executive Director, Kingdom Trails Association, East Burke

### Senate Ag

**9:00 AM: PFAS**

**10:45 AM: PFAS**

- Kyla Bennett, Ph.D, Director, Science Policy, Public Employees for Environmental Responsibility (PEER)

## Senate Natural Resources

**8:30 AM: S. 213 - An act relating to the regulation of wetlands, river corridor development, and dam safety:**

*Committee discussion and Vote*

**Maggie Gendron** | Deputy Secretary (she/her)

Vermont Agency of Natural Resources

1 National Life Dr, Davis 2 | Montpelier, VT 05620-3901

802-828-1294 office

Maggie.Gendron@vermont.gov

[anr.vermont.gov](http://anr.vermont.gov)

*The Agency of Natural Resources supports telework and there are times when I may be working from another location. I am generally available to connect by phone and email during business hours. I am also available to meet in-person upon request.*

Help raise money for Vermonters impacted by flood damage and show your Vermont pride with *Vermont Strong* and *Tough Too* license plates and socks. [Click here to purchase your Vermont Strong gear](#) or visit [DMV.Vermont.gov/VermontStrong23](http://DMV.Vermont.gov/VermontStrong23).

Impacted Vermonters can find resources and referrals by visiting [Vermont.Gov/Flood](http://Vermont.Gov/Flood).

**VERMONT LEGISLATURE 2024****\*highlighted is agency specific****Items of interest week of February 5 – February 9, 2024:**

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**Tuesday February 6****House Energy & Environment****1:00 PM: Natural Resources Conservation Districts**

- Jill Arace, Executive Director, Vermont Association of Conservation Districts
- Witnesses TBA, Vermont Association of Conservation Districts

**1:30 PM: H. 687: An act relating to community resilience and biodiversity protection through land use: *NRB Governance***

Jon Groveman, Policy and Water Program Director, Vermont Natural Resources Council

**2:00 PM: H. 289 - An act relating to the Renewable Energy Standard: *Discussion and possible vote*****House Judiciary****1:30 PM: H. 614 - An act relating to land improvement fraud and timber trespass: *Walk-Through and Testimony***

- Michael O'Grady, Deputy Chief Counsel, Office of Legislative Counsel
- Rep. Jed Lipsky, House Committee on Agriculture, Food Resiliency, and Forestry - Invited
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**Senate Ag****15 minutes after Senate adjourns at 10 AM: Flood Recovery/Relief**

- Doug Farnham, Chief Recovery Officer, Agency of Administration

**Senate Government & Operations****1:30 PM: Government Response to Flood Recovery: *Testimony on DR 24-0141***

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**11:00 AM: S. 213 - An act relating to the regulation of wetlands, river corridor development, and dam safety: *Possible Amendment***

**Wednesday, February 7****House Ag****1:00 PM: H. 673 - An act relating to Vermont's outdoor recreation economy**

- Rebecca Washburn, Director, Lands Administration and Recreation, Department of Forests, Parks and Recreation

**1:30 PM: H. 673 - An act relating to Vermont's outdoor recreation economy**

- Jill Sudhoff-Guerin, Maidstone Public Relations, Vermont Medical Society
- Nick Bennette, Co-Chair, Vermont Trails and Greenways Council
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**House Environment & Energy****9:00 AM: H. 687 - An act relating to community resilience and biodiversity protection through land use**

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- Charlie Baker, Executive Director, Chittenden County Regional Planning Commission
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#### Senate Institutions

#### 2:15 PM: Governor's Recommended FY24 - FY25 Capital Budget Proposal

Forests, Parks and Recreation request

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#### Thursday, February 8

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#### Senate Natural Resources

9:00 AM: S. 213 - An act relating to the regulation of wetlands, river corridor development, and dam safety: *Discussion*

- Peter Lafamme, Director of Wastewater Management Division, Agency of Natural Resources - Invited
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**Senate Ag**

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**Senate Natural Resources**

**8:30 AM: S. 213 - An act relating to the regulation of wetlands, river corridor development, and dam safety: *Committee discussion and Vote***

**From:** Gendron, Maggie  
**Sent:** Monday, February 5, 2024 10:45 AM  
**To:** Werther, Guntram  
**Subject:** FW: Legislative Calendar February 5 - 9, 2024  
**Attachments:** VTStateLeg\_Feb5.docx

Guntram – Good morning! In priority, please see a request for watching testimony below.

1. Can you watch the mobile home conversations happening in committees this week and send me and Kim Greenwood those notes?
2. Can you also watch Doug Farnham's recovery testimony and send me and Kim Greenwood notes on that?
3. If you have time can you watch S.213 in SNRE? And, H.687 in HEE? 213 is a priority over 687.

Maggie

---

**From:** Gendron, Maggie  
**Sent:** Monday, February 5, 2024 9:52 AM  
**To:** ANR - Leadership Team <ANR.LeadershipTeam@vermont.gov>; Zaikowski, John <John.Zaikowski@vermont.gov>  
**Cc:** Werther, Guntram <Guntram.Werther@vermont.gov>  
**Subject:** Legislative Calendar February 5 - 9, 2024

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## Senate Ag

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## Senate Institutions

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## Senate Natural Resources

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**Wednesday, February 7**

**House Ag**

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- Steve Collier, General Counsel, Agency of Agriculture, Food and Markets
- Ryan Patch, Agriculture Climate and Land Use Policy Manager, Agency of Agriculture, Food and Markets
- Ari Rockland-Miller, Senior Agricultural Development Coordinator, Agency of Agriculture, Food and Markets
- Brent Rakowski - Invited
- Andrew Rowe - Invited
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- Jacob Hemmerick, Community Planning & Policy Manager, Department of Housing and Community Development

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## Senate Natural Resources

### 8:30 AM: Mapping

- Billy Coster, Director of Policy and Planning, Agency of Natural Resources

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## Thursday, February 8

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- Rachel Rothschild, Professor, University of Michigan Law School
- Prof. Jennifer Rushlow, Dean, Maverick Lloyd School for the Environment, Vermont Law School
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- Bethany Sargent, Monitoring and Assessment Program Manager, Watershed Management Division - Invited
- Lynn Provost, Owner, Dock Doctors - Invited

## Friday, February 9

### House Ag

#### 1:00 PM: Forest Futures Roadmap

- Danielle Fitzko, Commissioner, Department of Forests, Parks and Recreation
- Allan Thompson, Vermont Woodlands Association
- Chris Fife, Public Affairs Manager, Weyerhaeuser Company
- Christine McGowan, Forest Products Program Director, Vermont Sustainable Jobs Fund
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#### 9:00 AM: PFAS

#### 10:45 AM: PFAS

- Kyla Bennett, Ph.D, Director, Science Policy, Public Employees for Environmental Responsibility (PEER)

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*Committee discussion and Vote*

**Maggie Gendron** | Deputy Secretary (she/her)

Vermont Agency of Natural Resources

1 National Life Dr, Davis 2 | Montpelier, VT 05620-3901

802-828-1294 office

[Maggie.Gendron@vermont.gov](mailto:Maggie.Gendron@vermont.gov)

[anr.vermont.gov](http://anr.vermont.gov)

*The Agency of Natural Resources supports telework and there are times when I may be working from another location. I am generally available to connect by phone and email during business hours. I am also available to meet in-person upon request.*

Help raise money for Vermonters impacted by flood damage and show your Vermont pride with *Vermont Strong* and *Tough Too* license plates and socks. [Click here to purchase your Vermont Strong gear](#) or visit [DMV.Vermont.gov/VermontStrong23](http://DMV.Vermont.gov/VermontStrong23).

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**VERMONT LEGISLATURE 2024****\*highlighted is agency specific****Items of interest week of February 5 – February 9, 2024:**

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- Jill Arace, Executive Director, Vermont Association of Conservation Districts
- Witnesses TBA, Vermont Association of Conservation Districts

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- Amy Cunningham, Deputy Director, Vermont Arts Council (1:40 PM)
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- Kelley Hamshaw, Research Specialist, Center for Rural Studies (2:00 PM)
- Liz Royer, Executive Director, Vermont Rural Water Association (2:10 PM)
- Haley Pero, Outreach Staff, Office of Senator Bernie Sanders (2:20 PM) - Invited

**3:15 PM: Government Response to Flood Recovery**

- Sue Minter, Executive Director, Capstone Community Action - Invited
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- Steve Howard, Executive Director, Vermont State Employees Association - Invited
- Beth Fastiggi, Commissioner, Department of Human Resources - Invited
- Michael Harrington, Commissioner, Department of Labor - Invited
- June Tierney, Commissioner, Department of Public Service - Invited

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- Rebecca Washburn, Director, Lands Administration and Recreation, Department of Forests, Parks and Recreation

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- Jill Sudhoff-Guerin, Maidstone Public Relations, Vermont Medical Society
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**From:** Werther, Guntram  
**Sent:** Monday, February 5, 2024 10:52 AM  
**To:** Gendron, Maggie  
**Subject:** Re: Legislative Calendar February 5 - 9, 2024

Yes, will do.

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**From:** Gendron, Maggie <Maggie.Gendron@vermont.gov>  
**Sent:** Monday, February 5, 2024 10:44:39 AM  
**To:** Werther, Guntram <Guntram.Werther@vermont.gov>  
**Subject:** FW: Legislative Calendar February 5 - 9, 2024

Guntram – Good morning! In priority, please see a request for watching testimony below.

1. Can you watch the mobile home conversations happening in committees this week and send me and Kim Greenwood those notes?
2. Can you also watch Doug Farnham's recovery testimony and send me and Kim Greenwood notes on that?
3. If you have time can you watch S.213 in SNRE? And, H.687 in HEE? 213 is a priority over 687.

Maggie

---

**From:** Gendron, Maggie  
**Sent:** Monday, February 5, 2024 9:52 AM  
**To:** ANR - Leadership Team <ANR.LeadershipTeam@vermont.gov>; Zaikowski, John <John.Zaikowski@vermont.gov>  
**Cc:** Werther, Guntram <Guntram.Werther@vermont.gov>  
**Subject:** Legislative Calendar February 5 - 9, 2024

Good morning,

Please forward to your teams. We have a couple of unresolved invitations out there with Senate Natural and Senate Gov Ops, so please still take a look at the legislative calendar for updates. Maggie

## **VERMONT LEGISLATURE 2024**

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**From:** Coster, Billy  
**Sent:** Thursday, February 8, 2024 5:14 PM  
**To:** Gendron, Maggie  
**Subject:** Act 250 testimony talking points  
**Attachments:** H.687 initial testimony\_Coster\_1.30.24.docx; H.687 Tier 2 and 3\_ANR\_2.1.24.docx

Maggie,

Per your request sharing my notes from two rounds of HEE testimony on H.687. The first are high level comments on the context and the broader bill and the other is more detailed testimony on jurisdiction and criteria.

The first day I had very little time so I summarized my notes and mainly emphasized the agreement around the framework and the broad agreement that more time is necessary to work out details, especially of tier 3 jurisdiction.

I got into that them in more detail the second day. Neither of these documents are totally comprehensive, and I used them as a guide, but mainly spoke off the cuff. Given that there may be more/better things to add, so as your pulling together drafts I'm happy to review and share any suggestions.

Please let me know if you any question.

Thanks!  
Billy

---

**Billy Coster** | Director of Policy and Planning  
Vermont Agency of Natural Resources  
Office of Planning  
1 National Life Dr., Davis 2 | Montpelier, VT 05620-3901  
802-595-0900 cell  
[anr.vermont.gov](http://anr.vermont.gov)

- Before diving into my substantive testimony, it may be helpful to provide some context for its recommendations.
- Vermont is experiencing the impacts of climate change – drought, flooding and warmer winters – all of which put pressure on our natural systems and built environment.
- Many parts of the state are facing significant challenges related to a lack of housing, housing affordability, substance use disorder, and dated public infrastructure in need of investment, and other social and economic challenges stressing our social safety net.
- The COVID pandemic – with its sudden influx of residents to Vermont – also provided a glimpse of what we may expect in the future, when climate change prompts the migration of millions of Americans away from coastal and arid parts of the country to more resilience places like Vermont.
- These are significant challenges that are intertwined, will not be solved overnight, so we need to be thoughtful, comprehensive and take the time we need to involve Vermonters in crafting durable solutions.
  
- Not to dwell on the negative, in many regards Vermont is also in a much better place than we were when Act 250 was first enacted.
- At that time there was unchecked residential growth in many parts of the state, and there was almost no environmental regulation or planning happening at the federal, state or municipal level.
- In 1970, Act 250, with 32 criteria and sub-criteria, filled a critical void and addressed a broad set of land use issues.
- 50 years later we have comprehensive environmental regulation at the state and federal level, sophisticated land use planning in every region of the state, and municipal land use bylaws in most of our communities.
- And instead of the housing explosion of the late 60's and early 70's, many of our communities are eager to increase housing stock.
- And as we just saw from the US Forest Service presentation, while we're slightly off our 1997 peak forest cover, we still have substantially more forest than we did for the bulk of the 20<sup>th</sup> century, and close to where we were 40 years ago in 1984.
  
- And in just the last 4 years Vermont has taken massive new steps in environmental policy.
- In 2020 the Global Warming Solutions Act became law.
- In 2021 the state adopted our initial Climate Action Plan.
- We are currently developing a Municipal Vulnerability Index and Toolkit to help communities identify, plan for and respond to climate risk.
- The Governor and Treasurer recently launched a Climate Resilience Implementation Strategy.
- And on top of all this work, last session the General Assembly adopted Act 59 which directs the state to permanently conserve 30% of Vermont's land area by 2030 and establish durable conservation protection over at least 50% of the state by 2050.

- I share this to remind us all that Act 250 is no longer the sole tool in our quiver to address the environmental and land use challenges facing Vermont. Other programs and processes exist now that didn't in 1970, and several new, incredibly consequential laws have just come online.
- This context is important when we look at the role of Act 250 in the future and highlights the interconnected nature and complexity of Act 250 modernization.

Support NRB study, believe it should be implemented as the consensus package it is. I was ANR's representative on the Study Steering Committee and can attest to the quality of the process and strength of the consensus.

The NRB Study addresses most all the elements of H.687 – governance, jurisdiction, criteria, role of Capability and Development plan, Future Land Use maps and so on.

It creates a framework for Act 250 modernization that can be implemented in legislation this year and contemplates a implementation period where details of the framework can be developed and refined by stakeholders and Vermonters, and brought back as recommendations to the Legislature in the next biennium.

Given sweeping impact these fundamental Act 250 changes will have on Vermonters, the complexity of the issues, and the state's goals around equity and community engagement, setting the framework in law now – committing the state to a professional board and tiers system of jurisdiction - and providing time for additional stakeholder work and engagement to develop the details of how those pieces come to be.

With that context, I could touch on some sections of the bill where ANR has the most involvement, and where we see where additional stakeholder process is necessary and appropriate, or save those details for another time.

NRB study recommended that the jurisdiction tiers needs more work before they can be finalized, and did not reach a conclusion on the role of the professional board, so those are the primary areas.

If committee feels and urgency to act this year, strongly recommend they establish the NRB study framework in law, committing the state to a 3 tiered system of jurisdiction and a professional board, but provide time for a data-informed stakeholder process to flesh out the tiers, and to seek input from on now best to move the framework forward.

---

## Notes on Sec. 2 – 18 – Professional Board and Appeals (p. 2 – 35)

- NRB study consensus support for a professional board
- Universal agreement that improved oversight and governance of Act 250 and policy direction is need.
- Lots of discussion and agreement that the capacity of the new board alone will approve the process, as will increased rule making and other proactive actions the board can take to guide the work of Commissions and coordinators.
- Significant Agreement of some roles and responsibilities such as approving the designations that offer regulatory benefits, but no agreement about whether the Board should hear appeals or alternatively participate in major case review.
- H.687 professionalizes the board and has it hear appeals of Act 250 district commission decisions.
- If the goal is for the board to use a range of tools to manage and direct the work of Act 250, having them hear appeals right away will set them up for failure.
- will undermine the goal of increased management, necessitate firewalls when we need collaboration, etc.
- 
- To hear appeals there will need to be a fire wall between the NRB and commissions and coordinators working on Major applications. There needs to be more communication and coordination on those projects, not less than there is today.
- The appellant structure will immediately create contentious dynamic between the NRB, commissions and coordinators.
- There is already tension between the NRB, and some Commissions and coordinators when the NRB represents Act 250 in appeals to the eCourt. In my view those divisions are likely to widen if the NRB becomes the appellant body.
- I appreciate others see this issue very differently and I could certainly be wrong.
- Therefore, I recommend the legislature establish a professional board now, provide them clear rulemaking authority, and give the new board time to be seated and manage the enterprise.
- I recommend the legislature also request the new board to report back after a period of time on what they've done to improve governance, how it's working and recommend what role the Board should take in the future in either hearing appeals or participating in major cases.

## H.687 Tier 2 and 3 Testimony – Coster

2/1/24

- ANR participated in NRB study, stakeholders worked constructively and in good faith to develop a consensus recommendation.
- We support the recommendations of the report.
- Today we will speak to proposed jurisdictional Tiers 2 and 3.
- H.687 incorporates many concepts recommended in the NRB Study for these Tiers, but deviates in some important ways and that is what we will cover today, specifically:
  - o Tier 2 Lot number trigger.
  - o The Road Rule.
  - o Forest Block and Connecting Habitat criteria and mitigation.
  - o Tier 3 Critical Resources Areas
- Before diving into the details, it's important to highlight that much of the expanded regulatory oversight contemplated in the NRB study and in H.687 will fall to the professional staff at ANR, especially within our Department of Fish and Wildlife.
- In recent years the legislature has called on ANR to carry forward a number of new initiatives including work on climate, environmental justice, administration of significant ARAP funded programs focused on safe accessible water and waste systems, development of an inventory and conservation plan as required in Act 59, last year's 30x30 bill, and much more.
- We as an Agency are at capacity and cannot do more unless resources come with it.
- As is reflected in the NRB report, ANR's work supporting Act 250 operates at a roughly \$500,000 deficit annually, and staff are being stretched thin to participate in Act 250 review while doing other important mission critical work.
- If any piece of legislation expands Act 250's environmental criteria or jurisdiction over critical resources areas, additional resources for the Agency must be included in the bill.
- I'll now turn to the specifics of H.687, covering:
  - o Tier 2 Lot number trigger.
  - o The Road Rule.
  - o Forest Block and Connecting Habitat criteria and mitigation.
  - o Tier 3 Critical Resources Areas
- Tier 2 Lot number trigger.
  - o Sec. 23 of H.687 changes the Act 250 jurisdictional trigger for subdivisions from 10 to four lots.
  - o This is not consistent with the NRB study which maintained existing subdivision triggers, and recommends adding a Road Rule to Tier 2.
- Road Rule
  - o The Agency has long supported targeted increases in Act 250 jurisdiction focused on development that is especially fragmenting or that encroached deep into undeveloped forested areas.
  - o Long roads and driveways into forests often enable that type of fragmenting development, so jurisdiction tied to road length has long been seen as an effective strategy to address this need.
  - o Both the NRB study and H.687 include a version of a road rule.
  - o H.687 triggers Act 250 oversight of any improvement more than 500' from a town highway, and the NRB study focuses more on the combined length of roads and driveways associated with the development.

- They both have their pros and cons. The Agency supports the consensus recommendation in the NRB report, but if those stakeholders are open exploring refinements to that proposal we would participate.
  - I am concerned that the 500' threshold in H.687 could limit some infill development that while far off a road, does not constitute a new encroachment in forest.
  - There is strong consensus support for the version of the Road Rule included in the NRB study. If the committee would like to take a different approach, I recommend, as I did yesterday, that stakeholders are provided time to engage, consider data, and bring a recommendation back in the future.
- Forest Block and Connecting Habitat criteria and mitigation.
- The Agency has long supported a new Act 250 criteria to address impacts to forest blocks and connecting habitat.
  - Both the NRB study and H.687 include this element.
  - Much work has been done to develop these criteria, but H.687 makes some important changes to what had previously been contemplated that may make the criteria difficult to administer.
  - Specifically H.687 removes the 'no under adverse standard' that had previously been including in proposed forest frag criteria.
  - Instead of meeting that 'no under adverse standard', the bill requires applicants to avoid or minimize fragmentation.
  - Fragmentation is defined in the bill to effectively mean any subdivision or development of a forested parcel, however minor, so avoidance of fragmentation on a forested parcel is not possible. Pushing applicants to minimize impacts.
  - Since there is no standard to hold minimization efforts to, an applicant could fairly argue that by cutting down one less tree than they had planned demonstrates minimization and satisfies the criteria.
  - When there is an 'no undue adverse standard' the minimization needs to reduce impacts below a certain qualitative threshold, not simply a quantitative measure.
  - This change also deviates from the regulatory 'no undue adverse standard' in Section 248 the Agency has successfully used to address forest fragmentation in energy and telecom cases for over a decade.
  - We recommend any forest fragmentation criteria include a qualitative standard for review.
- Turning to the concept of mitigation, H.687 does not allow mitigation for impacts to connecting habitat and it focuses entirely on off-site mitigation, which is often not effective related to forest blocks and connecting habitat.
  - The main purpose of mitigation is to off-set the impacts of development in order to maintain the functions and values of the impacts resource.
  - When considering impacts to forest blocks and connecting habitat, effective mitigation often requires the protection of immediately adjacent areas to maintain the function of the block. Those decisions need to be made during the regulatory review process and not deferred to some future investment by VHCB as set forth in H.687.
  - There may be instances where off-site mitigation is appropriate, but in my experience generally mitigation for thee resources is best achieved at or near the area of impact.

- We recommend you restore the option to mitigation for impacts to connecting habitat – if that mitigation meets the ‘no undue adverse impact standard’ – and strike any direction regarding off-site mitigation through VHCB, and rather allow the rule making process to determine the best mechanism.
- If you do maintain the off-site framework, funding for ANR staff from the mitigation fund should be included in the bill, consistent with how prime ag soil mitigation funds at VHCB are statutorily directed to support AAFM staff that work on Act 250 projects.
- (10 V.S.A. § 6093)b
- Tier 3 Critical Resources Areas
  - Finally, we’ll speak to critical resource areas.
  - Both the NRB study and H.687 contemplate expanded areas of automatic Act 250 jurisdiction intended to better regulate impacts to especially sensitive or value-rich areas of the state.
  - The NRB study establishes a Tier 3 of Act 250 jurisdiction to accomplish this goal and recommends a process whereby Regional Planning Commissions work, with support of ANR and other state agencies, to recommend Tier 3 areas in their regions for review and approval by a professional NRB.
  - H.687 takes a more prescriptive approach and defines ‘Critical Resources Areas’ in statute.
  - The Tier 3 concept enjoyed consensus support in the NRB process in part because there was an appreciation that identification of those areas must include community input and be developed with good planning processes and principles through the RPS, and that these areas should be targeted, strategic and limited in size.
  - H.687 predetermines what areas would see automatic Act 250 jurisdiction, does not allow for community input.
  - The resource categories currently include in the bill are also challenging in that some areas already regulated by other state permits, others may be hard to implement as a jurisdiction trigger, and taken in total includes 1/3<sup>rd</sup> to half the land area of the state.
  - H.687 critical resources areas include:
    - River Corridors
    - Significant wetlands
    - Land above 2000’
    - Lands characterized by steep slopes and shallow depth to bedrock.
    - An area with any amount of prime ag soil, and
    - A parcel containing all or part of a connecting habitat.
  - Significant wetlands are already regulated by DEC, so it’s unclear why they would be an appropriate trigger for Act 250 review.
    - Prime Ag soils involve roughly 276,000 acres,
    - River Corridors involve roughly 209,000 acres, 12,000 building, 5600 miles.
    - Vermont Conservation Design identifies 2.8 million acres as highest priority connecting habitat, and the H.687 definition of connecting habitat may be even broader than what is included in VCD.
    - That’s over 3 million acres of land, without even including land above 2000’ and areas of steep slope and shallow soils.
  - By comparison, all of the existing state designated centers involve about 22,000 acres of land.



- So H.687 proposes over 100x more land subject to new, automatic Act 250 than would be exempted from Act 250 through the Tier 1 growth tier.
- Expanding Act 250 in this way will put a tremendous burden on the regulatory system and is not necessarily targeted in areas where regulatory oversight is most needed.
- The Agency supports the Tier 3 concept of increased jurisdiction over high value or very sensitive resources and support a process to work with RPC's and stakeholders, using data and community engagement, to identify these areas and bring that recommendation back to the legislature.

**From:** Ramirez-Richer, Emma  
**Sent:** Friday, February 9, 2024 4:28 PM  
**To:** ANR  
**Subject:** Weekly news links 2.9.24

**Notes:**

- ANR's 2023-2024 Legislative Session Bill Tracker is live on the SharePoint Website. Feel free to take a look at [the Bill Tracker spreadsheet](#) maintained by Deputy Secretary Gendron to see the status of all ANR-related bills moving through the Legislature right now.
- Please take a moment to make sure your work phone number is accessible to all Agency staff. One way to do this is to update your "virtual business card" on Outlook. Please see [this recent Tip of the Week](#) to learn how to check your Outlook information and add your phone number. This makes it easier to collaborate, especially across departments and regional offices!

**This week in the Secretary's Office:**

- Secretary Moore provided support at the Governor's Wednesday conference. In his remarks, the Governor called for regulatory reform to make it easier to build more housing to mitigate the housing crisis Vermont is experiencing. Secretary Moore provided support on media questions, especially those related to lands covered under Act250 now versus in the new Act250 reform proposal. The Act250 reform proposal appears in H.687, *An act relating to community resilience and biodiversity protection through land use*, and is being debated in the House Environment and Energy committee right now. Read more below.
- Secretary Moore provided testimony in two committees this week. In House Environment and Energy, she and the business office gave a quick overview of the proposed ANR FY25 budget. In Senate Judiciary, Secretary Moore testified on S.259, a bill that would create a "climate superfund" which would require corporations to pay for the greenhouse gas emissions they create (you can read more about the climate superfund bill below).

**News:**

- Vt. lawmakers eye soaring costs of school construction ([WCAX](#))
- Scott administration proposes PCB testing slowdown as schools struggle to keep up ([Mountain Times](#))
- Vermont gets a 'road map' for confronting its school construction needs ([VTDigger](#))
- Bill would require more updates to endangered species list, restrict taking species from habitats ([VTDigger](#))
- Vermont's newest big fish record goes to Pennsylvanian angler ([Vermont Public](#))
- Final Reading: Lawmakers review proposed wake boat rules ([VTDigger](#))
- Vermont House lawmakers introduce bill to ban neonicotinoid-coated seeds ([Vermont Public](#))
- Report details impacts of 2023 severe weather on Vt. farms ([WCAX](#))
- Vermont, Other States Push for "Climate Superfund" Bill to Hold Polluting Companies Accountable ([Sierra Club Magazine](#))
- Marbled Godwit found in Vermont died of natural causes, lab results reveal ([WPTZ](#))
- Rare bird that caused stir in Champlain Islands died of natural causes ([VTDigger](#))

- Gov. Scott says zoning reform proposals falling short again ([WCAX](#))
- Scott takes aim at bill he sees as counter-productive to push for more housing ([Brattleboro Reformer](#))
- Democrats push back against governor's zoning reform zeal ([WCAX](#))
- Scott signs bill reimbursing flood-ravaged communities for federal fund contributions ([WCAX](#))
- Thousands of Vermonters applied for FEMA assistance after last summer's floods. What became of them? ([VTDigger](#))
- Phil Scott signs law to ease tax burden of flood-hit municipalities ([VTDigger](#))
- State funds still available to buy flooded Vermont property ([My Champlain Valley](#))
- Vt. bill pushes to overlook renewable energy's aesthetic impacts ([WCAX](#))
- Senate committee looks over bill on energy siting ([Rutland Herald](#))
- Survey to help shape future of Vermont outdoor recreation ([WCAX](#))
- Vermont's Snowiest Resort Fires Up New Snowmaking Guns ([Powder Magazine](#))
- Vt. Attorney General sues Plainfield loggers over unfair, deceptive business practice allegations ([Times Argus](#))
- Attorney General brings case against central Vermont loggers ([VTDigger](#))
- Vt. law would tighten 'timber trespass' rules ([WCAX](#))
- A bill that would reform the renewable energy standard in Vermont clears key panel ([VTDigger](#))
- State senators greenlight budget adjustment after hours of debate ([WPTZ](#))
- Wildlife Watch: Are beavers busy in winter? ([WCAX](#))
- Vermont's short-term rentals are booking up for the 2024 total solar eclipse ([Vermont Public](#))
- Out There: How farming has gotten harder ([Vermont Public](#))
- Vermonters ecstatic to see first sunny day in months ([WCAX](#))

#### Opinion:

- Casella: Bottle bill expansion ([Times Argus](#))
- Addison Kasmarek: The Codling brothers do not represent the forest products industry ([VTDigger](#))
- Paul Bierman: Lake Champlain has a lot to lose as Burlington is about to increase stormwater runoff ([VTDigger](#))
- Barbara Felitti: Letter misrepresented proposed Wildlife Board bill ([Addison Independent](#))
- Jane Fitzwilliam: End hounding ([Rutland Herald](#))
- Jack Hanson: UVM is actively lobbying against climate action ([VTDigger](#))

#### Press releases:

- Help Shape the Future of Outdoor Recreation in Vermont ([FPR](#))
- Lake Champlain Management Cooperative to Hold 'State of the Lake Fisheries' Meeting ([FWD](#))
- One New Fish Record Established in Vermont in 2023 ([FWD](#))
- Rare Bird that Sparked Excitement and Concern Died of Natural Causes According to New Lab Results ([FWD](#))

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**From:** Moore, Julie  
**Sent:** Tuesday, February 13, 2024 6:33 PM  
**To:** rsears@leg.state.vt.us  
**Cc:** Pieciak, Mike  
**Subject:** S.259 and the Resilience Implementation Strategy

Good evening, Sen. Sears.

I am following up on my testimony from last week regarding S.259 (Climate Superfund Cost Recovery Program), and specifically the importance I see in coordinating the effort with the development of the [Resilience Implementation Strategy](#) that was announced by the Governor and Treasurer Pieciak (copied on this reply) last month.

Specifically, S.259 creates a liability of responsible parties for "...the costs of climate change adaptive infrastructure projects...", directs the Treasurer to estimate the cost to Vermont of greenhouse gas emissions that occurred between January 2000 and December 2019, and requires the Agency to develop a "...statewide Climate Change Adaptation Master Plan for the purpose of guiding the dispersal of funds under this chapter in a timely, efficient, and equitable manner to all regions of the State."

Similarly, the *Resilience Implementation Strategy* will include "...projects to safeguard ecosystems, promote biodiversity, and mitigate the impact of extreme weather events on agriculture, forestry, and water resources. These solutions also serve to buffer the state's infrastructure and built environment from the most intense impacts of climate change." as well as "...identify how to "harden" Vermont's critical assets to better withstand extreme weather events."

This effort to identify and prioritize resilience projects would provide the basis for quantifying the cost to Vermont of covered greenhouse gas emissions and could, in turn, be built upon to guide the dispersal of funds – consistent with the vision laid out in S.259. That said, the *Resilience Implementation Strategy* is planned to be completed by July 1, 2025 – to coincide with an update to Vermont's Climate Action Plan.

Staff in the Climate Action Office have a draft work plan for developing the *Resilience Implementation Strategy* which they would be happy to brief your committee on; I believe this could elucidate how we might align efforts, if you are willing to consider a timeline for S.259 that would allow it to benefit from the *Resilience Implementation Strategy*.

Kind regards,  
Julie



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*The Agency of Natural Resources supports telework and there are times when I may be working from another location. I am generally available to connect by phone and email during business hours. I am also available to meet in-person upon request.*

Help raise money for Vermonters impacted by flood damage and show your Vermont pride with *Vermont Strong* and *Tough Too* license plates and socks. [Click here to purchase your Vermont Strong gear](#) or visit [DMV.Vermont.gov/VermontStrong23](http://DMV.Vermont.gov/VermontStrong23).

Impacted Vermonters can find resources and referrals by visiting [Vermont.Gov/Flood](http://Vermont.Gov/Flood).

**From:** Barney, Cole  
**Sent:** Thursday, February 15, 2024 9:28 AM  
**To:** EXE; EXE - Cabinet  
**Cc:** EXE - Interns  
**Subject:** News Clips 02.15.24  
**Attachments:** News Clips 02.15.24.docx

### Today's Articles

- Gov. Scott wants to improve public safety. Lawmakers, justice officials say his budget falls short – Vermont Public – Peter Hirschfeld
- Scott says Vermont needs more resources to fight drug-related crime – My Champlain Valley – Malachy Flynn
- Rising teacher health care costs a major factor in expected property tax spike – WCAX – Calvin Cutler
- Gov. Phil Scott puts public safety first at weekly news conference – WPTZ – Stephen Biddix
- Proposal for reining in Vermont's motel housing costs creates uncertainty, anxiety – Vermont Public – Carly Berlin
- Opioid recovery advocates push Vt. lawmakers to expand services – WCAX – Laura Ullman
- VT House lawmakers approve auto trespassing bill as apartment complexes see uptick in car thefts – WPTZ – Amanda Martin-Ryan
- Effort to crack down on car break-ins moves forward – WCAX
- School spending and credit 'lag' could squeeze income sensitive – Times Argus – David Delcore
- Some Vermont dairy farmers, state officials urge caution about buzzy bill to ban neonicotinoids – Vermont Public – Abagael Giles
- Addison County prosecutor takes medical leave while facing DUI charge – WCAX
- Education Costs Are Driving Double-Digit Tax Hikes, and Legislators Are Scrambling to Lessen the Blow – Seven Days – Kevin McCallum & Alison Novak
- Vermont House approves legislation that would penalize attempted auto theft – Vermont Public – Bob Kinzel
- New DCF policy allows adoptees in Vt. access to birth records – WCAX – Melissa Cooney
- Bennington opioid treatment center could be exempted from permitting process – Bennington Banner – Jim Therrien
- Bill proposes greenhouse gas polluters pay for Vermont climate projects – My Champlain Valley – Norah White
- Vermont health commissioner says banning smartphones in school is 'unrealistic' – Vermont Public – Bob Kinzel
- Morristown and Other Small Towns Are Convening to Address Rising Crime in Rural Vermont – Seven Days – Rachel Hellman
- Threat prompts police presence at VT high school – WPTZ – Molly Osborne
- Woodstock middle high school closes after threat – Valley News
- Addison County Prosecutor Facing DUI Charge Takes Paid Medical Leave – Seven Days – Derek Brouwer

- Rep. Balint introduces bill aiming to tackle affordable housing crisis – Vermont Public – Mitch Wertlieb & Daniela Fierro
- USPS considering moving White River Junction mail center to Connecticut – My Champlain Valley – Benjamin Aliber & Matt Holderman
- Facing DUI charge, Addison County state’s attorney plans to return to job once ‘fully grounded’ – VT Digger – Alan J. Keays
- Local school leaders see ‘immense challenges’ in proposed state funding changes – VT Digger – Kevin O’Connor
- 3 of 6 state troopers put on leave are back at work at St. Johnsbury barracks – VT Digger – Alan J. Keays
- Final Reading: Health commissioner says social media and digital devices are not all bad for Vermont teens – VT Digger

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## Governor's Daily News Clips

Thursday, February 15, 2024

### Gov. Scott wants to improve public safety. Lawmakers, justice officials say his budget falls short – Vermont Public – Peter Hirschfeld

Republican Gov. Phil Scott says improving public safety in Vermont is one of his top priorities this year, but Democratic lawmakers say his [proposed budget](#) underfunds the judicial system needed to hold offenders to account.

The Department of State's Attorneys and Sheriffs told lawmakers this week that Scott's fiscal year 2025 budget proposal would [force them to eliminate as many as nine positions](#) next year. The Vermont Judiciary, meanwhile, said [Scott's spending plan doesn't fund 15 new staff positions](#) it needs to manage the nearly 17,000 criminal cases pending in county courts.

South Burlington Rep. Martin LaLonde, the Democratic chair of the House Judiciary Committee, said there's a disconnect between Scott's rhetoric on public safety and the budget he presented to lawmakers last month.

"He's talking the talk but not walking the walk as far as what needs to be done," LaLonde said.

Scott dedicated his [weekly media briefing](#) Wednesday to the issue of public safety and reiterated his push for harsher sanctions for repeat offenders.

"Some have described my approach as tough on crime," Scott said. "But the alternative is being soft on crime."

LaLonde said he generally appreciates Scott elevating the issue of public safety.

"But when I've seen what the governor's recommended budget is, that budget does not align with that priority that he said," LaLonde said.

John Campbell, commissioner of the Vermont Department of State's Attorneys and Sheriffs, said his department will need at least \$900,000 more than the governor recommended in order to avoid eliminating personnel next year. And he said in order to make meaningful progress on the [backlog in Vermont courts](#), county prosecutors will need an additional 10 deputy state's attorney positions statewide.

"The whole criminal justice system, not just the prosecution, but also the defense and judiciary, has not been a major priority of the Legislature over the past 15 or 20 years," Campbell said. "In order to meet the needs that we're seeing ... to try to make a dent in it, we need resources."

Defender General Matt Valerio, whose office oversees public defenders in the state, said the governor's recommended budget falls \$2 million short of what the office needs to sustain current operational capacity.



Campbell said that in order to reduce recidivism and improve overall public safety in Vermont, the court system needs to resolve cases as quickly as possible after the alleged offense. The average caseload for individual prosecuting attorneys now exceeds 300 at 10 of the state's county courthouses.

"And when you're handling that many prosecutions, there's no way in the world you can be creative," Campbell said. "There's no way in the world you're going to be able to work with defendants to try to find out, what is it that's driving them? What is it that's bringing them into the system? ... And how can we deal with that? You don't have the time. It's basically just treading water."

Scott said Wednesday that his budget proposal for the judicial system represents the best his administration could do with limited state revenues.

"We have to live within our means," he said.

Scott said he's open to conversations about increasing funding for the judiciary. But he said that money would have to come from somewhere else in the state budget.

### **Scott says Vermont needs more resources to fight drug-related crime – My Champlain Valley – Malachy Flynn**

Gov. Phil Scott addressed public safety in Vermont at his weekly press conference on Wednesday, and shared concerns about drug-related crime in the state.

The governor said that while he does not aim to bring back the "tough on crime" days of the 1980s and 1990s, he has no intention of being "soft" on crime either. Scott is focused on keeping fentanyl out of the state, and hopes to modernize Vermont's resources to fight drug-related crime.

Scott said, "Without enforcement, we can't slow down the deadly supply of highly addictive, cheap, and deadly fentanyl and xylazine that has taken over much of the market."

The Governor said that despite efforts to crack down on drug trafficking, he wouldn't forget about Vermonters who have been impacted by addiction and substance use disorder. "Now again, to be clear, I'm not talking about walking away from those struggling with addiction or substance use disorder," said Scott.

Scott advocated for law enforcement techniques that disincentivize crime and hold criminals accountable for their actions. He said that currently, criminals are not being held accountable, and cited more than 5,000 warrants issued last year for failure to appear in court, which he says is an indicator that the measures in place are not enough of a deterrent.

## **Rising teacher health care costs a major factor in expected property tax spike – WCAX – Calvin Cutler**

How much is the skyrocketing cost of health care contributing to higher school budgets and a projected spike in property taxes? A number of factors have been blamed for driving up the cost of education this year but officials say health care costs for teachers play a major part.

Roughly 70% of school budgets are spent on staffing and benefits, which includes health care.

“We’ve had double-digit increases in those insurance rates year after year after year -- people cannot afford that,” said Rep. Rebecca Holcombe, D-Norwich.

The state spends roughly \$50 million on health care benefits for teachers and their families out of the \$2 billion Education Fund. Healthcare benefits for state employees, that officials say are also spiking, are paid out of the General Fund.

Back in 2017, Governor Phil Scott and Democrats were at odds about finding savings in health plans and putting caps on student-to-teacher ratios. Those discussions led the state to negotiate teachers and staff health care benefits on the statewide level. Back then, the premium for the most popular plan for teacher health plans was about \$17,500.

“This coming fiscal year it’s going to over \$36,500. With continued double-digit inflation in FY 2031, it will break \$70,000,” said Mark Koenig, who chairs the state’s Commission on Public School Employee Health Benefits.

The state teachers union is beginning negotiations on the next round of health care benefits and strongly opposes any effort to reduce benefits or shift premium costs from taxpayers to teachers. “This is a key way to keep educators, to attract educators and keep them here working with Vermont students,” said the Vermont-NEA’s Darren Allen.

So what can be done to tackle the root of healthcare spending, which regulators say is driven by pharmaceutical and hospital costs?

Green Mountain Care Board chair Owen Foster says they are spearheading an initiative to find efficiencies in hospital spending. “The health care costs we have in this state are not sustainable. Vermonters can not afford to keep paying 15% year over year. We have to do something different,” he said.

Regulators are also looking at ways to reign in the cost of pharmaceuticals, and reforming how healthcare is paid for. The Vermont NEA says they support these initiatives.

Meanwhile, House lawmakers on Wednesday [unanimously approved H. 850](#), a tweak to the state’s education funding formula to fix unintended consequences of education finance reforms from 2022’s Act 127, and buy more time for districts to cut spending.

Governor Phil Scott calls the \$30 million in education fund savings a drop in the bucket and says the property tax issue is the continuation of a bigger conversation about education spending.

“Regardless of what the end tax bill ends up being, we need to put provisions in place to moderate and decrease the amount we’re spending on schools,” he said.

### **Gov. Phil Scott puts public safety first at weekly news conference – WPTZ – Stephen Biddix**

Wednesday afternoon Gov. Phil Scott held his weekly news conference where he highlighted the importance of public safety.

"I've always believed public safety should be the top priority of every government," said Scott.

Scott urged lawmakers to relook at policies passed in recent years that relate to crime because he believes they're not working as intended.

"Some have described my approach as tough on crime, but the alternative is being soft on crime, so I want to be clear, I'm not talking about going to the approach of the 80s and 90s or some wild swing to the right," said Scott.

He highlighted the amount of repeat offenders the justice system sees, adding newer laws related to bail and conditions of release make it hard for law enforcement and the courts to hold people accountable.

We had over 5,000 arrest warrants for failure to appear just last year, and over 12,000 of our over 21,000 criminal dockets involve repeat offenders," said Scott.

Another one of those policies is Raise the Age, which is set to move 19-year-olds who commit certain crimes to the juvenile system this summer.

"To add any additional caseload to them [DCF] workers right now is something we can't support. We want to be able to do our jobs and do them well and this would place an additional stress on the system that we just can't afford at this moment," said Chris Winters, the commissioner of the Dept. for Children and Families.

The administration also acknowledged the drug crime increase but said it's a frustrating game.

"There's a little bit of a wack-a-mole, if we make a big operation that has an impact in a city like Springfield, MA or New York City, then there could be a slight disruption in the supply side from that location, likewise it'll just pop to another city," said Jen Morrison, the commissioner of the Dept. of Public Safety.

## Proposal for reining in Vermont's motel housing costs creates uncertainty, anxiety – Vermont Public – Carly Berlin

Some unhoused Vermonters sheltered in hotels and motels on the state's dime are worried they might lose their rooms earlier than anticipated if lawmakers begin limiting the amount of taxpayer money that the lodging establishments can be paid.

Lawmakers have proposed capping the nightly rate the state pays hotels and motels participating in the state's emergency housing program at either \$75 or \$80, a stark departure from the average of [\\$143 a night](#) the state paid the establishments in fiscal year 2023. Legislators say implementing a cap — which would go into effect March 1 — could generate savings, and members of Gov. Phil Scott's administration argue that a cap could provide leverage for the state to eventually lease or purchase the buildings and convert them into longer-term shelter or housing.

But in the short term, some program participants fear a rate cap could compel the motel owners they rely on for shelter to stop reserving their rooms.

One tenant at the Days Inn in Colchester, who spoke on condition of anonymity for fear of retaliation from the hotel owner, said she and her family have been struggling to find an apartment they can afford before April 1, when they were set to lose their state voucher. Now, she said, staff at the hotel have indicated to her that the Days Inn might pull out of the state program if the cap takes effect. (Staff at the Days Inn declined to comment for this story.)

“Where does that leave everybody?” the tenant posed. “We don't have any other options.”

Historically, the state has allowed motels participating in the program to name their price — sometimes getting subpar living conditions in return, including severe plumbing problems, mold, chronic bed bug infestations and doors that won't lock, as VTDigger revealed [in an investigation last year](#).

Members of the Scott administration have made clear that the program bears “high costs for low returns,” as Department for Children and Families Commissioner Chris Winters put it to lawmakers at a [Statehouse hearing last week](#).

Before the pandemic, the state compensated motels participating in the program at around \$75 a night per room, Winters said. That rate has nearly doubled.

Rep. Theresa Wood, D-Waterbury, chair of the House Human Services Committee, said in an interview last month that capping the nightly rate could help rein in costs.

“At this point in time, what we're trying to balance is the ability of the state to pay, being fair to hotel owners, and sheltering people who need shelter,” Wood said.

### **‘Not acceptable’**

Some hotel and motel owners have signaled that they may drop out of the state shelter program under the proposed rates, arguing the amounts are too low to adequately cover operating costs.

Anil Sachdev, who holds an ownership stake in [several hotels](#) across the state that participate in the emergency housing program, said the proposed rates “are not acceptable” and too low to sustain “the cost of operation and the cost of infrastructure,” along with insurance costs. ([Last month](#), the Vermont Attorney General’s office required Sachdev to pay back improperly held security deposits to people he sheltered through a version of the emergency housing program.)

In a phone call on Tuesday, Sachdev said if the proposed rate caps get set in stone, he intends to stop participating in the emergency housing program. He estimated he owns around 400 rooms that participate in the program. According to DCF, the state currently has space for [around 1,600 households](#) in the program at a time, and is [consistently turning people away](#) because rooms are full.

### **Key deadlines approach as lawmakers debate changes**

The rate caps under consideration would go into effect on March 1. That could impact hotel and motel stays for Vermonters who had expected to remain in their rooms for at least another few weeks.

People currently sheltered through the pandemic-era version of the state’s emergency housing program are set to lose their rooms on April 1. Others sheltered through the state’s [winter weather policy](#) will see their months-long vouchers time out after March 15.

As part of a mid-year budget adjustment bill, lawmakers could extend some of those Vermonters’ stays — and establish the rate cap.

Both the [House](#) and the [Senate](#) have passed versions of the [bill](#), and leaders of the two chambers are expected to hash out their differences in a joint committee in the coming days. There, they will need to decide which motel program participants might be eligible for a possible extension through June. They will also need to agree on the nightly rate cap for the motel program going forward.

On Jan. 26, [after the House advanced its version](#) of the mid-year budget adjustment bill, the Department for Children and Families sent a [letter](#) to motels and hotels participating in the state’s emergency housing program, notifying them that the legislature was proposing a rate cap that would go into effect March 1.

The letter asked motels and hotels that are “unwilling to accept a rate of \$75” beginning on March 1 to notify the department “so that we can start moving households to other lodging establishments.” It did not set a deadline for those conversations.

The department did not answer a question from VT Digger/Vermont Public asking how many hotels and motels have expressed they are unwilling to accept the rate cap. But Commissioner Winters said in an emailed response to questions that “hotels are coming to the table to negotiate, and we are excited to work with them to come to a better arrangement for clients and financial sustainability for taxpayers.”

The Scott administration has consistently called for an end to the state's costly reliance on motels and hotels for shelter — and has expressed its interest to convert these buildings into more permanent shelter or housing options.

Last month, a DCF spokesperson told VT Digger/Vermont Public that a rate cap could provide the state leverage to buy or lease motels and hotels, allowing them “to be turned into more traditional shelters, with access to all of the services available within shelters that the hotel program currently lacks.”

Brenda Siegel, an advocate for unhoused Vermonters, acknowledged the state’s need to lower rates. But she’s concerned that the proposed figures are too low to be realistic for motel and hotel owners. As the state and the owners work out an agreement, she worries about the thousands of unhoused people caught in the middle.

“I just don’t think we should be using people as the pawns for this negotiation,” she said.

The tenant at the Days Inn in Colchester said she understands the financial imperative for motel and hotel owners facing the potential cap.

“Obviously business is business, they want to make money,” she said.

But the stress of not knowing when her family’s stay will end is eating at her.

“When you don’t have an answer for your kid, it’s like the worst feeling in the world,” she said.

### Opioid recovery advocates push Vt. lawmakers to expand services – WCAX – Laura Ullman

Vermont’s opioid crisis was in the spotlight at the Statehouse Wednesday as lawmakers heard about the need to expand recovery options for those with substance abuse disorder.

“Existing with life on life’s terms, it was really hard to do that without drugs and alcohol, but it was killing me,” said Whitney White with the Vermont Foundation of Recovery, which runs a network of seven recovery homes across the state. “Now, I know a sense of joy and freedom that I never thought possible.”

White says she thought her life was over at 24 and that getting sober was impossible. But when she got a spot at a recovery residence, she says everything changed. “Now I know a sense of joy and freedom that I never thought possible,” she said.

White was among those who spoke to Vermont lawmakers as part of Recovery Day, an annual advocacy celebration of substance use recovery. She spoke about the extent to which recovery residences like the one she works at now are underfunded and the consequences of that. “Right now we’re sort of at a standstill, where we’re not really able to grow beyond what we are now,” she said.

New Hampshire has over 100 sober living homes. Vermont has 13 with three set to open this year. "We've never not had a waitlist for any of our recovery residences," White said.

She says the residences are also understaffed, a result of burnout during the pandemic as well as low wages. The \$1.5 million they're asking for could address these shortcomings. They're also hoping to allocate \$325,000 from opioid settlement funding to provide scholarships for those looking to pay for long-term sober housing. "Having a supportive recovery house was so important for me to learn how to build a foundation of recovery, and it's going to be important for other people to have that as well with this additional funding," White said.

Another bill is also being introduced to track the success of recovery residences beyond keeping track of only their finances. "If you look at that report, you'll see there's nothing in there about outcome measurements, and we're investing in these services," said Sen. Ginny Lyons, D-Chittenden County, the bill's sponsor. She adds that reporting by WCAX inspired the measure.

The recovery advocates are also asking for \$1.5 million to fund recovery programs for incarcerated people. Tracie Hauck runs the Turning Point Center in Rutland, the only program in the state. "Many of them feel like they want to stay in recovery and they want to focus on that, but things change when they get let out," she said.

Her program has had 250 voluntary participants so far and 108 of those people are still in touch with the program.

### VT House lawmakers approve auto trespassing bill as apartment complexes see uptick in car thefts – WPTZ – Amanda Martin-Ryan

On Wednesday, the Vermont House gave final approval to a bill that would make it a crime to go into someone else's car without permission.

It's now one step closer to becoming a law as it heads to the Senate, coming at a time when property management groups and their tenants are facing another surge in car thefts.

Just weeks ago, residents at an apartment complex along Shelburne Rd. in South Burlington received a warning of an uptick in people trying to steal cars or belongings in them.

Across Chittenden County, the rate of these incidents skyrocketed since the pandemic, paralleling the trends surfacing from the substance abuse crisis.

Police said that since Dec. 1, 2023, there have been 59 larcenies from motor vehicles reported in just the city of South Burlington.

Shawn Burke, Chief of the police department, said, "I did scan down the list, and many of those targeted are multi-unit buildings with parking garages."

But as there is currently no law in place, the larceny that's been documented does not account for the thefts that have been attempted unsuccessfully.

Even if the attempts are made on public property, many times, no laws are being broken.

"The garages are generally open to the public, so it depends. It could be a trespass if it's posted 'no trespassing'," Burke explained.

Vermont House lawmakers working to fix the loopholes in legislation unanimously approved an auto trespassing bill Wednesday.

Chief Burke said the main perpetrators of these incidents are those dealing with addiction and feel a need to fund it -- regardless of the price it comes at.

There's hope this law becomes the deterrent, as Burke elaborated: "When they're out doing this for substance use disorder, their lack of care really isn't there, and not to mention, they know the likelihood for possibly being prosecuted for these crimes -- fairly low."

### **Effort to crack down on car break-ins moves forward – WCAX**

An effort to crack down on a recent spike in car break-ins in Vermont is moving forward.

Under current Vermont law, if someone enters your car but doesn't steal it, it's not illegal. And there's no language involving "grand theft auto."

Some lawmakers want to change that and make the penalties stiffer.

Now, [H.563, a bill that does that](#) has cleared the House. It now heads to the Senate.

### **School spending and credit 'lag' could squeeze income sensitive – Times Argus – David Delcore**

Vermonters who receive an income-based credit to help cover the cost of their education taxes have cause for concern because, with school spending skyrocketing this year, "income sensitivity" may feel like a misnomer when their property tax bills arrive in July.

Even as school boards mull whether to cancel Town Meeting Day budget votes and reopen and possibly reduce their spending requests and lawmakers rush to make that possible, math and the law — at least as it's currently written — aren't on the side of households with incomes of \$128,000 or less.

That, give or take, was the message delivered to members of the House Ways and Means and Education committees during a joint session on Tuesday. It's one that undercuts a popular pitch point for school budgets in a state where two-thirds of all homeowners pay education taxes based on their incomes, and not the higher amounts they would otherwise owe based on the value of their homes.



In a normal year, there is a significant measure of protection in what is commonly referred to as “income sensitivity.” However, Rep. Emilie Kornheiser, D-Brattleboro, noted this isn’t a normal year, though many are still talking as if it were.

“I’ve heard from quite a few people thinking that all the conversations around property tax increases this year won’t make a difference for folks who pay on income,” the chair of the House Ways and Means Committee said, pausing before adding: “It will.”

That shouldn’t be new news.

Not to lawmakers, who were briefed on the mechanics of “income sensitivity” by fiscal analyst Julia Richter on Tuesday. Not to superintendents and business managers who prepared budget proposals this year, and not to the school boards that adopted them.

More than a month before any of those budgets were put to bed — possibly for the first time this year — Tax Commissioner Craig Bolio issued a sobering forecast, one that, in retrospect, could be described as optimistic.

Among other things, the so-called “Dec. 1 letter,” which Bolio issued a day early late last year, predicted school spending would increase an average of 12.8% and trigger an accompanying average tax increase of 18.5%.

Based on budgets that were subsequently adopted by school boards around the state, spending is up almost 15% on average and average tax increase is projected at roughly 20%.

Bolio didn’t see that coming when he relied on the lower numbers to project education taxes on a home assessed at \$250,000 would increase by roughly \$650 this year.

At the time, Bolio waved a red flag about property tax credits.

“Keep in mind that most taxpayers who get an income-based credit pay an income rate that moves proportionally with property tax rates, and all credits applied to FY25 tax bills are based on prior year income and taxes paid,” the tax commissioner wrote.

Then, in the only sentence in a five-page letter that was underlined for emphasis, Bolio noted: “Because of this lag in property tax credits, all Vermont property taxpayers would experience the increases forecast in this letter in FY25 should it come to pass — regardless of income.”

That “lag” suddenly has lawmakers’ attention and while it isn’t a new feature of the state’s education funding formula, it has rarely — if ever — had the potential to affect as many income sensitized homeowners at the same time as it does this year.

Barring adjustments, school budgets across the state will trigger sharp rate hikes if approved by voters. Committee members were told that could have profound consequences on households least able to absorb out-sized increases in their education taxes.

Richter said the “lag” is to blame.

“The property tax credit doesn’t cover in the same year the difference between paying on income and paying on property (value),” she explained.

According to Richter, while this year’s increase will translate into larger property tax credits for many homeowners next year, last year’s credit, which in most cases will be considerably smaller, will be used to calculate education taxes owed this year.

That has always been the case. However, barring a significant change in income, the kind of change in property value that can accompany a reappraisal, or an unprecedented rate increase, it isn’t typically noticeable.

“The smaller the change, the smaller the impact,” Richter said. “The larger the change, the larger the impact.”

For a variety of reasons — many cited by Bolio in his year-ending letter — the change in rates will be almost universally large this year, which is why lawmakers are rushing to pass legislation, that would give school boards the option of canceled Town Meeting Day budget votes, with an eye toward trimming spending and scheduling special elections on or before April 15.

The bill — H. 850 — was unanimously recommended by Kornheiser’s committee and was expected to be voted out of the House on Wednesday. Kornheiser met with the Senate Finance Committee on Tuesday, hoping to expedite its review of the bill.

Nothing in the pending legislation would address the lag with respect to property tax credits that Richter characterized as a “brain-bender” and committee members acknowledged could have a profound impact on many homeowners.

There were no formal proposals, though Richter shared modeling that showed the impact of boosting funding for property tax credits by 10% and 20% and two others alternatives that would boost the non-homestead rate between 24.26% and 28.62%.

The possible use of surplus funds, and the creation of new revenue sources were both floated as ideas, but there was no consensus on a solution.

### [Some Vermont dairy farmers, state officials urge caution about buzzy bill to ban neonicotinoids – Vermont Public – Abagael Giles](#)

Lawmakers in the Vermont House are weighing a [bill](#) that would largely ban seeds coated with neonicotinoid pesticides in Vermont.

If H.706 becomes law, Vermont would follow New York and Quebec, who have already adopted bans.

The policy is supported by environmental groups in the state, including the Vermont Public Interest Research Group, as well as by beekeepers, who told lawmakers they frequently lose 50%

of their hives each year. And while parasites and climate change are driving factors, beekeepers say pesticides are also a major threat.

However, some dairy farmers in the state have joined the Agency of Agriculture in urging caution, saying more research is needed about how a ban would affect crop yields in Vermont.

Steve Collier, with the Agency of Agriculture, Foods and Markets, told lawmakers Tuesday the bill proposes an overly simple fix for a complex problem.

“We definitely have problems with pollinators, no question about that,” Collier said. “And we agree that it needs to be addressed. The question is how.”

Collier said the department supports continued study of the impacts of neonicotinoids and how a ban would affect the dairy economy.

"Part of the whole issue from our perspective is we operate in a national economy. We're not an island of Vermont, we don't operate separated from everyone else," Collier said. "So when you're evaluating the tools that are available, and you're evaluating our farmers' competitive place in the market, we have to keep our relative role in that market in perspective."

He said the Agency of Agriculture feels Vermont should wait for a federal ban, and lawmakers should put their energy towards petitioning the state's congressional delegation over the issue, rather than legislating it locally.

Some lawmakers in committee pushed back on the notion Vermont should wait for federal action.

Right now, the University of Vermont Extension estimates 99% of corn seed in the state is treated with neonicotinoids, as is the vast majority of soybean seed.

The Agency of Agriculture has raised concern that seed companies will refuse to supply treated seeds to Vermont farms, or will only supply a limited inventory.

“The primary pest we’re worried about is the seed corn maggot,” said Steve Dwinell, the director of public health for the Agency of Agriculture.

Dwinell told lawmakers that seed companies told the Agricultural Innovation Board they will not sell uncoated seeds in Vermont.

But at [arecent panel](#) hosted by the University of Vermont Extension, dairy farmers from Quebec told Vermont farmers that this hasn’t been an issue for them since Quebec’s ban went into place a few years ago.

Renaud Peloquin farms about 1,300 acres of corn, soybeans, winter wheat and winter rye. “Vermont friends, don’t be fooled,” he said, speaking via a translator. “All the seed suppliers can turn around and provide insecticide-free seeds very quickly. There are a lot of marketing strategies to scare people into the need to use neonics, but you shouldn’t be bothered with that.”

Though Peloquin and other Quebec farmers said having a hyper-local seed distributor that custom coats their seeds made that particularly easy — and the province paid them \$18 per acre to switch away from treated seeds.

### **'Vermont wouldn't go first'**

The Agency of Agriculture has warned that Vermont represents a tiny share of the corn seed market nationally. If lawmakers adopt a ban, Vermont would be one of two states requiring uncoated seeds — and Dwinell and others have raised questions about whether big seed companies will be willing to create a special supply chain for such a small share of their customer base.

But Paul Burns with VPIRG says Vermont's proximity to New York should be a boon for sourcing seeds.

"I just don't think anybody can make a credible case that seeds won't be available in Vermont, as long as we stick with a timeline that would be right in line with New York's, and that would be our expectation here — Vermont wouldn't go first," Burns said.

In testimony this week, the Champlain Valley Farmer Coalition, which represents 75 farms in Addison and Chittenden counties, echoed support for adopting New York's timeline — which phases out coated seeds by 2029.

In a memo to lawmakers, Executive Director Vijay Nazareth said their members have concerns about the availability of untreated seeds and would like to see additional research into alternatives to neonicotinoids. However, Nazareth said, "The New York bill allows a five-year timeframe for these issues to be addressed, which we think is appropriate."

NOFA Vermont has come out in strong support of a ban. Last week, policy director Maddie Kempner told the House Agriculture and Forestry Committee that the warnings about seed supply were just a scare tactic.

And she says the use of pre-treated seeds harms organic farms in the state by disrupting their efforts to ward off pests through investments in soil health.

"In a place like Vermont where our land base is small, organic and conventional farms are often side by side," Kempner said. "The persistent negative impact of neonicotinoids on soil health and bees actually works against organic farmers and lots of others who may not be certified organic."

### **Evidence of harms and benefits of treated seeds**

In addition to raising concern about the well-documented impact of neonicotinoid pesticides on bee and pollinator health, some have also raised questions about how effective treated seeds are.

Cornell entomologist Scott McArt compiled a literature review of studies examining this on behalf of New York state lawmakers.

[He looked at more than 300 peer-reviewed studies](#) examining the impacts of neonicotinoids on pollinators — namely honeybees. Additionally, his lab did a benefits analysis for growers, looking at more than 5,000 published trials that compared the economic, pest and crop yield differences between fields planted with neonicotinoid coated seeds and those planted with untreated seeds.

“We created the largest summary of the literature that has ever been done on this topic,” McArt told lawmakers.

McArt’s review found strong evidence that neonicotinoids adversely impact pollinator behavior and reproduction, which impacts their population size.

“If bees are able to reproduce better, their populations can grow,” he said.

When it came to efficacy, McArt found that neonicotinoids were very effective at promoting crop yields for fruit, vegetables and turf — but that there are alternatives that work well, too.

For corn and soybean, McArt’s review found that in most cases, coated seeds had a limited impact on crop yield — and in the vast majority of studies, that impact wasn’t great enough to offset the additional cost incurred from buying a coated seed.

“There was surprisingly limited evidence of benefits from neonics on corn and soybean seeds,” he said. Specifically, just 12% of trials found higher crop yields from coated cornseed compared with controls, and 14% of trials found higher crop yields from coated soybeans compared with controls.

Studies in Quebec and Ontario found even lower rates of yield increase from planting coated seeds.

And McArt says corn yields have not declined in the European Union since coated seeds were banned there in 2013, according to Euro Stat Agricultural Production data, and crop yields have increased in Ontario and Quebec.

### **A political 'minefield'**

In [testimony](#) to lawmakers earlier in the session, the American Seed Trade Association voiced their support for the use of treated seeds, saying that treated seeds enable farmers to plant earlier and that following the instructions on labels for treated seeds mitigates the risk to pollinators.

They contested the notion that farmers are being denied a choice in buying untreated seeds, but that “for certain crops, farmers who wish to purchase non-neonicotinoid treated seed will need to discuss their order in advance because seed companies begin production 9-12 months prior to planting.”

In concluding his testimony, McArt warned lawmakers to be wary of disinformation as they consider the policy further.

“Since releasing our risk benefit report in 2020, numerous people have attempted to sow doubt on the science that I’m showing you here,” McArt said, saying he and his data have been “attacked” by scientists representing chemical manufacturer BASF and the Competitive Enterprise Institute, CropLife America, the New York Agribusiness Association, and other entities.

“This is just the science,” he said. “You guys do what you want, right? This is just the data.”

He urged lawmakers to consider who funded any research presented to them and called the landscape of people invested in the topic of neonicotinoids “a minefield.”

“I would just caution you, whatever you decide to do on this topic, just be aware that there is quite a bit of disinformation out there.”

### **Addison County prosecutor takes medical leave while facing DUI charge – WCAX**

Addison County State’s Attorney Eva Vekos, who is facing a drunken driving charge, is taking medical leave. That’s according to her attorney, David Sleigh.

Sleigh said in a news release that the leave will be for a short time, and “This break will allow her to soon resume her position once fully grounded and up to the task.”

Vekos faces a DUI charge from an incident that happened on Jan. 25 in Bridport.

Authorities say Vekos drove to a potential crime scene in Bridport where she met with Vermont State Police detectives. Troopers on the scene reported that Vekos smelled of intoxicants and had slurred speech. Vekos was later arrested after refusing to take a sobriety test. She also refused to submit a breath sample at the police barracks.

The news release says Vekos hopes to restore her relationship with state police and local police departments.

### **Education Costs Are Driving Double-Digit Tax Hikes, and Legislators Are Scrambling to Lessen the Blow – Seven Days – Kevin McCallum & Alison Novak**

Members of the Montpelier Roxbury Public Schools board gathered last week to figure out how to handle the latest twist in the most challenging budget season in recent memory.

"We've got some urgent decisions to make as a school board tonight," superintendent Libby Bonesteel told virtual attendees and the smattering of residents sitting in the Montpelier High School library. "And I want to stress: This decision needs to be made tonight."

In a sign of just how high the stakes were, four of Montpelier's five state representatives — Sen. Ann Cummings (D-Washington), Sen. Andrew Perchlik (D/P-Washington), Sen. Anne Watson (D/P-Washington) and Rep. Conor Casey (D-Montpelier) — were in attendance.

On the agenda: coping with a forecasted property tax increase that could top 20 percent in the coming year. While inflation and employee health care costs are partly to blame, a change that legislators made to Vermont's byzantine state education funding formula also contributed to the potential tax hikes.

Now lawmakers are scrambling to make a fix. A bill wending its way through the Statehouse would alter an education funding law known as Act 127 and give school districts the opportunity to push budget and other school-related votes to April 15, weeks after Town Meeting Day on March 5.

"This has been pure, absolute, complete chaos," Montpelier Roxbury board member Kristen Getler remarked about the curveballs school districts have faced this budget season.

Across Vermont, school officials are discussing whether to revisit proposed budgets in light of legislative efforts to address the tax hikes. Some districts will vote as planned. Others say they're in a holding pattern until the proposal to change Act 127 actually becomes law, which legislators hope will happen in a matter of weeks.

Most Montpelier Roxbury board members agreed that they'd spent months crafting a fiscally responsible spending plan that met students' needs.

"We don't have frilly things that we can take out of our budget," school board member Jill Remick said. "I'd rather we try to hang on for this year ... and then very strategically look at our overall long-term plan for our district."

The legislature's "fix" is likely to actually raise taxes even more for Montpelier and Roxbury homeowners, according to the school district's initial calculations. Still, board members decided to stay the course and have voters decide the fate of the spending proposal on Town Meeting Day.

In Vermont, once voters approve local budgets, the state sends districts money to cover costs from a single pot of cash, the education fund. Several factors outside of districts' control ultimately determine local property tax rates. One of those is a district's number of "weighted" pupils.

Students are given "weights" based on how costly they are to educate. Low-income and rural pupils, as well as English language learners, are weighted more heavily. Act 127, a 2022 law that is just going into effect, increased the weights for those students in an effort to provide districts the needed funding to better serve them.

The change meant districts with lower pupil weights could expect their homestead property taxes to go up, even if they didn't increase their spending. To blunt the hike, lawmakers created a "transition mechanism" in Act 127. It capped property tax hikes at 5 percent for districts that didn't increase year-over-year spending by more than 10 percent per pupil.

Across Vermont, cash-strapped districts used the opportunity to add millions of dollars to budgets, planning to sock away money for long-delayed capital improvements. Those decisions, on top of much higher education spending overall, led to big tax hikes throughout the state — even in districts that Act 127 was intended to benefit.

Lawmakers say they didn't see this coming.

Last week, legislators in the House Ways and Means Committee came up with an Act 127 tweak that they think could ease some of the pain. H.850 would repeal the 5 percent cap on property tax hikes for wealthier districts and replace it with something dubbed the "cents discount," or a five-year property tax break seen as a better, simpler way to soften the tax increase shock: The lower a district's budget, the lower the tax rate.

"Is it perfect? I don't know," Heather Bushey, finance director for the Essex Westford School District, told lawmakers last week. But it's "bringing back that linear relationship between spending and the tax rate I think is hugely important."

Why didn't lawmakers foresee the consequences of Act 127 when they adopted the bill? They studied in excruciating detail how to update the system of weights to better reflect the true costs of educating kids in poverty, in rural districts and with limited English proficiency. A special committee met off-session to study the issue. But estimates of exactly what the new formulas and caps could mean for school spending and property taxes were hard to come by.

Sen. Ruth Hardy (D-Addison) warned her colleagues that there were so many variables in the state's complex school funding formula that how the weights affected district spending and tax increases was anyone's guess.

"Things are going to change," she said on the Senate floor in March 2022. "This is just for modeling purposes only and is just an estimate. So don't take it to the bank."

The legislature's analysts, in the nonpartisan Joint Fiscal Office, told lawmakers that they could predict which districts would benefit — and which wouldn't — from the new formulas. But estimating the actual tax impact was beyond them.

In a May 2022 note on the bill, senior analyst Julia Richter cited only one concrete financial impact, saying the bill would require \$605,000 from the state for various expenses. All the note says about other costs is that the bill "would have an unclear fiscal impact to the Education Fund in future years."

"Total education spending is determined by local votes. It is possible this spending could increase. Districts ... may increase education spending as a result," she wrote in May 2022.

Catherine Benham, chief fiscal officer, declined to comment.

"JFO doesn't like to get into conjecture," Rep. Scott Beck (R-St. Johnsbury) said.



Others warned of the risk of further burdening taxpayers. The Vermont League of Cities & Towns supported the effort to revamp the pupil weights to improve equity but also worried that there "seems to be no cost control" in the bill.

At the time, however, there was little indication of the spending pressures ahead, Rep. Peter Conlon (D-Cornwall) said during testimony last week. He noted that school budgets were going up by about 3 percent, and "it looked like health care was under control."

"That was definitely not good prognostication," he said.

Rep. Brian Minier (D-South Burlington), who sits on the House Education Committee, said he worried that "a lot of fingers are being pointed" at the new weights as driving the spending increase when other factors are also at play. Voters may shoot down school budgets and blame lawmakers for failing to address the problem in time.

"I am just concerned that this is both going to discredit us when our fix doesn't do enough and discredit the change in weights, too," he said.

House Ways and Means Committee chair Rep. Emilie Kornheiser (D-Brattleboro) acknowledged the caps didn't work as projected, apologized for the disruption the bill caused districts and expressed optimism that the new transition mechanism would help.

Asked by colleagues how the situation could have been avoided, she offered several answers. For one, she said lawmakers need to listen more closely to the guidance given by the Joint Fiscal Office, particularly the warnings that their estimates are based on "all other things being equal."

"I think we really want to think that we can know the future, and we can't," she said.

There is also only so much lawmakers can do as a part-time legislature, Kornheiser said. The Vermont General Assembly is typically in session from January to mid-May.

"I think we saw this coming in September, but there was nothing we could do, really," she told colleagues.

That explanation didn't sit well with Rep. Jay Hooper (D-Randolph Center).

"That's bullshit," Hooper told *Seven Days*.

There is plenty the legislature could have done to fix the problem, but no one was looking out for the impact on taxpayers, he said.

Heidi Scheuermann, who served Stowe as a Republican representative through 2022, lambasted her former colleagues on social media. "Pathetic! Indefensible! Dishonest! Pitiful!" Scheuermann wrote on X (formerly known as Twitter). Lawmakers who passed Act 127 "didn't care about the consequence," which, she added, "any idiot could have seen."

Scheuermann was one of just 11 lawmakers who voted against the bill. She said that while people think of Stowe as wealthy and able to handle any tax increases, working-class families who have been there for generations are at real risk of being priced out.

The school district that includes Stowe, Lamoille South Supervisory Union, is on track for a big hit. Superintendent Ryan Heraty said the town could face a 40 percent increase in property taxes if cuts aren't made or lawmakers don't intervene. The board held an emergency meeting on Monday, where they decided to delay the vote and look for cuts.

"This is a slow-moving train wreck that we've seen coming for six months," Heraty said.

Even the proposed fix isn't a cure-all, something legislators have acknowledged.

In joint testimony last Thursday, Vermont Superintendents Association president Amy Minor and Vermont School Boards Association president Flor Diaz Smith asked lawmakers to find additional tax revenues to offset property tax increases. And they urged legislators to provide clear and timely information to make the rollout as smooth as possible, suggesting that this last-minute change could erode voter trust.

The House bill, H.850, would provide \$500,000 to pay for the cost of new elections for districts that postpone votes. It also would require clerks to automatically mail new absentee ballots to those who requested one for Town Meeting Day. The full House is expected to vote on the measure this week, after which the Senate will need to sign off.

Even with the Act 127 "fix," the budget snafu has clearly unsettled Vermonters, some of whom are now directing their ire at lawmakers.

At an Essex Westford school board meeting last week, Essex Junction resident Alison Wermer told members that the projected tax rate increase was not sustainable for young families or retired people. That district has not yet approved a final budget; it's one of a small number of Vermont towns that routinely vote on school-related matters in April. But even with the "cents discount," administrators said last week, taxes are projected to go up 17 to 22 percent under the current spending proposal.

"I came here tonight ... to say that when I vote no for the school budget, it is not so much to be negative about your efforts," Wermer said, "but to send a message to the legislature that the direction we're going in has to change."

### **Vermont House approves legislation that would penalize attempted auto theft – Vermont Public – Bob Kinzel**

The Vermont House Wednesday afternoon gave its strong approval to legislation that gives law enforcement more tools to prosecute car theft.

West Rutland Rep. Tom Burditt, a Republican, told House members that there are car thefts where prosecutors are reluctant to seek the full penalty of up to 10 years in prison.

The [bill creates a new crime](#) known as "attempted auto theft," which allows up to five years in jail.

Burditt says the legislation could result in more people being incarcerated.

"It's also going to get people off the street — it's going to get people to the help they may need because most of these crimes are committed by, you know, people who are addicted to some kind of substance and they need help. If they're still out on the street, they're not going to get that help," Burditt says.

The bill now goes to the Senate for its consideration.

### **New DCF policy allows adoptees in Vt. access to birth records – WCAX – Melissa Cooney**

People adopted in Vermont now have access to see their birth records, that's thanks to legislation from the last legislative session. Previously, adoptees could only see a non-identifying summary of their adoption.

Since this law went into effect on July 1, the Department for Children and Families says just under 200 people have connected with the adoption registry to get their previously inaccessible records.

"It was like all of the questions were just answered. And it was really lovely," said Jess Proria, who grew up in the Northeast Kingdom after being adopted. He says he's spent a lot of time wondering about his biological family, the reason for his adoption, and not knowing his ancestry.

He says his adoptive parents were always supportive in providing him with the information that was accessible, but he also was curious about medical, mental health, and other history that wasn't available to him. "With closed adoptions, I felt like we didn't have the same rights as other people to know stories and to know information. And now it feels there's just this sense of resolution or groundedness in the whole experience," said Proria.

Proria says viewing his records was healing and that he learned a lot about his story and how challenging the process must have been for his biological mother, noting how much care and intention was put into his adoption, something he hopes for other adopted people, too.

"It's really a lot better for adoptees birth parents and adoptive parents as well, just to not have this in the shadows and this is a wonderful thing to have it out in the open," said DCF's Arya Radke. She says the former laws of closed adoption came from an older way of thinking, noting how today's best practice is to keep adoption records open. Vermont is now joining at least 14 states with open adoption record laws the last in New England. "We have contacted about 140 adoptees, indicating to them that disclosure forms have been filed about their adoption, and then they have the option then to find out what's been disclosed."

Proria encourages adopted people in Vermont to be honest with themselves about what could change once they get to learn more about their story. "Once you open the file, you can't close it,

you know? You can't unknow things. And as adopted kids, none of us are adopted from ideal situations. And you don't know, no one will know what's on the other side. And just to know that you're in a good place to process that," said Proria.

[Adoptees born in Vermont can now get the original adoptive certificate and identifying information about their birth parents if they signed a nondisclosure form prior to the law.](#)

### **Bennington opioid treatment center could be exempted from permitting process – Bennington Banner – Jim Therrien**

The Vermont Agency of Human Services is requesting that a proposed and long-sought addiction treatment facility in Bennington be granted an exemption from the state's certificate of need (CON) permitting process.

In a related effort, a budget adjustment bill currently moving through the Legislature contains a provision that also would exempt the opioid addiction treatment proposal from the normal process.

#### **Exemption sought**

In a letter to the Green Mountain Care Board, which reviews health care-related permitting applications, an agency attorney said the request was being made on behalf of a BAART Behavioral Health Service hub treatment facility, planned for a location off Depot Street.

The facility is expected to provide methadone therapy addiction treatment – a service that local residents currently must travel to North Adams, Mass., Brattleboro, Rutland or further to receive.

Agency of Human Services staff attorney Ashley L. Johns said in the Feb. 7 letter to the care board that “the need for the BAART Bennington facility is well-documented, as Vermonters in that region are currently required to seek [opioid use disorder] treatment at a Massachusetts facility. The establishment of a Bennington Hub will not create an unnecessary duplication of health care facilities; rather it will promote geographical equity by granting Vermonters in this region access to affordable, in-state treatment subject to the certification, licensure, and oversight requirements of a Vermont Blueprint for Health Hub.”

#### **Project description**

In January 2023, BAART Behavioral Health Services, or BAART Programs, revealed in a letter to the state board plans that would provide both methadone and buprenorphine medication-assisted treatment, as well as counseling, case management and other addiction treatment services at the Bennington location.

Although BAART described in some detail the proposed facility in a former Family Dollar Store building at 120 Depot St., the service provider has yet to file a full application with the care board for a CON permit.

A tentative floor plan for the proposed site within a small business center encompassed 3,760 square feet, with an additional 3,470 square feet available for future expansion, a BAART spokesman said. The total build-out cost was projected in early 2023 at \$750,000.

[BAART](#) currently operates treatment hub facilities offering methadone in St. Johnsbury, Newport, Berlin and St. Albans.

The provider is a subsidiary of BayMark Health Services, which operates more than 440 facilities providing addiction-related services in 37 states and Canada.

### **Need cited**

Bennington area officials and treatment providers have long sought a comprehensive center, referred to as an addiction treatment hub.

“I appreciate our Bennington County [legislative] delegation’s efforts, particularly Representatives David Durfee and Kathleen James, to secure the waiver language for the hub,” said Bennington Select Board Chairwoman Jeannie Jenkins. “The hub is much needed and progress is being followed closely by [Project Alliance](#) members. This is a very welcome development.”

State Sen. Dick Sears, D-Bennington, who has taken a lead role in promoting the location of a hub facility in this area, said Wednesday, “Bennington has waited far too long for a methadone clinic. People from our area should not have to travel hours to get needed treatment.”

He added, “I’m pleased that waiving the certificate of need is in the recently passed Senate version of the Budget Adjustment Act.”

The legislation, Sears said, “is going to conference [committee] on unrelated issues. The section on waving the CON was also in the House version.”

State Rep. Dane Whitman, D-Bennington-2, a member of the House Committee on Human Services, said Wednesday, “House Human Services recommended the language which was then included in the House Budget Adjustment bill. The Senate has maintained this language in their recently passed budget adjustment so I anticipate that it will pass.”

Bennington Town Manager Stuart Hurd termed the developments “welcome news” for the area.

### **Withdrawal treatment**

In 2023, it was estimated by care providers that 100 individuals in the Bennington area struggling with opioid addiction could benefit from methadone treatment.

Methadone is considered suited for someone going through withdrawal stages of addiction recovery or who has recently completed that phase of treatment. It addresses the physical withdrawal symptoms that occur when opioids are no longer present in the system of the person, which cause cravings that can prompt a relapse to using heroin or other opioids.

BAART stated in its letter sent in early 2023 to the care board, “With the build-out of the opioid treatment program, the county of Bennington will have a hub to support patients in need of a more structured treatment setting by providing methadone or buprenorphine, coupled with counseling services.”

The statement continued, “In providing this support to the community the goal is to reduce the negative impact opioid use disorder has shown in the community, particularly in overdose deaths. The presence of this program in this community will also assist in the reduction of local Emergency Department visits for potential patients presenting for opioid disorder assistance and needs. BAART will partner Southwestern Vermont Medical Center to facilitate referrals and provide a continuum of care to patients in the area.”

### **No application filed**

Asked for an update this week on whether a CON permit application had been filed or was expected, Green Mountain Care Board staff attorney Laura Beliveau said in an email to the Bennington Banner, “On January 6, 2023, BAART Behavioral Health Services, Inc. asked the GMCB to determine whether it needed a certificate of need to develop an opioid treatment program in Bennington. On January 26, 2023, the GMCB determined the project did require a CON.”

She added, “Over a year has passed since the GMCB issued its jurisdictional determination, and we still have not yet received a CON application for the project.”

Beliveau said Tuesday that the board had received the Feb. 7 request from the Agency of Human Services to waive a CON permit, adding, “Given that it was filed less than a week ago, the GMCB has not yet had a chance to rule on this request.”

### **Bill proposes greenhouse gas polluters pay for Vermont climate projects – My Champlain Valley – Norah White**

Legislators are discussing a bill that would require large companies to pay for environmental harm they caused by fossil fuel emissions. That money would make up what lawmakers are calling a climate superfund to help pay for natural disaster recovery in Vermont.

It has become obvious to most Vermonters, said Sen. Kesha Ram Hinsdale, one of the sponsors of the bill, [S.259](#), that fossil fuel companies continued to push for the use of their energy products well after they knew the damage that it would cause to the climate and tried to bury the research for as long as they could.

“You make a mess, you clean it up,” said Johanna Miller, energy and climate program director for the Vermont Natural Resources Council. “This is all about ensuring that the largest fossil fuel companies — who have long known for decades the harm they caused — are held accountable.”

The bill, which has 20 sponsors in the Senate Committee on Judiciary, would trigger an assessment of the greenhouse gas emissions of companies engaged in fossil fuel extraction or

refinement from Jan. 1, 2000 to Dec. 31, 2019. Any companies whose products were responsible for the release of more than 1 billion metric tons of greenhouse gasses during those years would be handed a fine.

To figure out each payment demand, the state would look at how much a given company contributed to greenhouse gas emissions during that 20-year period. The state would also determine the total cost to Vermont from fossil fuel industry emissions over that time, and then ask the company to pay for a matching percentage.

So, if a company contributed 10% of the total emissions calculated under the bill, it would be asked to give the superfund an amount equaling 10% of the costs to Vermont.

The fund would be managed by the Vermont Agency of Natural Resources, which would use a federal Environmental Protection Agency tool to calculate emissions.

Vermont has suffered from 19 climate-related disasters since 2017, said Miller, costing Vermonters significantly.

One example is the catastrophic flooding Vermont faced last year, forcing residents out of their homes and costing them thousands in damages.

“This is going to impact our health, our tourism, our scenic beauty, not to mention our homes and overall economy,” Ram Hinsdale said.

Those costs extend to recovery efforts by government groups.

“For just our program, we’re looking at over \$10 million just to help landowners,” said Bob Thompson, state conservation engineer for the U.S. Department of Agriculture in Vermont.

The bill would put into effect a master plan for the use of the superfund, legislative counsel Michael O’Grady said in a judiciary committee meeting Feb. 8.

The fund would pay for infrastructure projects “designed to avoid, moderate, repair or adapt to negative impacts caused by climate change and to assist communities, households and businesses in preparing for future climate-change-driven disruptions,” according to the bill.

Examples of funded infrastructure projects would be stormwater drainage upgrades, sturdier roads and bridges and renovated sewage treatment plants — all of which may help flooding victims.

Supporters hope the superfund would help landowners pay for their own recovery as well as climate restoration as a whole.

Stephanie Brackin, a spokesperson for the Agency of Natural Resources, said the agency will be monitoring the bill as it evolves.

### **Vermont health commissioner says banning smartphones in school is 'unrealistic' – Vermont Public – Bob Kinzel**

Vermont's Health Commissioner says he opposes [a bill](#) that would ban the use of cellphones and similar technology in schools.

The legislation says these products are "creating an unsafe, disruptive, and distracted learning environment for students." The bill also says devices are a major factor in the rise of mental health issues for young people.

Health Commissioner Dr. Mark Levine [told members](#) of the Senate Education Committee that a better approach would be to educate students about both the positive and negative impacts of technology. And he says schools could also require students to keep cell phones in their lockers.

"We completely support the idea of minimizing and reducing exposure to social media while in school," Levine said, "but we also feel that this bill may be a bit heavy-handed and unrealistic in that regard."

The committee will continue to study the bill next week, when it hears from a group of educators.

### **Morristown and Other Small Towns Are Convening to Address Rising Crime in Rural Vermont – Seven Days – Rachel Hellman**

The mood was tense at a public gathering in the Peoples Academy auditorium in Morristown. An older man clutched the microphone while addressing nearly 100 fellow community members.

"I look back to when I grew up. There was rule of law. There was respect for each other," he said. "Where did it go?"

He paused for effect, turning to a panel of safety officers, community health care workers and state lawmakers seated onstage. "So maybe someone could enlighten me and the community: When did this begin?"

Applause erupted as he sat down. A few attendees stood up in agreement, nodding fervently.

"Does anyone want to take a crack at that?" Todd Baxter, detective lieutenant for the Morristown Police Department and the emcee for the evening, asked with a chuckle.

The forum last month followed a heated community discussion in September that was prompted by a rash of retail thefts affecting downtown businesses. At the September meeting, organized by the Morristown Police Department, residents of the working-class community voiced frustration with the state's criminal justice system, sometimes angrily. This latest forum was meant to keep the conversation going and loop state officials into the discussion.



Morristown, population 5,434, is not the only town with crime on its mind. Across Vermont, communities such as Middlebury and Hardwick have held similar meetings to address what some residents describe as a sense that public safety is eroding.

"We need our elected legislators to change things," said Michelle Menard, manager at Menard's Family True Value in Morristown, which was burglarized three times in 2023. "There's tangible frustration."

Recent foul play in rural Vermont has ranged from the vandalization of a beloved farmstand in Isle la Motte to execution-style murders in Eden and Troy. The resulting anxiety has caught the attention of state legislators and Gov. Phil Scott.

"With crime rising in too many places, I fear many see the Vermont they know slipping away," Scott said during his annual State of the State address in January. Scott noted that in the previous 10 years, violent crime logged by state police has gone up 56 percent.

In Vermont's rural communities, the discussion over petty crime has frequently turned into one over whom to blame, with local police quick to steer the spotlight toward the court system, mental health care and the provisions of criminal law written in the state's capital in Montpelier.

Complicating the conversations is the reality that Vermont has little in the way of detailed crime statistics at the local level. Although some police departments keep records on reported crimes and make them public, others don't, making it difficult to get a reliable statewide read on Main Street crime trends.

Americans tend to believe crime is up, even when data show the opposite. In 20 of 24 surveys conducted by Gallup since 1993, at least 60 percent of U.S. adults have said there is more crime nationally than the year before, despite a generally downward trend in violent and property crimes during most of that period.

In Morristown, however, crime *has* increased significantly. Reports of misdemeanor retail theft, for instance, nearly tripled from 12 in 2014 to 34 last year. Arrests increased in that period, from 239 to 303. Police are responding to more overall incidents, too — 4,987 last year, up about 8.4 percent over the same period.

The effect on downtown businesses has been acute, shop owners say. Hank Glowiak, owner of [Chuck's Bikes](#) in downtown Morristown, had two bikes, with a combined value of almost \$8,000, stolen from the front porch of his shop last year when he wasn't looking. At the January meeting, Glowiak encouraged his neighbors to be proactive. "I walk out of the shop, and I see things, and I try to give the police clues to what I see," he said.

When the individual accused of stealing the bikes failed to show up at a court hearing, Glowiak "went and found him in seven minutes flat and called the police department, and he was brought straight there," he told the crowd, eliciting laughter and applause.

Baxter, the Morristown detective lieutenant, used Glowiak's appeal as an opportunity to invoke repeat offenders, who became a dominant topic of the January gathering. According to Jason

Luneau, police chief for Morristown, repeat offenders accounted for a third of the arrests made in Morristown last year. Police officials blame a criminal justice system that too readily frees them.

"The revolving door takes up time and resources across Vermont law enforcement, judiciary and mental health systems," Lamoille County Sheriff Roger Marcoux said at the Morristown session. Marcoux argued in favor of stricter punishments and more timely court hearings.

Ted Brady, executive director of the [Vermont League of Cities & Towns](#), told *Seven Days* that the organization is working on a survey of town representatives regarding public safety and municipal policing, which is scheduled for release next month. He said selectboard members around the state perceive an uptick in crime.

But Brady cautions against overstating the case. He describes some of the town discussions as "fraught with anecdotal horror stories that make it feel like we're in Gotham."

In Hardwick, for example, neighbors organized a community-wide discussion in September after a series of carjackings spooked residents. But during the meeting, police officials revealed that crime rates were actually down in Hardwick, according to town manager David Upson.

In places where hard numbers show that crime is on the rise, pinpointing underlying causes can be difficult. A factor frequently cited in local discussions is the nationwide drug crisis, which has left many people homeless and desperate for cash.

"Our mental health system is not able to meet the needs of our communities," Brady said.

Last June, Lamoille County's alcohol- and substance-abuse awareness program closed its doors. Baxter said the Morristown Police Department is trying to get more funding for such programs.

"We're thinking holistically," Baxter told *Seven Days*. "There isn't one set of answers."

The police officials in Morristown told the residents assembled to look to Montpelier, and judicial reform, for lasting answers.

Some forum attendees followed their lead, directing sometimes sharp comments at the state representatives, who included Rep. Saudia LaMont (D-Morristown), Rep. Avram Patt (D-Worcester) and Sen. Richard Westman (R-Lamoille).

"No one else can do this for us," one attendee said. "*They*" — he gestured toward the lawmakers — "have to do it."

Legislators across the state seem to be feeling the heat. "It's all become more salient this session," Rep. Martin LaLonde (D-South Burlington), chair of the House Judiciary Committee, told *Seven Days*. "Representatives are hearing from their constituents that they are concerned about this."

Four bills aimed at dealing with repeat offenders, backlogged courts and other issues are making their way through the House committee, including one that would increase the penalty for retail

theft if a person commits more than one violation within a 14-day period and the total value of the stolen goods exceeds \$900.

Two other bills seek to tackle court backlogs by simplifying the judicial nominating process and offering alternative hearings for offenders. Another measure would toughen punishments for stealing cars.

Separate bills on the Senate side would address offenders who violate their conditions of release and increase penalties for those held responsible for overdose deaths. LaLonde said the proposed reforms generally enjoy support across party lines.

Morristown's forum, which veered into matters as philosophical as the origins of crime and human possibility for transformation, ended with plenty of questions unanswered. But the discussion had one effect. Although many residents still harbored frustration over crime as they filed out, there seemed to be a new resolve over where they might direct it.

### **Threat prompts police presence at VT high school – WPTZ – Molly Osborne**

Police will be stationed at Woodstock Union High School for the remainder of the week after a student reportedly made a threat against a teacher and other students.

The Woodstock Police Department received a call Wednesday, Feb. 14 around 8:45 a.m.

At the time, the school was already on a two-hour snow delay, so administrators made the decision to close for the entire day out of an abundance of caution.

Officers responded to the home of the student that allegedly made the threat and brought in a mobile crisis response team with two crisis clinicians.

After screening the student, the clinicians determined there was no active threat to the school or the community. No arrests were made.

Two sheriff's deputies will be stationed at the school on Thursday. The Windsor County Sheriff's Department also says deputies will provide security for the rest of the week.

### **Woodstock middle high school closes after threat – Valley News**

Woodstock Village Police Chief Joe Swanson, right, walks through Woodstock Union High School's main entrance while monitoring the building after a death threat was made against a teacher by a student on Wednesday. The threat was reported to police by the student's family, and mental health crisis clinicians from Health Care and Rehabilitation Services met with the student and his mother at the Woodstock Police Department, Swanson said. No arrest was made, and the clinicians determined that there was not an active threat to the school or community. With a delayed start due to slippery road conditions already in place, classes were fully called off after

school administration learned about the threat, said Sherry Sousa, superintendent of the Mountain Views Supervisory Union. Classes will resume on Thursday, and there will be law enforcement present at the campus at least through Thursday.

### **Addison County Prosecutor Facing DUI Charge Takes Paid Medical Leave – Seven Days – Derek Brouwer**

The top prosecutor in Addison County is taking paid medical leave after she was arraigned earlier this week on a criminal DUI charge that stems from her alleged conduct at an active crime scene.

Eva Vekos will be out for a "short duration during this time of great tumult," her attorney, David Sleigh, wrote in a press release on Wednesday.

"This break will allow her to soon resume her position once fully grounded and up to the task," Sleigh wrote.

Vekos pleaded not guilty on Monday in the very courthouse where she prosecutes cases as the elected state's attorney. During the hearing, Sleigh sought unsuccessfully to have the charge dismissed.

Vekos had been working and representing the state in court in the weeks since her January 25 arrest. She has not made any public statements and avoided reporters, but could be seen crying during her arraignment on Monday.

Vekos' attorney said that, upon her planned return, Vekos intends to "restore her previously excellent working relationship" with Vermont State Police and local law enforcement.

"Finally, she fully intends to restore the faith and trust of her constituency and all involved in the Addison County justice system," Sleigh wrote.

### **Rep. Balint introduces bill aiming to tackle affordable housing crisis – Vermont Public – Mitch Wertlieb & Daniela Fierro**

Vermont's lone House Rep. Becca Balint has introduced a new bill that aims to invest \$500 billion to help create affordable housing.

The legislation, dubbed the Community Housing Act, would also prevent landlords from price-fixing—colluding with competitors to raise the price of rentals. It would also remove zoning barriers that push back against construction and give renters the financial support they need to avoid eviction.

According to the bill, the average rent in the U.S. has increased by 24% from 2020 to 2023. The bill also points out that soaring housing costs have led many low- and moderate-income borrowers to spend between 30% to 50% of their income on mortgage payments.

*This conversation has been edited and condensed for clarity.*

**Mitch Wertlieb:** Rep. Balint, let's start with this bill. Thumbnail sketch here, what are the key measures in it?

**Rep. Becca Balint:** We're looking at \$500 billion of investment. Vermont is struggling, as you know, with a housing crisis, but that is also true across the country. We are short of nearly 4 million homes for people. And this, of course, is impacting individuals and families, but it's also impacting the the economy both locally and nationally. So massive investment, strong perpetual affordability protections, because that's something that I've learned in my work. I'm looking at fairness for rural renters. ... We know there's a national crisis with hedge funds and other corporate investors at the national level, buying up millions of homes here in the United States, making the costs out of reach for regular folks, and constantly looking at paving more pathways to home ownership so that folks can build up equity. So those are the broad strokes.

We spent a lot of time looking at our shared-equity models in Vermont and how the community land trusts in Vermont have worked to get people into housing. So it's a down payment on the kind of investment we need at the federal level. And I also wanted to say I'm informed in my opinions about this issue not just as a legislator, and now as a member of Congress, but as a teacher who saw firsthand what happens with kids and their ability to learn when they don't have stable, secure housing. And I certainly see that as a mom, we talk a lot at my kitchen table with our kids. I've got two teens, and they are giving voice to something I hear across the state, which is parents and kids are worried that they're not going to be able to find housing in Vermont that they can afford.

**Mitch Wertlieb:** Rep. Balint, where would that money come from?

**Rep. Becca Balint:** We're looking at having an investment that is commensurate with the problem. ... I was just in a budget meeting. For those of you who don't know, I serve on the Budget Committee and the Judiciary Committee. This morning, we're meeting with the Congressional Budget Office to look at when was the last time we've had such a robust investment in housing, and the member from the CBO that was with us couldn't remember a time when we have made this a priority. ... What I'm looking at is not creating things whole cloth. We're looking at mechanisms that we have—we have a few things in here that are new, but mostly it's saying we've got the mechanisms. We should be investing, not just in the people and these families, but also in the economy as a whole. And we've had the most significant recovery since the pandemic. As you can see, as you look around the world, the U.S. has had the strongest recovery since the pandemic, we learned a lot of lessons about housing from the pandemic, and I want those to continue.

**Mitch Wertlieb:** I'm curious about how the money would get to people if, let's say in your perfect world, the bill passes. But you know, evictions can be on a tight deadline for a lot of

people, how would the bill ensure that the money gets to the people who need it before they get evicted?

**Rep. Becca Balint:** One of the things that I know a lot of Vermonters are familiar with is the Emergency Rental Assistance Program, which was very successful during the pandemic. So, we are looking to make a huge investment in the ERAP to make it permanent. Because as you say, people need that emergency assistance right away. And we know the cost to individuals and families, but also ... for landlords as well. It costs money when you don't have somebody in that unit. So you'll be able to give that money directly to folks who are in danger of losing their housing, so they can stay housed.

### USPS considering moving White River Junction mail center to Connecticut – My Champlain Valley – Benjamin Aliber & Matt Holderman

The United States Postal Service is considering moving its mail sorting efforts in White River Junction to a bigger facility in Hartford, Connecticut.

This was first reported by the [Valley News](#) last week, and some people are now concerned about that potential change causing delays in Vermonters getting their mail.

Steve Doherty, representing the USPS Northeast Region, said the potential move is part of a ten-year plan called “Delivering for America.” Part of the plan looks at 58 mail sorting centers nationwide, White River Junction included.

Doherty went on to say the review of the White River Junction facility is aimed at seeing, “how it can best be utilized in the national realignment of our processing and logistics network.”

“Once the review committee presents their recommendations, those will be published and we’ll host a meeting for the public to give their input on the proposed changes,” Doherty added. He went on, “I would expect an announcement on that meeting sometime in the next month.”

Vermont Senator Peter Welch, [who’s shared his frustration with the USPS over the past few months](#), said, “If this plan proceeds as reported, it would mark another failure by postmaster Louis DeJoy and the USPS national management to adequately serve rural communities.”

### Facing DUI charge, Addison County state’s attorney plans to return to job once ‘fully grounded’ – VT Digger – Alan J. Keays

Addison County State’s Attorney Eva Vekos, who was charged last month with driving under the influence, plans to return from a medical leave once she is “fully grounded and up to the task,” her attorney said on Wednesday.

Vekos, 54, [pleaded not guilty on Monday](#) in Addison County Superior criminal court in Middlebury to the DUI charge. She was released on her own recognizance.

The charge stems from her arrest on the night of Jan. 25, when police allege she showed up at the scene of a death investigation smelling of alcohol and slurring her speech. She refused to take a breath test and was then processed on the misdemeanor charge.

Following the court hearing Monday, her attorney, David Sleigh, would not comment when asked if his client was on medical leave. John Campbell, executive director of the Vermont Department of State's Attorneys and Sheriffs, subsequently confirmed that Vekos was out on leave but declined to reveal the nature of that leave, citing privacy reasons.

Sleigh, on Wednesday, issued a press release indicating that Vekos was on medical leave. In an interview, he said the leave, which is paid, began on Friday.

"This break will allow her to soon resume her position once fully grounded and up to the task," Sleigh's statement read.

Asked why the statement was issued Wednesday, the defense attorney responded, "We think it's a public interest that she is stepping away for a while."

He added, "We all agree that there is a fair amount of turmoil. The idea is to get everybody to a place where the fervor dies down and people can try to remedy and restore relationships."

Vekos, in an email exchange with law enforcement leaders in Addison County in the days following her arrest, [wrote that she no longer felt safe](#) around law enforcement and would not meet with them in person, only on video. She also mockingly challenged the grammatical skills of police.

Sleigh, speaking Wednesday, said Vekos would work to "rebuild any trust that she lost."

To do that, the defense attorney said, "I think it will take some hard work," including for Vekos to meet with law enforcement officials "and address what's gone on in a way that is deliberate and considerate."

In earlier and unrelated hearings at the Middlebury court on Monday, defense attorneys indicated their clients' cases had been reassigned from Vekos.

Vekos was elected to her first four-year term in November 2022.

### **Local school leaders see 'immense challenges' in proposed state funding changes – VT Digger – Kevin O'Connor**

Like fellow school leaders from Alburgh to Wilmington, Colchester Superintendent Amy Minor thought her district had finalized budget plans for voter consideration this March Town Meeting season. Then the Vermont Legislature surprised everyone last week by [proposing eleventh-hour changes](#) to the state's education funding system.

“It’s fair to say that the reaction ranges from dismay to discouragement, from anger to anxiety, with everything in between,” said Minor, president of the Vermont Superintendents Association.

School boards that drafted budgets under a current state act promising a 5% cap on property tax hikes have learned that lawmakers may drop that for a different, untested [formula](#) just weeks before scheduled public votes.

“This event and its consequences have created immense challenges for local school officials,” Minor said at a recent [meeting](#) of the House Ways and Means Committee. “They would not have predicted that in less than 20 working days before the vast majority of school budget votes that the 5% capping feature could potentially be removed, essentially changing the funding formula that schools have worked hard to educate their communities on.”

The House passed the bill, [H.850](#), late Wednesday afternoon on a voice vote, sending it to the Senate and, if approved, to Gov. Phil Scott for his signature.

“H.850 is not yet law,” the secretary of state’s office wrote in a [joint public letter](#) with superintendents and the Vermont School Boards Association. “There is some chance that it will be amended or not become law.”

Then again, everyone involved acknowledges some sort of financial fix is needed to avoid a nearly 20% state-projected average increase in school property tax bills because of higher spending. As a result, educators and election clerks are preparing for the possibility of some districts revising budgets and rescheduling votes.

“It is a miracle if we’re going to pass school budgets this year,” Elaine Collins, head of the North Country Supervisory Union, told a recent joint [meeting](#) of several House and Senate committees. “It’s a mess, and it’s a mess I think not of the schools’ making.”

Collins was one of many educational leaders who noted that schools were wrestling not only with changes to funding but also with more state mandates.

“I can come up with at least \$100 million in state programs that school boards did not get to vote on that we put into their budgets and that we’re now about to punish them for,” Norwich Rep. Rebecca Holcombe, a former Vermont education secretary, said at a Monday [meeting](#) of the House Appropriations Committee. “We’re making assumptions that everybody padded their budgets. I’m not sure everybody did.”

The Vermont Superintendents Association, which annually collects information about when and how school districts vote, cannot yet sum up local response to the last-minute bill.

“In terms of what’s going to play out district to district, it remains to be seen,” said Jeffrey Francis, the association’s executive director.

But many educators are speaking out, either in legislative committee meetings — 20 lodged complaints at one recent [session](#) alone — or through letters to the editor.



“Despite legislators’ promises to balance budgets ‘without placing an undue burden on taxpayers,’ many Vermonters approach Town Meeting Day panicked and distressed,” Ryan Heraty, head of the Lamoille South Supervisory Union, wrote in one [letter](#).

“This new legislation will be finalized long after districts have warned their budgets, forcing school boards and town officials into a state of uncertainty,” Heraty continued. “Trust that has been long-established with voters is now at risk. Many districts also face an additional dilemma as deadlines to issue teacher contracts approach.”

Local clerks in charge of elections say they’re already maxed out by their regular Town Meeting duties, but nonetheless are taking a wait-and-see attitude.

“Certainly the initial reaction was, ‘Aaaaaaaa!’” said Barre City Clerk Carolyn Dawes, chair of the Vermont Municipal Clerks and Treasurers Association’s Legislative Committee. “But I’m hearing from more and more clerks that their school boards are just going to move forward with March votes. I’m not sure how many communities will actually end up taking advantage of the law if and when it passes.”

The new bill would allow schools to postpone budget ballots at least a month, although officials stress that any delays won’t alter upcoming elections on municipal government matters or Vermont’s March 5 presidential primary.

Schools don’t have to wait for H.850 to become law to reschedule votes, according to state guidance to [educators](#) and [election clerks](#). Districts can tap [Act 1](#) of last year’s legislative session, which extends Covid-19-era options for deciding local leaders, spending and special articles until July 1.

Local school leaders are frustrated that lawmakers don’t have a schedule for how quickly they could decide H.850. But last year’s Act 1 is an example of how debating a bill can take more time than expected.

Back in January 2023, local leaders asked the state to fast-track an extension of Covid-19-era options before a deadline for alerting the public of any March Town Meeting changes. But the governor [waited almost a week](#) after House and Senate passage to review and sign the legislation, citing concerns about its temporary suspension of requirements for how schools report per-pupil costs on budget ballots.

“Towns are going crazy,” Middlesex Clerk Sarah Merriman [said at the time](#) of the resulting uncertainty.

### **3 of 6 state troopers put on leave are back at work at St. Johnsbury barracks – VT Digger – Alan J. Keays**

Three of six Vermont State Police troopers assigned to the St. Johnsbury barracks and placed on paid leave more than a month ago have returned to work, according to Adam Silverman, a state police spokesperson.

Troopers Colin Connery, David Garces, Elisabeth Plympton, Luke Rodzel, Gabriel Schrauf and David Wicks were placed on temporary, paid relief-from-duty status in late December and early January.

Troopers Connery, Plympton and Rodzel have since returned to work, Silverman said in an email Wednesday. Garces, Schrauf and Wicks remain on leave, he added.

[WCAX-TV reported Tuesday](#) on the return to work of the three troopers.

Asked why the troopers had been placed on leave and when it was decided that three of them could return to work, Silverman told VTDigger, “As before, we are unable to provide further information due to confidentiality requirements related to personnel matters.”

When asked about the matter at an unrelated press conference last month, Gov. Phil Scott said [an “internal investigation” was underway](#).

### **Final Reading: Health commissioner says social media and digital devices are not all bad for Vermont teens – VT Digger**

When it comes to phones and social media in schools, Dr. Mark Levine isn’t ready to “just say no.”

The commissioner of the Vermont Department of Health on Wednesday spoke against [S.284](#), a bill that would prohibit students from using cell phones and accessing social media on school property.

“We completely support the idea of minimizing and reducing exposure to social media while in school,” Levine told members of the Senate Committee on Education. But he said the bill felt “unrealistic” and a bit “heavy handed” — possibly even “accusatory” and “disempowering.”

Sponsored by Rutland’s Senate delegation, as well as Sen. Andrew Perchlik, D/P-Washington, S.284 is an effort to combat Vermont’s youth mental health crisis, particularly suicide — one of the leading causes of death for young people in the state. Research has linked poor mental health among kids and social media use, and the topic has become a special focus of U.S. Surgeon General Vivek Murthy.

Lawmakers intend the legislation to prohibit the “use of personal digital products and social media” in schools with few exceptions, and create an opt-out option for students who don’t wish to use the internet or even school computers. Schools and districts would also be prevented from communicating with students and families over social media.

Leaders of both the Vermont Principals’ Association and Vermont Superintendents Association testified against the legislation earlier this month.

Jay Nichols, the VPA’s executive director, said the organization thinks banning cell phones outright is “a bridge too far,” in testimony before the Senate education committee, adding that

the bill could impair the ability of Vermont's students to prepare for the digitally saturated present.

While Vermont's youth may experience negative impacts due to social media, Dr. Levine said the most marginalized youth — who experience social isolation at “much higher” rates than average — can find “hope and community” online.

Levine added that he would like to see a focus on “health education” that could give youth the skills to navigate the complexities of the digital world, and that state officials could develop sample policies related to using phones and social media in learning environments.

In an interview, Laura Derrendinger, a Middletown Springs mother and nurse who helped inspire S.284, sought to offer a “bigger perspective” than Dr. Levine gave legislators.

“The addiction to the phone is too strong. If it's in the backpack, the children will check,” she said, pointing to schools in Vermont that have already successfully prevented the use of phones.

“Those times when kids need to connect and learn how to socialize and learn how to talk and all of the communication skills that are not digital communication skills, those aren't going to develop” without intervention, Derrendinger said. “The school day is a really great place to foster that environment. There are no drawbacks to having a phone-free school. There are really only benefits.”

On brand, Derrendinger came equipped with piles of paper print-outs featuring research and op-eds supporting prohibiting the use of phones and social media in schools. Some even had the blue font that indicates hyperlinks. Alas, nobody could click on them.

— *Ethan Weinstein*

## **In the know**

Some unhoused Vermonters sheltered in hotels and motels on the state's dime are worried they might lose their rooms earlier than anticipated. As part of a mid-year budget adjustment bill, lawmakers could extend some of those Vermonters' stays — and establish a daily rate cap.

Lawmakers have proposed capping the nightly rate the state pays hotels and motels participating in the state's emergency housing program at either \$75 or \$80, a stark departure from the average of [\\$143 a night](#) the state paid in 2023.

Legislators say implementing a cap — which would go into effect March 1 — could generate savings, Gov. Phil Scott's administration argues a cap could provide leverage for the state to eventually lease or purchase the buildings for longer-term shelter or housing.

Some hotel and motel owners have signaled that they may drop out of the state shelter program under the proposed rates, arguing the amounts are too low to adequately cover operating costs.

[Read more here.](#)

— *Carly Berlin*

Regular readers of this newsletter will be familiar with our commitment to mushroom-related content. So we would not miss a chance to note the first walk-through of a bill that could open the door to the wider use of psilocybin — aka magic mushrooms.

Last year, lawmakers introduced legislation to decriminalize the substance, and on Wednesday morning, lawmakers in the Senate Health and Welfare Committee took it up for the first time.

The bill, [S.114](#), would remove criminal penalties for possessing psilocybin and convene a working group to make recommendations for therapeutic psilocybin use.

A wave of recent research on the drug has raised hopes nationwide that it could prove to be an effective treatment for some mental illnesses, such as depression, PTSD and substance use disorders.

“I’m interested in putting all of the tools that we have out on the table to try to solve the problems that we’re facing,” Sen. Martine Gulick, D-Chittenden Central, the Senate bill’s lead sponsor, said.

— *Peter D’Auria*

### **On the move**

Like school leaders from Alburgh to Wilmington, Colchester Superintendent Amy Minor thought her district had finalized budget plans for voter consideration this March Town Meeting season. Then the Vermont Legislature surprised everyone last week by [proposing eleventh-hour changes](#) to the state’s education funding system.

School boards that drafted budgets under a current state act promising a 5% cap on property tax hikes have learned that lawmakers may drop that for a different, untested [formula](#) just weeks before scheduled public votes.

“This event and its consequences have created immense challenges for local school officials,” Minor said at a recent [meeting](#) of the House Ways and Means Committee.

The House passed the bill, [H.850](#), late Wednesday afternoon on a voice vote, sending it to the Senate and, if approved, to Gov. Phil Scott for his signature.

[Read more here.](#)

— *Kevin O’Connor*

The House on Wednesday afternoon passed [H.649](#), a bill that would allow the Vermont Truth and Reconciliation Commission to limit public access to its meetings if panel members determine there is a safety threat.

The public would still be able to watch a livestream of the proceedings, and the bill includes an exception for members of the media to attend, regardless. Commissioners have told lawmakers that the option to curtail in-person participation is necessary because they've already faced such threats — including at least one death threat — with their work barely underway.

But the bill [has raised questions](#) about how the panel ought to balance its work — which is expected to include taking deeply personal testimony on how people have faced racism and discrimination in the state — with the sunlight required by Vermont's Open Meeting Law.

A successful amendment by Rep. Anne Donahue, R-Northfield, from the House floor on Tuesday would require the Truth and Reconciliation Commission to take public comment during a limited access meeting. The amendment also tasks the commissioners with producing occasional public reports on their deliberations, which the underlying bill otherwise allows to be exempted from Open Meeting Law requirements.

H.649 also gives the commission more time before it is due to report back to the Legislature and creates a mechanism to fill the position of one of its members who [resigned last fall](#).

— *Shaun Robinson*

Visit our [2024 Bill tracker](#) for the latest updates on major legislation we are following.

## **Junk mail Love letters**

Love is in the air — or, my inbox. And when I say love, I mean Valentine's Day-themed press releases. Here is a rundown of just a few pitches I received, ordered from most sane to the most cursed.

1. According to online gambling site Jeffbet.com, Vermont's favorite rom-com, measured by monthly Google searches, is *10 Things I Hate About You*. A solid pick!
2. For our ~available~ Final Readers: DKcasinospot.com analyzed the most-used emojis in Tinder profiles. The male shrug emoji took the cake. I've been out of the dating scene for a hot minute, but I question: Is ambivalence really the best vibe to put out there, guys?
3. Vermont ranks the second-best state in the nation for a romantic night, based on restaurant and hotel Tripadvisor ratings. That sounds innocuous enough, except the "experts" who determined this ranking work for Bedbible.com, which, ahem, reviews adult toys.
4. Outdoor service provider Lawn Starter dared to ask: "Do Americans like to keep their personal lawn (body hair) trim and neat or au naturel?" According to their survey of 1,000 U.S. adults, 52% "prefer a neat or smooth appearance," while 48% "prefer to let nature take the wheel." Please, say less!

**From:** Richard Sears <RSEARS@leg.state.vt.us>  
**Sent:** Thursday, February 15, 2024 11:09 AM  
**To:** Moore, Julie  
**Cc:** Pieciak, Mike; Ben Donsbach; Michael O'Grady  
**Subject:** Re: S.259 and the Resilience Implementation Strategy

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Dear Secretary Moore,

Thank you so much for your suggestion to brief Senate Judiciary on the Resilience Implementation Strategy, I'm excited by the possibility of combining our efforts. I've copied our Committee Assistant to set up a time for a briefing, please let him know how much time you will need.

Thanks Again,

Stay Healthy  
Dick

Dick Sears  
State Senator Bennington District  
Chair Senate Judiciary Committee  
Member Senate Appropriations Committee  
343 Matteson Rd  
North Bennington, VT 05257  
rsears@leg.state.vt.us

---

**From:** Moore, Julie <Julie.Moore@vermont.gov>  
**Sent:** Tuesday, February 13, 2024 6:32 PM  
**To:** Richard Sears <RSEARS@leg.state.vt.us>  
**Cc:** mike.pieciak@vermont.gov <mike.pieciak@vermont.gov>  
**Subject:** S.259 and the Resilience Implementation Strategy

Good evening, Sen. Sears.

I am following up on my testimony from last week regarding S.259 (Climate Superfund Cost Recovery Program), and specifically the importance I see in coordinating the effort with the development of the [Resilience Implementation Strategy](#) that was announced by the Governor and Treasurer Pieciak (copied on this reply) last month.

Specifically, S.259 creates a liability of responsible parties for "...the costs of climate change adaptive infrastructure projects...", directs the Treasurer to estimate the cost to Vermont of greenhouse gas emissions the occurred between January 2000 and December 2019, and requires the Agency to develop a "...statewide Climate Change Adaptation Master Plan for the purpose of guiding the dispersal of funds under this chapter in a timely, efficient, and equitable manner to all regions of the State."

Similarly, the *Resilience Implementation Strategy* will include "...projects to safeguard ecosystems, promote biodiversity, and mitigate the impact of extreme weather events on agriculture, forestry, and water resources. These solutions also serve to buffer the state's infrastructure and built environment from the most intense impacts of climate change." as well as "...identify how to "harden" Vermont's critical assets to better withstand extreme weather events."

This effort to identify and prioritize resilience projects would provide the basis for quantifying the cost to Vermont of covered greenhouse gas emissions and could, in turn, be built upon to guide the dispersal of funds – consistent with the vision laid out in S.259. That said, the *Resilience Implementation Strategy* is planned to be completed by July 1, 2025 – to coincide with an update to Vermont's Climate Action Plan.

Staff in the Climate Action Office have a draft work plan for developing the *Resilience Implementation Strategy* which they would be happy to brief your committee on; I believe this could elucidate how we might align efforts, if you are willing to consider a timeline for S.259 that would allow it to benefit from the *Resilience Implementation Strategy*.

Kind regards,  
Julie



**Julia S. Moore, P.E.** | Secretary (she/her)  
Vermont Agency of Natural Resources  
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**From:** Lazorchak, Jane  
**Sent:** Friday, February 16, 2024 6:51 AM  
**To:** Lazorchak, Jane  
**Subject:** FW: VBSR's ClimateReadyVT Program  
**Attachments:** VBSR.Memo.ClimateReadyVT..pdf

Morning Climate Council,

This was sent in to our Office and may be of interest to you all. I am forwarding on their behalf.

Best,  
Jane

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**From:** Kristin Warner <kristinw@vbsr.org>  
**Sent:** Thursday, February 15, 2024 10:21 AM  
**To:** Lazorchak, Jane <Jane.Lazorchak@vermont.gov>; Wolz, Marian <Marian.Wolz@vermont.gov>; Veltrop, Sophi <Sophi.Veltrop@vermont.gov>; ANR - CAO <ANR.CAO@vermont.gov>  
**Subject:** VBSR's ClimateReadyVT Program

Some people who received this message don't often get email from [kristinw@vbsr.org](mailto:kristinw@vbsr.org). [Learn why this is important](#)

**EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.**

Hello there,

Vermont Businesses for Social Responsibility (VBSR) is a statewide, nonprofit business association with a mission to leverage the power of business for positive social and environmental impact.

In a letter submitted to Secretary Clouser on August 25, 2023, Speaker Krowinski urged the Vermont Climate Caucus to prioritize climate adaptations and resiliency recommendations after the historic flooding, specifically naming toolkits aimed at Vermont's business community.

We write to share a program VBSR is piloting that meets this call to action: In the fall of 2023, VBSR partnered with Reframe Lab, a Vermont-based consultancy, to develop [ClimateReadyVT](#), a program designed to **help small businesses in Vermont adapt to our changing climate and prepare for climate-related business disruptions.**

Attached is a short overview of the ClimateReadyVT program. We want you to be aware of our work with you and we invite any dialogue on the subject matter. We invite you to share this information with the full Climate Council. Please let me know if you have any questions.

Thank you for the work that you do on behalf of our environment and our communities.

Best,  
Kristin

**Kristin Warner**  
Pronouns: *She/Her*  
Vermont Businesses for Social Responsibility (VBSR)  
Cell: (802)498-4560  
[kristinw@vbsr.org](mailto:kristinw@vbsr.org)





From: Roxanne Vought, Executive Director, Vermont Businesses for Social Responsibility (VBSR)  
To: Members of the Vermont Climate Council, House Committee on Environment & Energy, Senate Committee on Natural Resources, Speaker Krowinski.  
Re: ClimateReadyVT Progress Report  
Date: February 15, 2024

Vermont Businesses for Social Responsibility (VBSR) is a statewide, nonprofit business association with a mission to leverage the power of business for positive social and environmental impact. VBSR is the oldest state-level socially responsible business association in the nation, home to the highest number of certified B Corporations per capita and represents over 700 member businesses across 46 industries.

In a letter submitted to Secretary Clouser on August 25 of 2023, Speaker Krowinski urged the Vermont Climate Caucus to prioritize climate adaptations and resiliency recommendations after the historic flooding. In her letter, Speaker Krowinski identifies the need for *toolkits aimed at Vermont's business community and preparing individual businesses for adaptation and greater resiliency*.

We write to share a program VBSR is piloting that meets this call to action: In the fall of 2023, VBSR partnered with Reframe Lab, a Vermont-based consultancy, to develop [ClimateReadyVT](#), a program designed to **help small businesses in Vermont adapt to our changing climate and prepare for climate-related business disruptions**. We worked collaboratively with a network of trusted stakeholders to design and plan this comprehensive climate adaptation and resilience program for Vermont small businesses - with no cost to participants. Vermont Community Foundation and Mascoma Bank have funded the pilot, and several other funding partners have been recommended to us for consideration.

### **ClimateReadyVT is a Product of Diverse Partnership:**

The program's format and content were informed by a broad base of expertise, including the experience of developing [VBSR's Flood Recovery Guide for Businesses](#), our partners in developing that resource, and by consulting with the following individuals and organizations on the concept of ClimateReadyVT:

- Liz Schlegel, formerly with the Institute for Sustainable Communities, which produced the [Vermont's Roadmap to Resilience](#) in 2013, following Hurricane Irene
- UVM Extension Farming & Climate Change Program
- Vermont Small Business Development Center
- Vermont Agency of Commerce and Community Development
- Vermont Small Business Administration
- Sarah Waring, USDA
- Vermont Outdoor Business Association
- Vermont Professionals of Color
- Vermont Sustainable Jobs Fund
- Vermont Community Foundation
- Pennywise Foundation
- Mascoma Bank
- VBSR Public Policy Committee
- VBSR Board of Directors

**After an extensive assessment of the need, we identified the following themes for the program's content:**

- Performing a Risk Assessment
- Identifying Hazard Mitigation Strategies
- Understanding which local, state, and federal resources are available to support businesses
- Understanding how legal, financial, and insurance services can assist businesses
- Guidance for communicating internally and externally re: business disruptions and continuity
- Guidance for supporting owners/employees during climate-related businesses disruptions, including tools and methods for emotional resilience, mental health, and wellness
- Business Continuity Planning incorporating the knowledge and learnings above

**The core elements of ClimateReadyVT include:**

- Eight virtual program sessions, complemented by an in-person closing session aimed at building relationships with regionally focused business support organizations, including the Regional Development Corporations and regional Chambers of Commerce.
- Content delivered by subject matter experts in a variety of relevant areas, including the Vermont Small Business Development Center (VtSBDC), Vermont Emergency Management, Vermont Law School, and OGGI BE (an expert on emotional resilience and climate anxiety).
- Access to curated resources, including risk indexes and the U.S. Climate Resilience Toolkit
- Creating a customized Climate Risk Assessment and "Roadmap to Resilience" for each business
- Peer learning, including case studies, scenario planning, learning from and with a network of peer business owners and/or managers, and small group learning, including "peer councils" organized by industry
- Trauma-informed program design and facilitation, led by professional facilitators
- 1:1 counseling sessions and relationship building with VtSBDC advisors (optional)

**ClimateReadyVT in Motion:**

The application period opened in the fall of 2023, with a total of 14 organizations (10 businesses and 4 nonprofits) participating in the pilot cohort. The program launched in November 2023 and will conclude in April 2024. We anticipate the next cohort will launch in fall 2024 with a larger group (20-25 projected).

We encourage the Vermont Climate Council to explore opportunities to partner with VBSR on this critical work and welcome the opportunity to speak directly to the Council representative on the successful launch of ClimateReadyVT. We thank you for your time and commitment to the future of Vermont's economy and the health of our people and planet.

"I appreciate the careful thought that has gone into this program – I am optimistic that this is the start of something that will help Vermont businesses with resilience in the future."

– Phyllis Ershowsky, Small Business Development Center and current ClimateReadyVT participant.

**From:** Moore, Julie  
**Sent:** Monday, February 19, 2024 12:21 PM  
**To:** Richard Sears  
**Cc:** Pieciak, Mike; Ben Donsbach; Michael O'Grady; Ramirez-Richer, Emma  
**Subject:** RE: S.259 and the Resilience Implementation Strategy

Good afternoon!

I would suggest that my colleague, Marian Wolz, who serves as the Resilience & Adaptation Coordinator in ANR's Climate Action Office and is providing lead support for the development of the Resilience Implementation Strategy, and join me in providing a briefing for your committee. I defer to Treasurer Pieciak on who from his team might participate as well.

From a scan of the committee agenda, it looks like you are planning to work on the bill Thursday; if you were to have 45 minutes available that day – I believe we could provide a solid briefing.

I have copied my assistant, Emma Ramirez-Richer, on this reply so that she can work with Ben to find a time – Thursday or on a different day.

Kind regards,  
Julie



**Julia S. Moore, P.E.** | Secretary (she/her)  
Vermont Agency of Natural Resources  
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**Sent:** Thursday, February 15, 2024 11:09 AM  
**To:** Moore, Julie <Julie.Moore@vermont.gov>  
**Cc:** Pieciak, Mike <Mike.Pieciak@vermont.gov>; Ben Donsbach <BDonsbach@leg.state.vt.us>; Michael O'Grady <mogrady@leg.state.vt.us>  
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Thanks Again,

Stay Healthy  
Dick

Dick Sears  
State Senator Bennington District  
Chair Senate Judiciary Committee  
Member Senate Appropriations Committee  
343 Matteson Rd  
North Bennington, VT 05257  
[rsears@leg.state.vt.us](mailto:rsears@leg.state.vt.us)

---

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**Sent:** Tuesday, February 13, 2024 6:32 PM  
**To:** Richard Sears <[RSEARS@leg.state.vt.us](mailto:RSEARS@leg.state.vt.us)>  
**Cc:** [mike.pieciak@vermont.gov](mailto:mike.pieciak@vermont.gov) <[mike.pieciak@vermont.gov](mailto:mike.pieciak@vermont.gov)>  
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**From:** Ben Donsbach <BDonsbach@leg.state.vt.us>  
**Sent:** Tuesday, February 20, 2024 11:58 AM  
**To:** Moore, Julie; Richard Sears  
**Cc:** Pieciak, Mike; Michael O'Grady; Ramirez-Richer, Emma  
**Subject:** RE: S.259 and the Resilience Implementation Strategy

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Good morning,

I have Wednesday (2/28) blocked off for S. 259. Would this work for your testimony? If so, I will schedule you for 45 minutes at 9:00am.

Thank you,

Ben

**Ben Donsbach**

Committee Assistant for Senate Judiciary

Vermont General Assembly

Office of Legislative Operations

---

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**Sent:** Monday, February 19, 2024 12:21 PM  
**To:** Richard Sears <RSEARS@leg.state.vt.us>  
**Cc:** mike.pieciak@vermont.gov; Ben Donsbach <BDonsbach@leg.state.vt.us>; Michael O'Grady <MOGrady@leg.state.vt.us>; Ramirez-Richer, Emma <Emma.Ramirez-Richer@vermont.gov>  
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**Sent:** Thursday, February 15, 2024 11:09 AM  
**To:** Moore, Julie <[Julie.Moore@vermont.gov](mailto:Julie.Moore@vermont.gov)>  
**Cc:** Pieciak, Mike <[Mike.Pieciak@vermont.gov](mailto:Mike.Pieciak@vermont.gov)>; Ben Donsbach <[BDonsbach@leg.state.vt.us](mailto:BDonsbach@leg.state.vt.us)>; Michael O'Grady <[mograd@leg.state.vt.us](mailto:mograd@leg.state.vt.us)>  
**Subject:** Re: S.259 and the Resilience Implementation Strategy

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Dear Secretary Moore,  
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Thanks Again,

Stay Healthy  
Dick

Dick Sears  
State Senator Bennington District  
Chair Senate Judiciary Committee  
Member Senate Appropriations Committee  
343 Matteson Rd  
North Bennington, VT 05257  
[rsears@leg.state.vt.us](mailto:rsears@leg.state.vt.us)

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**From:** Pieciak, Mike  
**Sent:** Tuesday, February 20, 2024 12:06 PM  
**To:** Ben Donsbach  
**Cc:** Moore, Julie; Richard Sears; Michael O'Grady; Ramirez-Richer, Emma; Doyon, Ashlynn  
**Subject:** Re: S.259 and the Resilience Implementation Strategy

Hi Everyone - I'm looping in Ashlynn from our office. Many thanks.

All the best,  
Mike

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**From:** Doyon, Ashlynn  
**Sent:** Tuesday, February 20, 2024 12:15 PM  
**To:** Pieciak, Mike; Ben Donsbach  
**Cc:** Moore, Julie; Richard Sears; Michael O'Grady; Ramirez-Richer, Emma  
**Subject:** Re: S.259 and the Resilience Implementation Strategy

Good Morning,

2/28 at 9:00 a.m. works for the Treasurer's Office. I am not sure yet whether Treasurer Pieciak or myself will testify, but this time will work for someone to represent.

Thank you!

Ashlynn Doyon  
Director of Policy  
Office of the Vermont State Treasurer

Email: [ashlynn.doyon@vermont.gov](mailto:ashlynn.doyon@vermont.gov)  
Phone: (802) 595-3197 (*cell phone/working remotely*)

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**Sent:** Tuesday, February 20, 2024 12:05 PM  
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**From:** Moore, Julie  
**Sent:** Tuesday, February 20, 2024 12:34 PM  
**To:** Wolz, Marian; Ramirez-Richer, Emma  
**Cc:** Lazorchak, Jane; Coster, Billy  
**Subject:** FW: S.259 and the Resilience Implementation Strategy

Hi Marian.

I am hoping that you can join me for this testimony in Senate Judiciary on the Resilience Implementation Strategy next week. Also hoping Emma can find us 30m between now and then to talk about how we might approach this; would be great, Jane, if you are available for the pre-meet but I don't feel like you need to attend the testimony.

Thanks!  
Julie



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**Sent:** Tuesday, February 13, 2024 6:32 PM  
**To:** Richard Sears <[RSEARS@leg.state.vt.us](mailto:RSEARS@leg.state.vt.us)>  
**Cc:** [mike.pieciak@vermont.gov](mailto:mike.pieciak@vermont.gov) <[mike.pieciak@vermont.gov](mailto:mike.pieciak@vermont.gov)>  
**Subject:** S.259 and the Resilience Implementation Strategy

Good evening, Sen. Sears.

I am following up on my testimony from last week regarding S.259 (Climate Superfund Cost Recovery Program), and specifically the importance I see in coordinating the effort with the development of the [Resilience Implementation Strategy](#) that was announced by the Governor and Treasurer Pieciak (copied on this reply) last month.

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Kind regards,  
Julie



**Julia S. Moore, P.E.** | Secretary (she/her)  
Vermont Agency of Natural Resources  
1 National Life Dr, Davis 2 | Montpelier, VT 05620-3901

802-828-1294 office  
[julie.moore@vermont.gov](mailto:julie.moore@vermont.gov)  
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**From:** Ben Donsbach <BDonsbach@leg.state.vt.us>  
**Sent:** Tuesday, February 20, 2024 12:35 PM  
**To:** Doyon, Ashlynn; Pieciak, Mike  
**Cc:** Moore, Julie; Richard Sears; Michael O'Grady; Ramirez-Richer, Emma  
**Subject:** RE: S.259 and the Resilience Implementation Strategy

**EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.**

Sounds great! I will keep Treasurer Pieciak as a place holder for now and will update if notified.

Ben

---

**From:** Doyon, Ashlynn <Ashlynn.Doyon@vermont.gov>  
**Sent:** Tuesday, February 20, 2024 12:15 PM  
**To:** mike.pieciak@vermont.gov; Ben Donsbach <BDonsbach@leg.state.vt.us>  
**Cc:** Moore, Julie <Julie.Moore@vermont.gov>; Richard Sears <RSEARS@leg.state.vt.us>; Michael O'Grady <MOGrady@leg.state.vt.us>; Ramirez-Richer, Emma <Emma.Ramirez-Richer@vermont.gov>  
**Subject:** Re: S.259 and the Resilience Implementation Strategy

Good Morning,

2/28 at 9:00 a.m. works for the Treasurer's Office. I am not sure yet whether Treasurer Pieciak or myself will testify, but this time will work for someone to represent.

Thank you!

Ashlynn Doyon  
Director of Policy  
Office of the Vermont State Treasurer

Email: [ashlynn.doyon@vermont.gov](mailto:ashlynn.doyon@vermont.gov)  
Phone: (802) 595-3197 (*cell phone/working remotely*)

---

**From:** Pieciak, Mike <[Mike.Pieciak@vermont.gov](mailto:Mike.Pieciak@vermont.gov)>  
**Sent:** Tuesday, February 20, 2024 12:05 PM  
**To:** Ben Donsbach <[BDonsbach@leg.state.vt.us](mailto:BDonsbach@leg.state.vt.us)>  
**Cc:** Moore, Julie <[Julie.Moore@vermont.gov](mailto:Julie.Moore@vermont.gov)>; Richard Sears <[rsears@leg.state.vt.us](mailto:rsears@leg.state.vt.us)>; Michael O'Grady <[mogrady@leg.state.vt.us](mailto:mogrady@leg.state.vt.us)>; Ramirez-Richer, Emma <[Emma.Ramirez-Richer@vermont.gov](mailto:Emma.Ramirez-Richer@vermont.gov)>; Doyon, Ashlynn <[Ashlynn.Doyon@vermont.gov](mailto:Ashlynn.Doyon@vermont.gov)>  
**Subject:** Re: S.259 and the Resilience Implementation Strategy

Hi Everyone - I'm looping in Ashlynn from our office. Many thanks.

All the best,  
Mike

On Feb 20, 2024, at 11:57 AM, Ben Donsbach <[BDonsbach@leg.state.vt.us](mailto:BDonsbach@leg.state.vt.us)> wrote:

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Good morning,

I have Wednesday (2/28) blocked off for S. 259. Would this work for your testimony? If so, I will schedule you for

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Ben

**Ben Donsbach**

Committee Assistant for Senate Judiciary  
Vermont General Assembly  
Office of Legislative Operations

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I have copied my assistant, Emma Ramirez-Richer, on this reply so that she can work with Ben to find a time – Thursday or on a different day.

Kind regards,  
Julie



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Vermont Agency of Natural Resources

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Thanks Again,

Stay Healthy

Dick

Dick Sears

State Senator Bennington District

Chair Senate Judiciary Committee

Member Senate Appropriations Committee

343 Matteson Rd

North Bennington, VT 05257

[rsears@leg.state.vt.us](mailto:rsears@leg.state.vt.us)

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**From:** Lazorchak, Jane  
**Sent:** Tuesday, February 20, 2024 1:15 PM  
**To:** Moore, Julie; Wolz, Marian; Ramirez-Richer, Emma  
**Cc:** Coster, Billy  
**Subject:** RE: S.259 and the Resilience Implementation Strategy

Sounds great. Glad Marian will join you!

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**Sent:** Tuesday, February 20, 2024 12:34 PM  
**To:** Wolz, Marian <Marian.Wolz@vermont.gov>; Ramirez-Richer, Emma <Emma.Ramirez-Richer@vermont.gov>  
**Cc:** Lazorchak, Jane <Jane.Lazorchak@vermont.gov>; Coster, Billy <Billy.Coster@vermont.gov>  
**Subject:** FW: S.259 and the Resilience Implementation Strategy

Hi Marian.

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Thanks!  
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State Senator Bennington District

Chair Senate Judiciary Committee

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North Bennington, VT 05257

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**To:** Lazorchak, Jane; Moore, Julie; Wolz, Marian  
**Cc:** Coster, Billy  
**Subject:** Re: S.259 and the Resilience Implementation Strategy

Hi Marian,

9am can be made to work for Julie, does it work for you too?

Thanks!  
Emma

**Emma Ramirez-Richer** | Executive Assistant (she/her)  
[Vermont Agency of Natural Resources](#) Secretary's Office  
1 National Life Drive, Davis 2, Montpelier, VT 05620  
802-828-0316 (o) | 802-261-5920 (c) | [emma.ramirez-richter@vermont.gov](mailto:emma.ramirez-richter@vermont.gov)

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**Sent:** Tuesday, February 20, 2024 11:58 AM

**To:** Moore, Julie <[Julie.Moore@vermont.gov](mailto:Julie.Moore@vermont.gov)>; Richard Sears <[rsears@leg.state.vt.us](mailto:rsears@leg.state.vt.us)>

**Cc:** Pieciak, Mike <[Mike.Pieciak@vermont.gov](mailto:Mike.Pieciak@vermont.gov)>; Michael O'Grady <[mogrady@leg.state.vt.us](mailto:mogrady@leg.state.vt.us)>; Ramirez-Richer, Emma <[Emma.Ramirez-Richer@vermont.gov](mailto:Emma.Ramirez-Richer@vermont.gov)>

**Subject:** RE: S.259 and the Resilience Implementation Strategy

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Good morning,

I have Wednesday (2/28) blocked off for S. 259. Would this work for your testimony? If so, I will schedule you for 45 minutes at 9:00am.

Thank you,

Ben

**Ben Donsbach**

Committee Assistant for Senate Judiciary

Vermont General Assembly

Office of Legislative Operations

---

**From:** Moore, Julie <[Julie.Moore@vermont.gov](mailto:Julie.Moore@vermont.gov)>

**Sent:** Monday, February 19, 2024 12:21 PM

**To:** Richard Sears <[RSEARS@leg.state.vt.us](mailto:RSEARS@leg.state.vt.us)>

**Cc:** [mike.pieciak@vermont.gov](mailto:mike.pieciak@vermont.gov); Ben Donsbach <[BDonsbach@leg.state.vt.us](mailto:BDonsbach@leg.state.vt.us)>; Michael O'Grady <[MOGrady@leg.state.vt.us](mailto:MOGrady@leg.state.vt.us)>; Ramirez-Richer, Emma <[Emma.Ramirez-Richer@vermont.gov](mailto:Emma.Ramirez-Richer@vermont.gov)>

**Subject:** RE: S.259 and the Resilience Implementation Strategy

Good afternoon!

I would suggest that my colleague, Marian Wolz, who serves as the Resilience & Adaptation Coordinator in ANR's Climate Action Office and is providing lead support for the development of the Resilience Implementation Strategy, and join me in providing a briefing for your committee. I defer to Treasurer Pieciak on who from his team might participate as well.

From a scan of the committee agenda, it looks like you are planning to work on the bill Thursday; if you were to have 45 minutes available that day – I believe we could provide a solid briefing.

I have copied my assistant, Emma Ramirez-Richer, on this reply so that she can work with Ben to find a time – Thursday or on a different day.

Kind regards,

Julie



**Julia S. Moore, P.E.** | Secretary (she/her)  
Vermont Agency of Natural Resources  
1 National Life Dr, Davis 2 | Montpelier, VT 05620-3901  
802-828-1294 office  
[julie.moore@vermont.gov](mailto:julie.moore@vermont.gov)  
[anr.vermont.gov](http://anr.vermont.gov)

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**From:** Richard Sears <[RSEARS@leg.state.vt.us](mailto:RSEARS@leg.state.vt.us)>  
**Sent:** Thursday, February 15, 2024 11:09 AM  
**To:** Moore, Julie <[Julie.Moore@vermont.gov](mailto:Julie.Moore@vermont.gov)>  
**Cc:** Pieciak, Mike <[Mike.Pieciak@vermont.gov](mailto:Mike.Pieciak@vermont.gov)>; Ben Donsbach <[BDonsbach@leg.state.vt.us](mailto:BDonsbach@leg.state.vt.us)>; Michael O'Grady <[mogrady@leg.state.vt.us](mailto:mogrady@leg.state.vt.us)>  
**Subject:** Re: S.259 and the Resilience Implementation Strategy

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Dear Secretary Moore,

Thank you so much for your suggestion to brief Senate Judiciary on the Resilience Implementation Strategy, I'm excited by the possibility of combining our efforts. I've copied our Committee Assistant to set up a time for a briefing, please let him know how much time you will need.

Thanks Again,

Stay Healthy  
Dick

Dick Sears  
State Senator Bennington District  
Chair Senate Judiciary Committee  
Member Senate Appropriations Committee  
343 Matteson Rd  
North Bennington, VT 05257  
[rsears@leg.state.vt.us](mailto:rsears@leg.state.vt.us)

---

**From:** Moore, Julie <[Julie.Moore@vermont.gov](mailto:Julie.Moore@vermont.gov)>  
**Sent:** Tuesday, February 13, 2024 6:32 PM  
**To:** Richard Sears <[RSEARS@leg.state.vt.us](mailto:RSEARS@leg.state.vt.us)>  
**Cc:** [mike.pieciak@vermont.gov](mailto:mike.pieciak@vermont.gov) <[mike.pieciak@vermont.gov](mailto:mike.pieciak@vermont.gov)>  
**Subject:** S.259 and the Resilience Implementation Strategy

Good evening, Sen. Sears.

I am following up on my testimony from last week regarding S.259 (Climate Superfund Cost Recovery Program), and specifically

the importance I see in coordinating the effort with the development of the [Resilience Implementation Strategy](#) that was announced by the Governor and Treasurer Picciak (copied on this reply) last month.

Specifically, S.259 creates a liability of responsible parties for “...the costs of climate change adaptive infrastructure projects...”, directs the Treasurer to estimate the cost to Vermont of greenhouse gas emissions that occurred between January 2000 and December 2019, and requires the Agency to develop a “...statewide Climate Change Adaptation Master Plan for the purpose of guiding the dispersal of funds under this chapter in a timely, efficient, and equitable manner to all regions of the State.”

Similarly, the *Resilience Implementation Strategy* will include “...projects to safeguard ecosystems, promote biodiversity, and mitigate the impact of extreme weather events on agriculture, forestry, and water resources. These solutions also serve to buffer the state’s infrastructure and built environment from the most intense impacts of climate change.” as well as “...identify how to “harden” Vermont’s critical assets to better withstand extreme weather events.”

This effort to identify and prioritize resilience projects would provide the basis for quantifying the cost to Vermont of covered greenhouse gas emissions and could, in turn, be built upon to guide the dispersal of funds – consistent with the vision laid out in S.259. That said, the *Resilience Implementation Strategy* is planned to be completed by July 1, 2025 – to coincide with an update to Vermont’s Climate Action Plan.

Staff in the Climate Action Office have a draft work plan for developing the *Resilience Implementation Strategy* which they would be happy to brief your committee on; I believe this could elucidate how we might align efforts, if you are willing to consider a timeline for S.259 that would allow it to benefit from the *Resilience Implementation Strategy*.

Kind regards,  
Julie



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**From:** Wolz, Marian  
**Sent:** Tuesday, February 20, 2024 1:46 PM  
**To:** Ramirez-Richer, Emma; Lazorchak, Jane; Moore, Julie  
**Cc:** Coster, Billy  
**Subject:** RE: S.259 and the Resilience Implementation Strategy

Yes works for me! Let me know Emma if you need me to move things around so we can find 30 mins to touch base beforehand.

Marian Wolz (she/her)  
Resilience & Adaptation  
Coordinator  
(802) 636-7667 |  
[marian.wolz@vermont.gov](mailto:marian.wolz@vermont.gov)

---

**From:** Ramirez-Richer, Emma <Emma.Ramirez-Richer@vermont.gov>  
**Sent:** Tuesday, February 20, 2024 1:19 PM  
**To:** Lazorchak, Jane <Jane.Lazorchak@vermont.gov>; Moore, Julie <Julie.Moore@vermont.gov>; Wolz, Marian <Marian.Wolz@vermont.gov>  
**Cc:** Coster, Billy <Billy.Coster@vermont.gov>  
**Subject:** Re: S.259 and the Resilience Implementation Strategy

Hi Marian,

9am can be made to work for Julie, does it work for you too?

Thanks!  
Emma

**Emma Ramirez-Richer** | Executive Assistant (she/her)

[Vermont Agency of Natural Resources](#) Secretary's Office

1 National Life Drive, Davis 2, Montpelier, VT 05620

802-828-0316 (o) | 802-261-5920 (c) | [emma.ramirez-richter@vermont.gov](mailto:emma.ramirez-richter@vermont.gov)

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**From:** Lazorchak, Jane <[Jane.Lazorchak@vermont.gov](mailto:Jane.Lazorchak@vermont.gov)>  
**Sent:** Tuesday, February 20, 2024 1:14 PM  
**To:** Moore, Julie <[Julie.Moore@vermont.gov](mailto:Julie.Moore@vermont.gov)>; Wolz, Marian <[Marian.Wolz@vermont.gov](mailto:Marian.Wolz@vermont.gov)>; Ramirez-Richer, Emma <[Emma.Ramirez-Richer@vermont.gov](mailto:Emma.Ramirez-Richer@vermont.gov)>  
**Cc:** Coster, Billy <[Billy.Coster@vermont.gov](mailto:Billy.Coster@vermont.gov)>  
**Subject:** RE: S.259 and the Resilience Implementation Strategy

Sounds great. Glad Marian will join you!

---

**From:** Moore, Julie <[Julie.Moore@vermont.gov](mailto:Julie.Moore@vermont.gov)>  
**Sent:** Tuesday, February 20, 2024 12:34 PM



**To:** Wolz, Marian <[Marian.Wolz@vermont.gov](mailto:Marian.Wolz@vermont.gov)>; Ramirez-Richer, Emma <[Emma.Ramirez-Richer@vermont.gov](mailto:Emma.Ramirez-Richer@vermont.gov)>  
**Cc:** Lazorchak, Jane <[Jane.Lazorchak@vermont.gov](mailto:Jane.Lazorchak@vermont.gov)>; Coster, Billy <[Billy.Coster@vermont.gov](mailto:Billy.Coster@vermont.gov)>  
**Subject:** FW: S.259 and the Resilience Implementation Strategy

Hi Marian.

I am hoping that you can join me for this testimony in Senate Judiciary on the Resilience Implementation Strategy next week. Also hoping Emma can find us 30m between now and then to talk about how we might approach this; would be great, Jane, if you are available for the pre-meet but I don't feel like you need to attend the testimony.

Thanks!  
Julie



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**To:** Moore, Julie <[Julie.Moore@vermont.gov](mailto:Julie.Moore@vermont.gov)>; Richard Sears <[rsears@leg.state.vt.us](mailto:rsears@leg.state.vt.us)>  
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Thanks Again,

Stay Healthy  
Dick

Dick Sears  
State Senator Bennington District  
Chair Senate Judiciary Committee  
Member Senate Appropriations Committee  
343 Matteson Rd  
North Bennington, VT 05257  
[rsears@leg.state.vt.us](mailto:rsears@leg.state.vt.us)

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**From:** Gendron, Maggie  
**Sent:** Tuesday, February 20, 2024 1:48 PM  
**To:** Moore, Julie  
**Subject:** ANR H.687 testimony to date  
**Attachments:** H.687 initial testimony\_Coster\_2.1.24.pdf; H.687 initial testimony\_Coster\_1.30.24.pdf

Billy testimony for 1.30 and 2.1 attached. maggie

**Maggie Gendron** | Deputy Secretary (she/her)  
Vermont Agency of Natural Resources  
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- ANR participated in NRB study, stakeholders worked constructively and in good faith to develop a consensus recommendation.
- We support the recommendations of the report.
- Today we will speak to proposed jurisdictional Tiers 2 and 3.
- H.687 incorporates many concepts recommended in the NRB Study for these Tiers, but deviates in some important ways and that is what we will cover today, specifically:
  - o Tier 2 Lot number trigger.
  - o The Road Rule.
  - o Forest Block and Connecting Habitat criteria and mitigation.
  - o Tier 3 Critical Resources Areas
- Before diving into the details, it's important to highlight that much of the expanded regulatory oversight contemplated in the NRB study and in H.687 will fall to the professional staff at ANR, especially within our Department of Fish and Wildlife.
- In recent years the legislature has called on ANR to carry forward a number of new initiatives in including work on climate, environmental justice, administration of significant ARAP funded programs focused on safe accessible water and waste systems, development of an inventory and conservation plan as required in Act 59, last year's 30x30 bill, and much more.
- We as an Agency are at capacity and cannot do more unless resources come with it.
- As is reflected in the NRB report, ANR's work supporting Act 250 operates at a roughly \$500,000 deficit annually, and staff are being stretched thin to participate in Act 250 review while doing other important mission critical work.
- If any piece of legislation expands Act 250's environmental criteria or jurisdiction over critical resources areas, additional resources for the Agency must be included in the bill.
- I'll now turn to the specifics of H.687, covering:
  - o Tier 2 Lot number trigger.
  - o The Road Rule.
  - o Forest Block and Connecting Habitat criteria and mitigation.
  - o Tier 3 Critical Resources Areas
- Tier 2 Lot number trigger.
  - o Sec. 23 of H.687 changes the Act 250 jurisdictional trigger for subdivisions from 10 to four lots.
  - o This is not consistent with the NRB study which maintained existing subdivision triggers, and recommends adding a Road Rule to Tier 2.
- Road Rule
  - o The Agency has long supported targeted increases in Act 250 jurisdiction focused on development that is especially fragmenting or that encroached deep into undeveloped forested areas.
  - o Long roads and driveways into forests often enable that type of fragmenting development, so jurisdiction tied to road length has long been seen as an effective strategy to address this need.
  - o Both the NRB study and H.687 include a version of a road rule.
  - o H.687 triggers Act 250 oversight of any improvement more than 500' from a town highway, and the NRB study focuses more on the combined length of roads and driveways associated with the development.

- They both have their pros and cons. The Agency supports the consensus recommendation in the NRB report, but if those stakeholders are open exploring refinements to that proposal we would participate.
  - I am concerned that the 500' threshold in H.687 could limit some infill development that while far off a road, does not constitute a new encroachment in forest.
  - There is strong consensus support for the version of the Road Rule included in the NRB study. If the committee would like to take a different approach, I recommend, as I did yesterday, that stakeholders are provided time to engage, consider data, and bring a recommendation back in the future.
- Forest Block and Connecting Habitat criteria and mitigation.
- The Agency has long supported a new Act 250 criteria to address impacts to forest blocks and connecting habitat.
  - Both the NRB study and H.687 include this element.
  - Much work has been done to develop these criteria, but H.687 makes some important changes to what had previously been contemplated that may make the criteria difficult to administer.
  - Specifically H.687 removes the 'no under adverse standard' that had previously been including in proposed forest frag criteria.
  - Instead of meeting that 'no under adverse standard', the bill requires applicants to avoid or minimize fragmentation.
  - Fragmentation is defined in the bill to effectively mean any subdivision or development of a forested parcel, however minor, so avoidance of fragmentation on a forested parcel is not possible. Pushing applicants to minimize impacts.
  - Since there is no standard to hold minimization efforts to, an applicant could fairly argue that by cutting down one less tree than they had planned demonstrates minimization and satisfies the criteria.
  - When there is an 'no undue adverse standard' the minimization needs to reduce impacts below a certain qualitative threshold, not simply a quantitative measure.
  - This change also deviates from the regulatory 'no undue adverse standard' in Section 248 the Agency has successfully used to address forest fragmentation in energy and telecom cases for over a decade.
  - We recommend any forest fragmentation criteria include a qualitative standard for review.
- 
- Turning to the concept of mitigation, H.687 does not allow mitigation for impacts to connecting habitat and it focuses entirely on off-site mitigation, which is often not effective related to forest blocks and connecting habitat.
  - The main purpose of mitigation is to off-set the impacts of development in order to maintain the functions and values of the impacts resource.
  - When considering impacts to forest blocks and connecting habitat, effective mitigation often requires the protection of immediately adjacent areas to maintain the function of the block. Those decisions need to be made during the regulatory review process and not deferred to some future investment by VHCB as set forth in H.687.
  - There may be instances where off-site mitigation is appropriate, but in my experience generally mitigation for these resources is best achieved at or near the area of impact.

- We recommend you restore the option to mitigation for impacts to connecting habitat – if that mitigation meets the ‘no undue adverse impact standard’ – and strike any direction regarding off-site mitigation through VHCB, and rather allow the rule making process to determine the best mechanism.
  - If you do maintain the off-site framework, funding for ANR staff from the mitigation fund should be included in the bill, consistent with how prime ag soil mitigation funds at VHCB are statutorily directed to support AAFM staff that work on Act 250 projects.
  - (10 V.S.A. § 6093)b
- Tier 3 Critical Resources Areas
- Finally, we’ll speak to critical resource areas.
  - Both the NRB study and H.687 contemplate expanded areas of automatic Act 250 jurisdiction intended to better regulate impacts to especially sensitive or value-rich areas of the state.
  - The NRB study establishes a Tier 3 of Act 250 jurisdiction to accomplish this goal and recommends a process whereby Regional Planning Commissions work, with support of ANR and other state agencies, to recommend Tier 3 areas in their regions for review and approval by a professional NRB.
  - H.687 takes a more prescriptive approach and defines ‘Critical Resources Areas’ in statute.
  - The Tier 3 concept enjoyed consensus support in the NRB process in part because there was an appreciation that identification of those areas must include community input and be developed with good planning processes and principles through the RPS, and that these areas should be targeted, strategic and limited in size.
  - H.687 predetermines what areas would see automatic Act 250 jurisdiction, does not allow for community input.
  - The resource categories currently include in the bill are also challenging in that some areas already regulated by other state permits, others may be hard to implement as a jurisdiction trigger, and taken in total includes 1/3<sup>rd</sup> to half the land area of the state.
  - H.687 critical resources areas include:
    - River Corridors
    - Significant wetlands
    - Land above 2000’
    - Lands characterized by steep slopes and shallow depth to bedrock.
    - An area with any amount of prime ag soil, and
    - A parcel containing all or part of a connecting habitat.
  - Significant wetlands are already regulated by DEC, so it’s unclear why they would be an appropriate trigger for Act 250 review.
    - Prime Ag soils involve roughly 276,000 acres,
    - River Corridors involve roughly 209,000 acres, 12,000 building, 5600 miles.
    - Vermont Conservation Design identifies 2.8 million acres as highest priority connecting habitat, and the H.687 definition of connecting habitat may be even broader than what is included in VCD.
    - That’s over 3 million acres of land, without even including land above 2000’ and areas of steep slope and shallow soils.
  - By comparison, all of the existing state designated centers involve about 22,000 acres of land.



- So H.687 proposes over 100x more land subject to new, automatic Act 250 than would be exempted from Act 250 through the Tier 1 growth tier.
- Expanding Act 250 in this way will put a tremendous burden on the regulatory system and is not necessarily targeted in areas where regulatory oversight is most needed.
- The Agency supports the Tier 3 concept of increased jurisdiction over high value or very sensitive resources and support a process to work with RPC's and stakeholders, using data and community engagement, to identify these areas and bring that recommendation back to the legislature.

- Before diving into my substantive testimony, it may be helpful to provide some context for its recommendations.
- Vermont is experiencing the impacts of climate change – drought, flooding and warmer winters – all of which put pressure on our natural systems and built environment.
- Many parts of the state are facing significant challenges related to a lack of housing, housing affordability, substance use disorder, and dated public infrastructure in need of investment, and other social and economic challenges stressing our social safety net.
- The COVID pandemic – with its sudden influx of residents to Vermont – also provided a glimpse of what we may expect in the future, when climate change prompts the migration of millions of Americans away from coastal and arid parts of the country to more resilience places like Vermont.
- These are significant challenges that are intertwined, will not be solved overnight, so we need to be thoughtful, comprehensive and take the time we need to involve Vermonters in crafting durable solutions.
  
- Not to dwell on the negative, in many regards Vermont is also in a much better place than we were when Act 250 was first enacted.
- At that time there was unchecked residential growth in many parts of the state, and there was almost no environmental regulation or planning happening at the federal, state or municipal level.
- In 1970, Act 250, with 32 criteria and sub-criteria, filled a critical void and addressed a broad set of land use issues.
- 50 years later we have comprehensive environmental regulation at the state and federal level, sophisticated land use planning in every region of the state, and municipal land use bylaws in most of our communities.
- And instead of the housing explosion of the late 60's and early 70's, many of our communities are eager to increase housing stock.
- And as we just saw from the US Forest Service presentation, while we're slightly off our 1997 peak forest cover, we still have substantially more forest than we did for the bulk of the 20<sup>th</sup> century, and close to where we were 40 years ago in 1984.
  
- And in just the last 4 years Vermont has taken massive new steps in environmental policy.
- In 2020 the Global Warming Solutions Act became law.
- In 2021 the state adopted our initial Climate Action Plan.
- We are currently developing a Municipal Vulnerability Index and Toolkit to help communities identify, plan for and respond to climate risk.
- The Governor and Treasurer recently launched a Climate Resilience Implementation Strategy.
- And on top of all this work, last session the General Assembly adopted Act 59 which directs the state to permanently conserve 30% of Vermont's land area by 2030 and establish durable conservation protection over at least 50% of the state by 2050.

- I share this to remind us all that Act 250 is no longer the sole tool in our quiver to address the environmental and land use challenges facing Vermont. Other programs and processes exist now that didn't in 1970, and several new, incredibly consequential laws have just come online.
- This context is important when we look at the role of Act 250 in the future and highlights the interconnected nature and complexity of Act 250 modernization.

Support NRB study, believe it should be implemented as the consensus package it is. I was ANR's representative on the Study Steering Committee and can attest to the quality of the process and strength of the consensus.

The NRB Study addresses most all the elements of H.687 – governance, jurisdiction, criteria, role of Capability and Development plan, Future Land Use maps and so on.

It creates a framework for Act 250 modernization that can be implemented in legislation this year and contemplates a implementation period where details of the framework can be developed and refined by stakeholders and Vermonters, and brought back as recommendations to the Legislature in the next biennium.

Given sweeping impact these fundamental Act 250 changes will have on Vermonters, the complexity of the issues, and the state's goals around equity and community engagement, setting the framework in law now – committing the state to a professional board and tiers system of jurisdiction - and providing time for additional stakeholder work and engagement to develop the details of how those pieces come to be.

With that context, I could touch on some sections of the bill where ANR has the most involvement, and where we see where additional stakeholder process is necessary and appropriate, or save those details for another time.

NRB study recommended that the jurisdiction tiers needs more work before they can be finalized, and did not reach a conclusion on the role of the professional board, so those are the primary areas.

If committee feels and urgency to act this year, strongly recommend they establish the NRB study framework in law, committing the state to a 3 tiered system of jurisdiction and a professional board, but provide time for a data-informed stakeholder process to flesh out the tiers, and to seek input from on now best to move the framework forward.

---

Notes on Sec. 2 – 18 – Professional Board and Appeals (p. 2 – 35)

- NRB study consensus support for a professional board
- Universal agreement that improved oversight and governance of Act 250 and policy direction is need.
- Lots of discussion and agreement that the capacity of the new board alone will approve the process, as will increased rule making and other proactive actions the board can take to guide the work of Commissions and coordinators.
- Significant Agreement of some roles and responsibilities such as approving the designations that offer regulatory benefits, but no agreement about whether the Board should hear appeals or alternatively participate in major case review.
- H.687 professionalizes the board and has it hear appeals of Act 250 district commission decisions.
- If the goal is for the board to use a range of tools to manage and direct the work of Act 250, having them hear appeals right away will set them up for failure.
- will undermine the goal of increased management, necessitate firewalls when we need collaboration, etc.
- 
- To hear appeals there will need to be a fire wall between the NRB and commissions and coordinators working on Major applications. There needs to be more communication and coordination on those projects, not less than there is today.
- The appellant structure will immediately create contentious dynamic between the NRB, commissions and coordinators.
- There is already tension between the NRB, and some Commissions and coordinators when the NRB represents Act 250 in appeals to the eCourt. In my view those divisions are likely to widen if the NRB becomes the appellant body.
- I appreciate others see this issue very differently and I could certainly be wrong.
- Therefore, I recommend the legislature establish a professional board now, provide them clear rulemaking authority, and give the new board time to be seated and manage the enterprise.
- I recommend the legislature also request the new board to report back after a period of time on what they've done to improve governance, how it's working and recommend what role the Board should take in the future in either hearing appeals or participating in major cases.

**From:** Gendron, Maggie  
**Sent:** Tuesday, February 20, 2024 1:54 PM  
**To:** Raimundi, Karla  
**Subject:** FW: ANR H.687 testimony to date  
**Attachments:** H.687 initial testimony\_Coster\_2.1.24.pdf; H.687 initial testimony\_Coster\_1.30.24.pdf

FYSA. Maggie

- ANR participated in NRB study, stakeholders worked constructively and in good faith to develop a consensus recommendation.
- We support the recommendations of the report.
- Today we will speak to proposed jurisdictional Tiers 2 and 3.
- H.687 incorporates many concepts recommended in the NRB Study for these Tiers, but deviates in some important ways and that is what we will cover today, specifically:
  - o Tier 2 Lot number trigger.
  - o The Road Rule.
  - o Forest Block and Connecting Habitat criteria and mitigation.
  - o Tier 3 Critical Resources Areas
- Before diving into the details, it's important to highlight that much of the expanded regulatory oversight contemplated in the NRB study and in H.687 will fall to the professional staff at ANR, especially within our Department of Fish and Wildlife.
- In recent years the legislature has called on ANR to carry forward a number of new initiatives in including work on climate, environmental justice, administration of significant ARAP funded programs focused on safe accessible water and waste systems, development of an inventory and conservation plan as required in Act 59, last year's 30x30 bill, and much more.
- We as an Agency are at capacity and cannot do more unless resources come with it.
- As is reflected in the NRB report, ANR's work supporting Act 250 operates at a roughly \$500,000 deficit annually, and staff are being stretched thin to participate in Act 250 review while doing other important mission critical work.
- If any piece of legislation expands Act 250's environmental criteria or jurisdiction over critical resources areas, additional resources for the Agency must be included in the bill.
- I'll now turn to the specifics of H.687, covering:
  - o Tier 2 Lot number trigger.
  - o The Road Rule.
  - o Forest Block and Connecting Habitat criteria and mitigation.
  - o Tier 3 Critical Resources Areas
- Tier 2 Lot number trigger.
  - o Sec. 23 of H.687 changes the Act 250 jurisdictional trigger for subdivisions from 10 to four lots.
  - o This is not consistent with the NRB study which maintained existing subdivision triggers, and recommends adding a Road Rule to Tier 2.
- Road Rule
  - o The Agency has long supported targeted increases in Act 250 jurisdiction focused on development that is especially fragmenting or that encroached deep into undeveloped forested areas.
  - o Long roads and driveways into forests often enable that type of fragmenting development, so jurisdiction tied to road length has long been seen as an effective strategy to address this need.
  - o Both the NRB study and H.687 include a version of a road rule.
  - o H.687 triggers Act 250 oversight of any improvement more than 500' from a town highway, and the NRB study focuses more on the combined length of roads and driveways associated with the development.

- They both have their pros and cons. The Agency supports the consensus recommendation in the NRB report, but if those stakeholders are open exploring refinements to that proposal we would participate.
  - I am concerned that the 500' threshold in H.687 could limit some infill development that while far off a road, does not constitute a new encroachment in forest.
  - There is strong consensus support for the version of the Road Rule included in the NRB study. If the committee would like to take a different approach, I recommend, as I did yesterday, that stakeholders are provided time to engage, consider data, and bring a recommendation back in the future.
- Forest Block and Connecting Habitat criteria and mitigation.
- The Agency has long supported a new Act 250 criteria to address impacts to forest blocks and connecting habitat.
  - Both the NRB study and H.687 include this element.
  - Much work has been done to develop these criteria, but H.687 makes some important changes to what had previously been contemplated that may make the criteria difficult to administer.
  - Specifically H.687 removes the 'no under adverse standard' that had previously been including in proposed forest frag criteria.
  - Instead of meeting that 'no under adverse standard', the bill requires applicants to avoid or minimize fragmentation.
  - Fragmentation is defined in the bill to effectively mean any subdivision or development of a forested parcel, however minor, so avoidance of fragmentation on a forested parcel is not possible. Pushing applicants to minimize impacts.
  - Since there is no standard to hold minimization efforts to, an applicant could fairly argue that by cutting down one less tree than they had planned demonstrates minimization and satisfies the criteria.
  - When there is an 'no undue adverse standard' the minimization needs to reduce impacts below a certain qualitative threshold, not simply a quantitative measure.
  - This change also deviates from the regulatory 'no undue adverse standard' in Section 248 the Agency has successfully used to address forest fragmentation in energy and telecom cases for over a decade.
  - We recommend any forest fragmentation criteria include a qualitative standard for review.
- 
- Turning to the concept of mitigation, H.687 does not allow mitigation for impacts to connecting habitat and it focuses entirely on off-site mitigation, which is often not effective related to forest blocks and connecting habitat.
  - The main purpose of mitigation is to off-set the impacts of development in order to maintain the functions and values of the impacts resource.
  - When considering impacts to forest blocks and connecting habitat, effective mitigation often requires the protection of immediately adjacent areas to maintain the function of the block. Those decisions need to be made during the regulatory review process and not deferred to some future investment by VHCB as set forth in H.687.
  - There may be instances where off-site mitigation is appropriate, but in my experience generally mitigation for these resources is best achieved at or near the area of impact.

- We recommend you restore the option to mitigation for impacts to connecting habitat – if that mitigation meets the ‘no undue adverse impact standard’ – and strike any direction regarding off-site mitigation through VHCB, and rather allow the rule making process to determine the best mechanism.
  - If you do maintain the off-site framework, funding for ANR staff from the mitigation fund should be included in the bill, consistent with how prime ag soil mitigation funds at VHCB are statutorily directed to support AAFM staff that work on Act 250 projects.
  - (10 V.S.A. § 6093)b
- Tier 3 Critical Resources Areas
- Finally, we’ll speak to critical resource areas.
  - Both the NRB study and H.687 contemplate expanded areas of automatic Act 250 jurisdiction intended to better regulate impacts to especially sensitive or value-rich areas of the state.
  - The NRB study establishes a Tier 3 of Act 250 jurisdiction to accomplish this goal and recommends a process whereby Regional Planning Commissions work, with support of ANR and other state agencies, to recommend Tier 3 areas in their regions for review and approval by a professional NRB.
  - H.687 takes a more prescriptive approach and defines ‘Critical Resources Areas’ in statute.
  - The Tier 3 concept enjoyed consensus support in the NRB process in part because there was an appreciation that identification of those areas must include community input and be developed with good planning processes and principles through the RPS, and that these areas should be targeted, strategic and limited in size.
  - H.687 predetermines what areas would see automatic Act 250 jurisdiction, does not allow for community input.
  - The resource categories currently include in the bill are also challenging in that some areas already regulated by other state permits, others may be hard to implement as a jurisdiction trigger, and taken in total includes 1/3<sup>rd</sup> to half the land area of the state.
  - H.687 critical resources areas include:
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- I recommend the legislature also request the new board to report back after a period of time on what they've done to improve governance, how it's working and recommend what role the Board should take in the future in either hearing appeals or participating in major cases.

**From:** Ramirez-Richer, Emma  
**Sent:** Tuesday, February 20, 2024 1:58 PM  
**To:** Ben Donsbach  
**Cc:** Moore, Julie; Richard Sears; Michael O'Grady; Doyon, Ashlynn; Pieciak, Mike  
**Subject:** Re: S.259 and the Resilience Implementation Strategy

Hi Ben,

Secretary Moore and Marian Wolz can also make 9am on Wednesday work! They would be joining in person. If they have any additional materials for their testimony I will definitely let you know.

Thank you for scheduling, and please let me know if you have any questions.

Thanks,  
Emma

**Emma Ramirez-Richer** | Executive Assistant (she/her)  
[Vermont Agency of Natural Resources](#) Secretary's Office  
1 National Life Drive, Davis 2, Montpelier, VT 05620  
802-828-0316 (o) | 802-261-5920 (c) | [emma.ramirez-richter@vermont.gov](mailto:emma.ramirez-richter@vermont.gov)

Help raise money for Vermonters impacted by flood damage and show your Vermont pride with *Vermont Strong* and *Tough Too* license plates and socks. [Click here to purchase your Vermont Strong gear](#) or visit [DMV.Vermont.gov/VermontStrong23](https://DMV.Vermont.gov/VermontStrong23). Impacted Vermonters can find resources and referrals by visiting [Vermont.Gov/Flood](#).

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**From:** Ben Donsbach <[BDonsbach@leg.state.vt.us](mailto:BDonsbach@leg.state.vt.us)>  
**Sent:** Tuesday, February 20, 2024 12:35 PM  
**To:** Doyon, Ashlynn <[Ashlynn.Doyon@vermont.gov](mailto:Ashlynn.Doyon@vermont.gov)>; Pieciak, Mike <[Mike.Pieciak@vermont.gov](mailto:Mike.Pieciak@vermont.gov)>  
**Cc:** Moore, Julie <[Julie.Moore@vermont.gov](mailto:Julie.Moore@vermont.gov)>; Richard Sears <[rsears@leg.state.vt.us](mailto:rsears@leg.state.vt.us)>; Michael O'Grady <[mograde@leg.state.vt.us](mailto:mograde@leg.state.vt.us)>; Ramirez-Richer, Emma <[Emma.Ramirez-Richer@vermont.gov](mailto:Emma.Ramirez-Richer@vermont.gov)>  
**Subject:** RE: S.259 and the Resilience Implementation Strategy

**EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.**

Sounds great! I will keep Treasurer Pieciak as a place holder for now and will update if notified.

Ben

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**From:** Doyon, Ashlynn <[Ashlynn.Doyon@vermont.gov](mailto:Ashlynn.Doyon@vermont.gov)>  
**Sent:** Tuesday, February 20, 2024 12:15 PM  
**To:** [mike.pieciak@vermont.gov](mailto:mike.pieciak@vermont.gov); Ben Donsbach <[BDonsbach@leg.state.vt.us](mailto:BDonsbach@leg.state.vt.us)>  
**Cc:** Moore, Julie <[Julie.Moore@vermont.gov](mailto:Julie.Moore@vermont.gov)>; Richard Sears <[RSEARS@leg.state.vt.us](mailto:RSEARS@leg.state.vt.us)>; Michael O'Grady <[MOGrady@leg.state.vt.us](mailto:MOGrady@leg.state.vt.us)>; Ramirez-Richer, Emma <[Emma.Ramirez-Richer@vermont.gov](mailto:Emma.Ramirez-Richer@vermont.gov)>  
**Subject:** Re: S.259 and the Resilience Implementation Strategy

Good Morning,

2/28 at 9:00 a.m. works for the Treasurer's Office. I am not sure yet whether Treasurer Pieciak or myself will testify, but this time will work for someone to represent.

Thank you!

Ashlynn Doyon

Director of Policy  
Office of the Vermont State Treasurer

Email: [ashlynn.doyon@vermont.gov](mailto:ashlynn.doyon@vermont.gov)

Phone: (802) 595-3197 (*cell phone/working remotely*)

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**From:** Pieciak, Mike <[Mike.Pieciak@vermont.gov](mailto:Mike.Pieciak@vermont.gov)>

**Sent:** Tuesday, February 20, 2024 12:05 PM

**To:** Ben Donsbach <[BDonsbach@leg.state.vt.us](mailto:BDonsbach@leg.state.vt.us)>

**Cc:** Moore, Julie <[Julie.Moore@vermont.gov](mailto:Julie.Moore@vermont.gov)>; Richard Sears <[rsears@leg.state.vt.us](mailto:rsears@leg.state.vt.us)>; Michael O'Grady <[mograde@leg.state.vt.us](mailto:mograde@leg.state.vt.us)>; Ramirez-Richer, Emma <[Emma.Ramirez-Richer@vermont.gov](mailto:Emma.Ramirez-Richer@vermont.gov)>; Doyon, Ashlynn <[Ashlynn.Doyon@vermont.gov](mailto:Ashlynn.Doyon@vermont.gov)>

**Subject:** Re: S.259 and the Resilience Implementation Strategy

Hi Everyone - I'm looping in Ashlynn from our office. Many thanks.

All the best,  
Mike

On Feb 20, 2024, at 11:57 AM, Ben Donsbach <[BDonsbach@leg.state.vt.us](mailto:BDonsbach@leg.state.vt.us)> wrote:

**EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.**

Good morning,

I have Wednesday (2/28) blocked off for S. 259. Would this work for your testimony? If so, I will schedule you for 45 minutes at 9:00am.

Thank you,  
Ben

**Ben Donsbach**

Committee Assistant for Senate Judiciary  
Vermont General Assembly  
Office of Legislative Operations

---

**From:** Moore, Julie <[Julie.Moore@vermont.gov](mailto:Julie.Moore@vermont.gov)>

**Sent:** Monday, February 19, 2024 12:21 PM

**To:** Richard Sears <[RSEARS@leg.state.vt.us](mailto:RSEARS@leg.state.vt.us)>

**Cc:** [mike.pieciak@vermont.gov](mailto:mike.pieciak@vermont.gov); Ben Donsbach <[BDonsbach@leg.state.vt.us](mailto:BDonsbach@leg.state.vt.us)>; Michael O'Grady <[MOGrady@leg.state.vt.us](mailto:MOGrady@leg.state.vt.us)>; Ramirez-Richer, Emma <[Emma.Ramirez-Richer@vermont.gov](mailto:Emma.Ramirez-Richer@vermont.gov)>

**Subject:** RE: S.259 and the Resilience Implementation Strategy

Good afternoon!

I would suggest that my colleague, Marian Wolz, who serves as the Resilience & Adaptation Coordinator in ANR's Climate Action Office and is providing lead support for the development of the Resilience Implementation Strategy, and join me in providing a briefing for your committee. I defer to Treasurer Pieciak on who from his team might participate as well.

From a scan of the committee agenda, it looks like you are planning to work on the bill Thursday; if you were to have 45 minutes available that day – I believe we could provide a solid briefing.

I have copied my assistant, Emma Ramirez-Richer, on this reply so that she can work with Ben to find a time –

Thursday or on a different day.

Kind regards,  
Julie



**Julia S. Moore, P.E.** | Secretary (she/her)  
Vermont Agency of Natural Resources  
1 National Life Dr, Davis 2 | Montpelier, VT 05620-3901  
802-828-1294 office  
[julie.moore@vermont.gov](mailto:julie.moore@vermont.gov)  
[anr.vermont.gov](http://anr.vermont.gov)

*The Agency of Natural Resources supports telework and there are times when I may be working from another location. I am generally available to connect by phone and email during business hours. I am also available to meet in-person upon request.*

Help raise money for Vermonters impacted by flood damage and show your Vermont pride with *Vermont Strong* and *Tough Too* license plates and socks. [Click here to purchase your Vermont Strong gear](https://DMV.Vermont.gov/VermontStrong23) or visit [DMV.Vermont.gov/VermontStrong23](https://DMV.Vermont.gov/VermontStrong23).

Impacted Vermonters can find resources and referrals by visiting [Vermont.Gov/Flood](https://Vermont.Gov/Flood).

---

**From:** Richard Sears <[RSEARS@leg.state.vt.us](mailto:RSEARS@leg.state.vt.us)>  
**Sent:** Thursday, February 15, 2024 11:09 AM  
**To:** Moore, Julie <[Julie.Moore@vermont.gov](mailto:Julie.Moore@vermont.gov)>  
**Cc:** Pieciak, Mike <[Mike.Pieciak@vermont.gov](mailto:Mike.Pieciak@vermont.gov)>; Ben Donsbach <[BDonsbach@leg.state.vt.us](mailto:BDonsbach@leg.state.vt.us)>; Michael O'Grady <[mogrady@leg.state.vt.us](mailto:mogrady@leg.state.vt.us)>  
**Subject:** Re: S.259 and the Resilience Implementation Strategy

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Dear Secretary Moore,

Thank you so much for your suggestion to brief Senate Judiciary on the Resilience Implementation Strategy, I'm excited by the possibility of combining our efforts. I've copied our Committee Assistant to set up a time for a briefing, please let him know how much time you will need.

Thanks Again,

Stay Healthy  
Dick

Dick Sears  
State Senator Bennington District  
Chair Senate Judiciary Committee  
Member Senate Appropriations Committee  
343 Matteson Rd  
North Bennington, VT 05257  
[rsears@leg.state.vt.us](mailto:rsears@leg.state.vt.us)

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**From:** Moore, Julie <[Julie.Moore@vermont.gov](mailto:Julie.Moore@vermont.gov)>  
**Sent:** Tuesday, February 13, 2024 6:32 PM

**To:** Richard Sears <[RSEARS@leg.state.vt.us](mailto:RSEARS@leg.state.vt.us)>  
**Cc:** [mike.pieciak@vermont.gov](mailto:mike.pieciak@vermont.gov) <[mike.pieciak@vermont.gov](mailto:mike.pieciak@vermont.gov)>  
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[julie.moore@vermont.gov](mailto:julie.moore@vermont.gov)  
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**Sent:** Tuesday, February 20, 2024 2:00 PM  
**To:** Wolz, Marian; Lazorchak, Jane; Moore, Julie  
**Cc:** Coster, Billy  
**Subject:** Re: S.259 and the Resilience Implementation Strategy

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**Emma Ramirez-Richer** | Executive Assistant (she/her)  
[Vermont Agency of Natural Resources](#) Secretary's Office  
1 National Life Drive, Davis 2, Montpelier, VT 05620  
802-828-0316 (o) | 802-261-5920 (c) | [emma.ramirez-richter@vermont.gov](mailto:emma.ramirez-richter@vermont.gov)

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**To:** Ramirez-Richer, Emma <Emma.Ramirez-Richer@vermont.gov>; Lazorchak, Jane <Jane.Lazorchak@vermont.gov>; Moore, Julie <Julie.Moore@vermont.gov>  
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Marian Wolz (she/her)  
Resilience & Adaptation  
Coordinator  
(802) 636-7667 |  
[marian.wolz@vermont.gov](mailto:marian.wolz@vermont.gov)

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Thanks!

Julie



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Good morning,

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Thank you,

Ben

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Committee Assistant for Senate Judiciary

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**Subject:** RE: S.259 and the Resilience Implementation Strategy

Good afternoon!

I would suggest that my colleague, Marian Wolz, who serves as the Resilience & Adaptation Coordinator in ANR's Climate Action Office and is providing lead support for the development of the Resilience Implementation Strategy, and join me in providing a briefing for your committee. I defer to Treasurer Pieciak on who from his team might participate as well.

From a scan of the committee agenda, it looks like you are planning to work on the bill Thursday; if you were to have 45 minutes available that day – I believe we could provide a solid briefing.

I have copied my assistant, Emma Ramirez-Richer, on this reply so that she can work with Ben to find a time – Thursday or on a different day.

Kind regards,

Julie



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**Sent:** Tuesday, February 20, 2024 2:07 PM  
**To:** Ramirez-Richer, Emma; Wolz, Marian; Moore, Julie  
**Cc:** Coster, Billy  
**Subject:** RE: S.259 and the Resilience Implementation Strategy

Thanks. Can I join for the pre-meeting please?

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**From:** Ramirez-Richer, Emma <Emma.Ramirez-Richer@vermont.gov>  
**Sent:** Tuesday, February 20, 2024 2:00 PM  
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I would suggest that my colleague, Marian Wolz, who serves as the Resilience & Adaptation Coordinator in ANR's Climate Action Office and is providing lead support for the development of the Resilience Implementation Strategy, and join me in providing a briefing for your committee. I defer to Treasurer Pieciak on who from his team might participate as well.

From a scan of the committee agenda, it looks like you are planning to work on the bill Thursday; if you were to have 45 minutes available that day – I believe we could provide a solid briefing.

I have copied my assistant, Emma Ramirez-Richer, on this reply so that she can work with Ben to find a time – Thursday or on a different day.

Kind regards,

Julie



**Julia S. Moore, P.E.** | Secretary (she/her)  
Vermont Agency of Natural Resources  
1 National Life Dr, Davis 2 | Montpelier, VT 05620-3901  
802-828-1294 office  
[julie.moore@vermont.gov](mailto:julie.moore@vermont.gov)  
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---

**From:** Richard Sears <[RSEARS@leg.state.vt.us](mailto:RSEARS@leg.state.vt.us)>  
**Sent:** Thursday, February 15, 2024 11:09 AM  
**To:** Moore, Julie <[Julie.Moore@vermont.gov](mailto:Julie.Moore@vermont.gov)>  
**Cc:** Pieciak, Mike <[Mike.Pieciak@vermont.gov](mailto:Mike.Pieciak@vermont.gov)>; Ben Donsbach <[BDonsbach@leg.state.vt.us](mailto:BDonsbach@leg.state.vt.us)>; Michael O'Grady <[mogrady@leg.state.vt.us](mailto:mogrady@leg.state.vt.us)>  
**Subject:** Re: S.259 and the Resilience Implementation Strategy

**EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.**

Dear Secretary Moore,  
Thank you so much for your suggestion to brief Senate Judiciary on the Resilience Implementation Strategy, I'm excited by the possibility of combining our efforts. I've copied our Committee Assistant to set up a time for a briefing, please let him know how much time you will need.  
Thanks Again,

Stay Healthy  
Dick

Dick Sears  
State Senator Bennington District  
Chair Senate Judiciary Committee  
Member Senate Appropriations Committee  
343 Matteson Rd  
North Bennington, VT 05257  
[rsears@leg.state.vt.us](mailto:rsears@leg.state.vt.us)

---

**From:** Moore, Julie <[Julie.Moore@vermont.gov](mailto:Julie.Moore@vermont.gov)>  
**Sent:** Tuesday, February 13, 2024 6:32 PM  
**To:** Richard Sears <[RSEARS@leg.state.vt.us](mailto:RSEARS@leg.state.vt.us)>  
**Cc:** [mike.pieciak@vermont.gov](mailto:mike.pieciak@vermont.gov) <[mike.pieciak@vermont.gov](mailto:mike.pieciak@vermont.gov)>  
**Subject:** S.259 and the Resilience Implementation Strategy

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I am following up on my testimony from last week regarding S.259 (Climate Superfund Cost Recovery Program), and specifically

the importance I see in coordinating the effort with the development of the [Resilience Implementation Strategy](#) that was announced by the Governor and Treasurer Picciak (copied on this reply) last month.

Specifically, S.259 creates a liability of responsible parties for “...the costs of climate change adaptive infrastructure projects...”, directs the Treasurer to estimate the cost to Vermont of greenhouse gas emissions that occurred between January 2000 and December 2019, and requires the Agency to develop a “...statewide Climate Change Adaptation Master Plan for the purpose of guiding the dispersal of funds under this chapter in a timely, efficient, and equitable manner to all regions of the State.”

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This effort to identify and prioritize resilience projects would provide the basis for quantifying the cost to Vermont of covered greenhouse gas emissions and could, in turn, be built upon to guide the dispersal of funds – consistent with the vision laid out in S.259. That said, the *Resilience Implementation Strategy* is planned to be completed by July 1, 2025 – to coincide with an update to Vermont’s Climate Action Plan.

Staff in the Climate Action Office have a draft work plan for developing the *Resilience Implementation Strategy* which they would be happy to brief your committee on; I believe this could elucidate how we might align efforts, if you are willing to consider a timeline for S.259 that would allow it to benefit from the *Resilience Implementation Strategy*.

Kind regards,  
Julie



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**From:** Ramirez-Richer, Emma  
**Sent:** Tuesday, February 20, 2024 2:09 PM  
**To:** Lazorchak, Jane; Wolz, Marian; Moore, Julie  
**Cc:** Coster, Billy  
**Subject:** Re: S.259 and the Resilience Implementation Strategy

Added you Jane!

**Emma Ramirez-Richer** | Executive Assistant (she/her)  
[Vermont Agency of Natural Resources](#) Secretary's Office  
1 National Life Drive, Davis 2, Montpelier, VT 05620  
802-828-0316 (o) | 802-261-5920 (c) | [emma.ramirez-richter@vermont.gov](mailto:emma.ramirez-richter@vermont.gov)

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---

**From:** Lazorchak, Jane <[Jane.Lazorchak@vermont.gov](mailto:Jane.Lazorchak@vermont.gov)>  
**Sent:** Tuesday, February 20, 2024 2:07 PM  
**To:** Ramirez-Richer, Emma <[Emma.Ramirez-Richer@vermont.gov](mailto:Emma.Ramirez-Richer@vermont.gov)>; Wolz, Marian <[Marian.Wolz@vermont.gov](mailto:Marian.Wolz@vermont.gov)>; Moore, Julie <[Julie.Moore@vermont.gov](mailto:Julie.Moore@vermont.gov)>  
**Cc:** Coster, Billy <[Billy.Coster@vermont.gov](mailto:Billy.Coster@vermont.gov)>  
**Subject:** RE: S.259 and the Resilience Implementation Strategy

Thanks. Can I join for the pre-meeting please?

---

**From:** Ramirez-Richer, Emma <[Emma.Ramirez-Richer@vermont.gov](mailto:Emma.Ramirez-Richer@vermont.gov)>  
**Sent:** Tuesday, February 20, 2024 2:00 PM  
**To:** Wolz, Marian <[Marian.Wolz@vermont.gov](mailto:Marian.Wolz@vermont.gov)>; Lazorchak, Jane <[Jane.Lazorchak@vermont.gov](mailto:Jane.Lazorchak@vermont.gov)>; Moore, Julie <[Julie.Moore@vermont.gov](mailto:Julie.Moore@vermont.gov)>  
**Cc:** Coster, Billy <[Billy.Coster@vermont.gov](mailto:Billy.Coster@vermont.gov)>  
**Subject:** Re: S.259 and the Resilience Implementation Strategy

Just sent a premeet invite for Friday at 11!

**Emma Ramirez-Richer** | Executive Assistant (she/her)  
[Vermont Agency of Natural Resources](#) Secretary's Office  
1 National Life Drive, Davis 2, Montpelier, VT 05620  
802-828-0316 (o) | 802-261-5920 (c) | [emma.ramirez-richter@vermont.gov](mailto:emma.ramirez-richter@vermont.gov)

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---

**From:** Wolz, Marian <[Marian.Wolz@vermont.gov](mailto:Marian.Wolz@vermont.gov)>  
**Sent:** Tuesday, February 20, 2024 1:46 PM  
**To:** Ramirez-Richer, Emma <[Emma.Ramirez-Richer@vermont.gov](mailto:Emma.Ramirez-Richer@vermont.gov)>; Lazorchak, Jane <[Jane.Lazorchak@vermont.gov](mailto:Jane.Lazorchak@vermont.gov)>; Moore, Julie <[Julie.Moore@vermont.gov](mailto:Julie.Moore@vermont.gov)>  
**Cc:** Coster, Billy <[Billy.Coster@vermont.gov](mailto:Billy.Coster@vermont.gov)>  
**Subject:** RE: S.259 and the Resilience Implementation Strategy

Yes works for me! Let me know Emma if you need me to move things around so we can find 30 mins to touch base beforehand.

Marian Wolz (she/her)  
Resilience & Adaptation  
Coordinator  
(802) 636-7667 |  
[marian.wolz@vermont.gov](mailto:marian.wolz@vermont.gov)

---

**From:** Ramirez-Richer, Emma <[Emma.Ramirez-Richer@vermont.gov](mailto:Emma.Ramirez-Richer@vermont.gov)>  
**Sent:** Tuesday, February 20, 2024 1:19 PM  
**To:** Lazorchak, Jane <[Jane.Lazorchak@vermont.gov](mailto:Jane.Lazorchak@vermont.gov)>; Moore, Julie <[Julie.Moore@vermont.gov](mailto:Julie.Moore@vermont.gov)>; Wolz, Marian <[Marian.Wolz@vermont.gov](mailto:Marian.Wolz@vermont.gov)>  
**Cc:** Coster, Billy <[Billy.Coster@vermont.gov](mailto:Billy.Coster@vermont.gov)>  
**Subject:** Re: S.259 and the Resilience Implementation Strategy

Hi Marian,

9am can be made to work for Julie, does it work for you too?

Thanks!  
Emma

**Emma Ramirez-Richer** | Executive Assistant (she/her)  
[Vermont Agency of Natural Resources](#) Secretary's Office  
1 National Life Drive, Davis 2, Montpelier, VT 05620  
802-828-0316 (o) | 802-261-5920 (c) | [emma.ramirez-richter@vermont.gov](mailto:emma.ramirez-richter@vermont.gov)

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**From:** Lazorchak, Jane <[Jane.Lazorchak@vermont.gov](mailto:Jane.Lazorchak@vermont.gov)>  
**Sent:** Tuesday, February 20, 2024 1:14 PM  
**To:** Moore, Julie <[Julie.Moore@vermont.gov](mailto:Julie.Moore@vermont.gov)>; Wolz, Marian <[Marian.Wolz@vermont.gov](mailto:Marian.Wolz@vermont.gov)>; Ramirez-Richer, Emma <[Emma.Ramirez-Richer@vermont.gov](mailto:Emma.Ramirez-Richer@vermont.gov)>  
**Cc:** Coster, Billy <[Billy.Coster@vermont.gov](mailto:Billy.Coster@vermont.gov)>  
**Subject:** RE: S.259 and the Resilience Implementation Strategy

Sounds great. Glad Marian will join you!

---

**From:** Moore, Julie <[Julie.Moore@vermont.gov](mailto:Julie.Moore@vermont.gov)>  
**Sent:** Tuesday, February 20, 2024 12:34 PM  
**To:** Wolz, Marian <[Marian.Wolz@vermont.gov](mailto:Marian.Wolz@vermont.gov)>; Ramirez-Richer, Emma <[Emma.Ramirez-Richer@vermont.gov](mailto:Emma.Ramirez-Richer@vermont.gov)>  
**Cc:** Lazorchak, Jane <[Jane.Lazorchak@vermont.gov](mailto:Jane.Lazorchak@vermont.gov)>; Coster, Billy <[Billy.Coster@vermont.gov](mailto:Billy.Coster@vermont.gov)>  
**Subject:** FW: S.259 and the Resilience Implementation Strategy

Hi Marian.

I am hoping that you can join me for this testimony in Senate Judiciary on the Resilience Implementation Strategy next week. Also hoping Emma can find us 30m between now and then to talk about how we might approach this; would be great, Jane, if you are available for the pre-meet but I don't feel like you need to attend the testimony.

Thanks!  
Julie



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**From:** Ben Donsbach <[BDonsbach@leg.state.vt.us](mailto:BDonsbach@leg.state.vt.us)>  
**Sent:** Tuesday, February 20, 2024 11:58 AM  
**To:** Moore, Julie <[Julie.Moore@vermont.gov](mailto:Julie.Moore@vermont.gov)>; Richard Sears <[rsears@leg.state.vt.us](mailto:rsears@leg.state.vt.us)>  
**Cc:** Pieciak, Mike <[Mike.Pieciak@vermont.gov](mailto:Mike.Pieciak@vermont.gov)>; Michael O'Grady <[mogrady@leg.state.vt.us](mailto:mogrady@leg.state.vt.us)>; Ramirez-Richer, Emma <[Emma.Ramirez-Richer@vermont.gov](mailto:Emma.Ramirez-Richer@vermont.gov)>  
**Subject:** RE: S.259 and the Resilience Implementation Strategy

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Good morning,

I have Wednesday (2/28) blocked off for S. 259. Would this work for your testimony? If so, I will schedule you for 45 minutes at 9:00am.

Thank you,  
Ben

**Ben Donsbach**  
Committee Assistant for Senate Judiciary  
Vermont General Assembly  
Office of Legislative Operations

---

**From:** Moore, Julie <[Julie.Moore@vermont.gov](mailto:Julie.Moore@vermont.gov)>  
**Sent:** Monday, February 19, 2024 12:21 PM  
**To:** Richard Sears <[RSEARS@leg.state.vt.us](mailto:RSEARS@leg.state.vt.us)>  
**Cc:** [mike.pieciak@vermont.gov](mailto:mike.pieciak@vermont.gov); Ben Donsbach <[BDonsbach@leg.state.vt.us](mailto:BDonsbach@leg.state.vt.us)>; Michael O'Grady <[MOGrady@leg.state.vt.us](mailto:MOGrady@leg.state.vt.us)>; Ramirez-Richer, Emma <[Emma.Ramirez-Richer@vermont.gov](mailto:Emma.Ramirez-Richer@vermont.gov)>  
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**Sent:** Thursday, February 15, 2024 11:09 AM  
**To:** Moore, Julie <[Julie.Moore@vermont.gov](mailto:Julie.Moore@vermont.gov)>  
**Cc:** Pieciak, Mike <[Mike.Pieciak@vermont.gov](mailto:Mike.Pieciak@vermont.gov)>; Ben Donsbach <[BDonsbach@leg.state.vt.us](mailto:BDonsbach@leg.state.vt.us)>; Michael O'Grady <[mogrady@leg.state.vt.us](mailto:mogrady@leg.state.vt.us)>  
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Thanks Again,

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Dick

Dick Sears  
State Senator Bennington District  
Chair Senate Judiciary Committee  
Member Senate Appropriations Committee  
343 Matteson Rd  
North Bennington, VT 05257  
[rsears@leg.state.vt.us](mailto:rsears@leg.state.vt.us)

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**From:** Moore, Julie <[Julie.Moore@vermont.gov](mailto:Julie.Moore@vermont.gov)>

**Sent:** Tuesday, February 13, 2024 6:32 PM

**To:** Richard Sears <[RSEARS@leg.state.vt.us](mailto:RSEARS@leg.state.vt.us)>

**Cc:** [mike.pieciak@vermont.gov](mailto:mike.pieciak@vermont.gov) <[mike.pieciak@vermont.gov](mailto:mike.pieciak@vermont.gov)>

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Vermont Agency of Natural Resources

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**From:** Barney, Cole  
**Sent:** Friday, February 23, 2024 9:51 AM  
**To:** EXE; EXE - Cabinet  
**Cc:** EXE - Interns  
**Subject:** News Clips 02.23.24  
**Attachments:** News Clips 02.23.24.docx

### Today's Articles

- Gov. Scott signs law aimed at easing soaring property taxes – WCAX – Calvin Cutler
  - Gov. Phil Scott signs bill enabling schools to postpone budget votes – Vermont Public – Lola Duffort
  - Thorny Questions Emerge About the Future of Education in Vermont – Seven Days – Alison Novak
  - Stowe parents, kids protest school funding ‘fix’ – Stowe Reporter – Tommy Gardner
  - Vermont governor signs school funding bill but says it won't solve property tax problem – Bennington Banner – Lisa Rathke (AP)
  - State eyes South Burlington for new youth treatment site – the Other Paper – Corey McDonald
  - Test scores analysis: Vermont Comprehensive Exam – WCAX – Melissa Cooney
  - Gov. Phil Scott signs into law potential short term property tax increase fix – WPTZ – Stephen Biddix
  - H.850 signed in attempt to avoid steep property tax increase – My Champlain Valley – Aidan Scanlon
  - Telemedicine could become more accessible in Vermont, thanks to legislation approved by House – Vermont Public – Bob Kinzel
  - House representatives hearing expert testimony on bill banning pesticides – WPTZ – Amanda Martin-Ryan
  - Hundreds of Vt. property owners failing to comply with 2015 water quality law – WCAX – Calvin Cutler
  - Bill proposing changes to hunting and trapping rules spurs passionate testimony – Vermont Public – Abagael Giles
  - Vt. Fish & Wildlife proposes moose hunt to reduce winter ticks – WCAX
  - House proposal would ban pet store dog and cat sales – the Other Paper – Holly Sullivan
  - Bill would create superfund for natural disaster recovery – News & Citizen – Norah White
  - Vt. bill would strip power from Fish and Wildlife Board – WCAX
  - Gov. Phil Scott signs law aimed at driving down education spending – VT Digger – Ethan Weinstein
  - How Vermont’s education funding landscape has changed – VT Digger – Erin Petenko
  - Facing an estimated \$9M budget gap, Burlington voters to weigh in on tax increase – VT Digger – Patrick Crowley
  - St. Albans City voters to decide on \$11.4 million bond for new housing project and other downtown improvements – VT Digger – Habib Sabet
  - Final Reading: Two Vermont eye-care professions are at odds – VT Digger
-

Cole Barney, MPA  
*Constituent Services Manager*  
*Office of Governor Phil Scott*



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[Cole.Barney@vermont.gov](mailto:Cole.Barney@vermont.gov) | [governor.vermont.gov](http://governor.vermont.gov)

&nbsp;

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## Governor's Daily News Clips

**Friday, February 23, 2024**

### Gov. Scott signs law aimed at easing soaring property taxes – WCAX – Calvin Cutler

Governor Phil Scott Thursday signed a bill that lawmakers fast-tracked this week to try to address expected soaring property tax bills.

Lawmakers made adjustments that eliminated a cap on tax increases in [Act 127](#) two years ago which partially led to bloated school budgets. It also lets districts push back school budget votes.

The governor said [H.850](#) does not solve the problem and that even if every school board makes budget adjustments, Vermonters are unlikely to avoid significant property tax increases.

### Gov. Phil Scott signs bill enabling schools to postpone budget votes – Vermont Public – Lola Duffort

Gov. Phil Scott has signed a bill that enables school districts to postpone their budget votes past Town Meeting Day and repeals a tax break officials believe is partly to blame for an unprecedented rise in education spending.

Since the outset of the legislative session, one topic has dominated the rest: [a predicted 20% rise in property taxes](#). And while schools face a series of acute inflationary pressures, Democratic lawmakers and the Republican governor alike believe that a temporary tax cap included in [a recent retooling of Vermont's education finance formula](#) unintentionally created the incentive for districts to spend even more this year.

To mitigate the problem, lawmakers have fast-tracked [H.850](#), which repeals that tax break and gives school districts extra time to revise their spending plans for the upcoming year.

Legislators worked at remarkable speed to enact the legislation, which was [introduced](#) and passed out of both chambers in just two weeks. Instead of taking the customary five days, Scott, too, worked quickly, signing the bill the day after it was sent to him by lawmakers.

#### **H.850's impact**

The bill, signed by Scott on Thursday, amends a law passed in 2022 called [Act 127](#), which sought to encourage poorer, more rural, and more diverse districts to spend more on higher-need students. To advance that goal, lawmakers revised the state's education funding formula, allowing those districts to spend more without seeing a commensurate spike in local tax rates.

The cost of that, however, would be that more affluent districts would experience the opposite effect — seeing tax hikes even if their spending remained the same. To ease those districts that would be disadvantaged by Act 127 into this new framework, the law included a provision that

year-over-year homestead property tax rates were capped in the first five years of the law's implementation.

Officials now believe that the tax cap has fundamentally divorced local education spending from local homestead tax rates, and encouraged all districts to increase their spending. So they've repealed it and replaced it with a far more targeted — and less generous — transition mechanism.

And while the impact of the tax cap's repeal will have disparate impacts on different communities — some will see their tax rates automatically increase, others will decrease — the bill is intended to restore a cause-and-effect relationship between a district's per-pupil spending and its tax rate. With the cap in place, districts found themselves in a situation where they might add — or subtract — millions from their budgets without seeing any shift in their tax rate.

It's unknown at this point what kind of impact H.850 will have on the average property tax bill. [Legislative fiscal analysts](#) have said that, at this point, there are too many unknowns — chief among them: how many districts will actually decide to amend their budgets downwards in response.

H.850 gives districts until April 15 to reschedule a new vote, and it also sets \$500,000 aside to reimburse them for associated costs. The bill also requires town clerks to mail a new ballot to anyone that's already requested an absentee ballot, although that falls short of what Scott wanted — a mail-in ballot sent to all registered voters.

### **A 'necessary step'**

In a letter sent to lawmakers alongside his signature on H.850, Scott on Thursday called the bill a “necessary step,” but warned that it would likely only have a marginal impact. And he scolded lawmakers for repeatedly rejecting the ideas he'd proposed in prior years to reduce education spending.

“Our work in this area has just begun, which is exactly the same thing I said when I signed [S.287 of 2022](#) — the bill that enacted the 5% cap H.850 repeals,” the governor wrote. “... I called on the Legislature to address the cost pressures this bill added — and avoid adding more costs — ‘before this new formula takes effect.’”

“Had the Legislature worked with me to do so, we would all be in a better place today,” he added.

But lawmakers also emphasized that they do not believe their work is done. H.850 itself states that it is only an “initial step” in “transforming the educational system to ensure a high-quality education for all Vermont students, sustainable use of public resources, and appropriate support and expertise from the Agency of Education.”

And indeed, multiple committees have already begun taking [wide-ranging testimony](#) about the cost drivers in Vermont's pre-K-12 system. On the Senate floor on Wednesday, moments before lawmakers voted to send H.850 off to the governor's desk, Senate leader Phil Baruth, a

Democrat/Progressive from Chittenden-Central, called for a “groundbreaking” reform. The bill his colleagues were poised to approve, he said, was only a “first step.”

“The second step is to think about cost containment,” Baruth said. “And I think that is something we have to approach in a much different way than we have since I’ve been here.”

### Thorny Questions Emerge About the Future of Education in Vermont – Seven Days – Alison Novak

As the legislature races to figure out how to reduce education spending and bring down homestead property taxes, lawmakers and school leaders have started contemplating complex, emotionally charged questions about the future of education in Vermont.

In the House Education Committee on Thursday, representatives from the [Vermont School Boards Association](#) and [Vermont Superintendents Association](#) gave frank testimony about education spending and longer-term strategies that could address major cost drivers.

Some of the discussion focused on more dry and technical solutions — such as restructuring the statewide negotiation process for school employees’ health insurance or creating an oversight board to monitor the state’s roughly \$2 billion Education Fund.

But at the heart of the hearing was the weighty realization that the state is at a critical crossroads, and bold action will be necessary to create a more sustainable and affordable education system.

The discussion veered into thorny territory, from grappling with the acute, growing mental health needs of students to the feasibility of continuing to operate the state’s many small schools.

“Vermont is challenged by the fact that we have a foot in the past and a foot in the future,” said Jeff Francis, executive director of the superintendents’ association. “We’ve really wanted to hang on to small schools as the center of every community and, at the same time, make sure that we have robust opportunity for every child in the state.”

Francis said Vermont’s values of “rural, bucolic and local” are at odds with running an efficient, modern educational system.

Montpelier Roxbury Public School District superintendent Libby Bonesteel provided one example. In her district, Roxbury Village School has 13 full-time staff for just 42 students. From an operational standpoint, it would be easy to close the school and bring those students to Montpelier’s Union Elementary without any additional costs, Bonesteel said. But it’s not a decision school board members can make quickly or unilaterally because of how important the school is to members of the Roxbury community.

School boards “need legislators’ help and support and backing when they come to a community with a decision that might be hard,” Bonesteel said.

Rep. Peter Conlon (D-Cornwall), chair of the House Education Committee, called closing small schools “the issue where the rubber meets the road.”

“It’s incredibly difficult because that is not what the voters want,” he said. “As I used to say when I was head of our school board, we are trying to drag a populace that wants a 19th-century system into the 21st century.”

Student mental health, and how those services are funded, was also front and center. A spike in mental health challenges is one of administrators’ top concerns and has put pressure on school budgets because of the increased services districts must provide, said Sonya Spaulding, a board member in the Barre Unified Union School District.

There are staff shortages at community mental health agencies, and alternative schools have long wait lists. That means schools are trying to meet students' needs in-house, Spaulding said, which requires hiring additional social workers and counselors.

Bonesteel said most districts in the state, including hers, are now offering alternative programs for students whose behavioral and mental health challenges make it impossible for them to be in a traditional classroom. She said her district doubled its spending on social-emotional and mental health services in the past three years, from \$1.5 million to \$3 million. It's yielded positive results, including a reduction in hazing, harassment and bullying investigations, and suspensions. But those results come with a price.

“We need high-quality staff to help these kids with what their needs are,” Bonesteel said.

Chelsea Myers, the associate executive director of the superintendents' association, said her organization had received feedback from more than 30 superintendents through a recent survey. They suggested analyzing how much mental health services are costing the Education Fund; increasing funding to community mental health agencies; and developing regional mental health services for students needing high levels of support.

Also discussed on Thursday: the strain Vermont's universal school meals and PCB testing programs are putting on the ed fund, the possibility of creating statewide class-size requirements, and the lack of leadership from the Agency of Education.

“I think we have to have political will right now for the future of the system,” said Rep. Erin Brady (D-Williston), vice chair of the House Education Committee. “Some of it is decisions we just don’t want to make — and we have to start making them.”

Shortly after the hearing, lawmakers got some good news. Gov. Phil Scott signed [H.850](#), a bill to address the school budgeting fiasco prompted by Act 127. But in a letter announcing that he'd signed the bill, Scott wrote that a reduction in property tax rates will still depend on local school districts making cuts to their budgets.

"It’s also important to note the projected spending increase this year is \$243 million, so even if every single school board makes adjustments to their budget, we’re unlikely to avoid significant

property tax increases," the governor wrote. "And we should not ignore how difficult the choices that some communities will have to make around staffing, program offerings, and services."

### Stowe parents, kids protest school funding 'fix' – Stowe Reporter – Tommy Gardner

Stowe residents are fighting against the clock, against the Legislature, and against the notion that, just because they live in one of the wealthiest towns in the state, they can afford a 27 percent property tax increase associated with a budget that increases school spending by less than 10 percent.

Last Thursday, a small group of Stowe parents, with some of their elementary school kids in tow, stood in front of the Statehouse to protest pending legislation that would replace a 5-percent "transition mechanism" built into the education funding formula law known as Act 127 with a new mechanism that allows school districts to cancel budget votes already scheduled for Town Meeting Day, which is now less than two weeks away, and reschedule them for later. The bill also provides \$500,000 to pay for those unexpected election costs.

Pua Kielland, a mother of two Stowe schoolchildren who said she rents a home in Stowe because trying to buy one with the town's estimated tax rates "would be insanity," said she understands the spirit behind Act 127 — redistribution of the state education funds to students who are more disadvantaged — but blasted what she calls a "broken funding model."

"I am in favor of equity, but not when it comes at the expense of other children and taxpayers who, frankly, can't afford it and are going to be forced out of their homes on the back of these measures," Kielland said. "The problem is we have an overinflated ed budget with out-of-control spending, with no safeguards in place, and no oversight on the most egregious spenders. Right now, it is neither fair nor equitable."

Jennifer Andelin said she worries that, if Stowe's budget fails, the cuts that would be made in a follow-up budget might make the cost benefit analysis for living in Stowe "not worth it for a lot of people who are already scraping by," when the middle and high school campus already needs renovations. She said Act 127 is not a fair law.

"It's discriminatory against our kids," Andelin said. "It's not their fault that we decided to live in a place with higher average incomes, or with less diversity."

### **Fixing and capping**

Act 127, passed in 2022 and implemented this budget season, changed the student weighting system so districts where students cost more to educate — rural or low-income areas or towns and cities with more English language learners — would have artificially inflated enrollment figures, thus receiving more funding from the statewide education fund.

H.850, the proposed Act 127 “fix,” swiftly passed through the House last week and was expected to be voted on by the full Senate this week. It aims to eliminate a property tax cap that originally allowed school districts that were negatively impacted by the new funding formula to cushion their expected property tax increases.

However, rising health care premiums for teachers, escalating construction expenses incurred after decades of deferred maintenance with no state help and general post-pandemic inflation led to significant school spending increases across the state, not just for the relatively small number of school districts negatively affected by reduced funding because of the new weighting formula.

In the span of just four days last week, Stowe went from canceling its Town Meeting Day to re-warning a budget for March 15 that cuts \$1.5 million but mostly maintains its current staffing levels.

The protest by the small group that converged outside the Statehouse was brief and its impact in real time was likely negligible — only the Stowe Reporter was there to take photos and interview some of the protesters.

Inside the Statehouse, however, the small group’s presence was more noticeable. The group gathered before the Senate Committee on Finance, which was hearing testimony on H.850 — and would vote in favor of it the next day.

Stowe School Board chair Tiffany Donza, who brought her elementary school-aged daughter to Montpelier, said education spending “has gone unchecked” since the passage of Act 60 in 1997. She advocated for a cap on education spending, saying that actual spending is more than can be sustained by tax cuts.

“It’ll put a damper on the fire that is raging in this state,” Donza said.

Donza also argued for more taxing categories than just homestead and non-homestead, since the latter one includes businesses, second homes and, increasingly, short-term rentals. She said that’s because voters have become disconnected from their school budgets because there’s so little local control over spending.

“This has only gotten worse and worse as demographics and living situations have changed over time in Vermont,” Donza said. “We have to reconnect the voters with their budgets.”

Superintendent Ryan Heraty, citing state data on actual proposed school district spending, last week assembled a list of school districts and their spending, comparing the spending in the current year with what is proposed for fiscal year 2025.

According to the Heraty’s data, the Stowe and Elmore-Morristown school districts are among the bottom quarter of the 122 Vermont school districts in proposed spending, even with Stowe’s last-minute slashing — Stowe has the 93rd largest increase, at 9.2 percent, and Elmore-Morristown is 98th, at 7.6 percent.



At the top of that list is the Windham school district, which is proposing a 51.3 percent increase in spending. Craftsbury, with a proposed 42.2 percent spending increase is second, jumping from \$3.64 million to \$5.17 million.

Larger school districts, like Windsor Central and Winooski, with 41 percent spending jumps, have each proposed spending roughly \$9 million more next year, according to Heraty's data.

Despite this relative frugality, Heraty said, the three towns in his Lamoille South Supervisory Union are facing double digit tax increases — 11 percent for Morristown, 18 percent for Elmore and 27 percent for Stowe.

Monday, an email blast from a Stowe-based group calling itself Vermonters for Education Funding Reform urged people to email or call their lawmakers to try and slow down what even the group acknowledged was likely to get Senate approval.

"We are placing a tremendous burden on our already overtaxed homesteaders and cannot say with certainty that our budget will pass," the email said. "Like so many towns in Vermont, Stowe is facing an affordability crisis. Longtime residents and countless families with roots in Vermont stretching back generations, find themselves suddenly house-rich but cash poor, and staring down the barrel of skyrocketing property taxes. This may well force out members of our small and tight-knit community."

### **Vermont governor signs school funding bill but says it won't solve property tax problem – Bennington Banner – Lisa Rathke (AP)**

Vermont schools can now postpone their March school budget votes and rewrite their spending plans after Republican Gov. Phil Scott signed a bill into law on Thursday aimed at addressing soaring property tax increases, largely driven by rising education spending.

However, it's not clear how many school districts will take that step less than two weeks before Town Meeting Day voting. Property taxes are projected to rise an average of \$18.5 percent.

The boards of the Taconic and Green and the Mettawee districts have voted not to reopen their school budget proposals and instead present the budgets to voters for action on Town Meeting Day.

"Because our original plans for education spending were reasonable, we will not need to delay the vote on our warned budgets for education spending," Randi Lowe, superintendent of the Bennington-Rutland Supervisory Union said in an op-ed.

The governor warned that the legislation, which also removes a tax cap instituted by legislation passed two years ago aimed at making education more equitable, does not solve the property tax problem.

"These changes will only reduce rates if school boards adjust their budgets accordingly and local voters support those changes," the governor wrote to lawmakers. "It's also important to note the

projected spending increase this year is \$243 million, so even if every single school board makes adjustments to their budget, we're unlikely to avoid significant property tax increases."

When the Senate passed the bill on Wednesday, senators acknowledged that this is just the first step.

"Once we fix this, we still have schools that are spending at an unprecedented rate, increasing spending and it's unsustainable," Sen. Ann Cummings, a Democrat, told Senate colleagues. "If school budgets pass there will be some severe consequences for people who can't afford their taxes."

The law includes a \$500,000 appropriation for towns to use for printing and warning constituents about these looming school budget votes.

"Some schools may move forward and let the voters decide and maybe the vote will be passed or maybe not," said Sen. Jane Kitchel, a Democrat representing Caledonia County. "Some districts have gone back and sort of scrubbed their proposed budget."

Scott, a Republican, wrote in a letter to legislators that when he signed the student weighting formula bill in 2022, he called on the legislature to address the cost pressures it added and avoid adding more before the formula took effect.

"Had the Legislature worked with me to do so, we would all be in a better place today," he wrote.

### State eyes South Burlington for new youth treatment site – the Other Paper – Corey McDonald

South Burlington is on a shortlist of cities and towns being eyed by the state for a new juvenile treatment facility, although the proposed locations of the facility remain under wraps.

Chris Winters, the commissioner of the Department for Children and Families, recently told lawmakers that the state was eying properties in South Burlington and Vergennes to build a new facility. Department employees have had several meetings with South Burlington officials, city manager Jessie Baker said, to discuss their exploration of a site in South Burlington.

The facility would house youths in the state's justice system who have shown destructive behavior or are a risk to themselves or others.

"To date, our conversations have focused on our municipal capacity — primarily public safety and infrastructure capacity — to support among our most vulnerable young neighbors in South Burlington," Baker said. "(Police chief Shawn Burke) and I believe we have this capacity."

The Department for Children and Families' request for proposal for developers of a facility closed on Feb. 9.

Nya Pike, the communications and operations manager with the department, said that the responses to the request for proposal are under consideration, but that the department is “unable to release further information about the sites being considered until one has been selected and we are under contract.”

The state’s previous facility, the Woodside Juvenile Rehabilitation Center in Essex, opened in 1986 and housed children ages 10 to 17 but closed in October 2020 because of a dwindling number of young people receiving services. The facility was also the target of federal lawsuits that alleged staff there used restraints against children being held at a facility and used isolation techniques and excessive force.

The state ended up paying \$4.5 million to settle a lawsuit filed by seven youths who were previously held in the facility. They had claimed that staff there used excessive force, cruel and unusual punishment, and retaliation against those who reported abuse, according to previous reporting.

An earlier lawsuit, filed by Disability Rights Vermont, challenged the use of restraints at the facility. The state, in an April 2020 settlement, agreed to make changes in the treatment of youth in custody.

Following the facility’s closure, the state has struggled to find beds for children in the system. The state had plans to open a juvenile boys detention center in Newbury, but that project faltered after the town’s development review board said the town didn’t have the resources — such as such as police, fire and ambulance response — to meet the facility’s needs.

The Vermont Agency of Human Services, which oversees the Department for Children and Families, appealed that decision to Superior Court and, later, to the state’s Supreme Court, which in December gave the project the green light.

The Supreme Court ruling allows the state to build a facility there, but, according to earlier reporting, officials with the department have said they are continuing to explore other options and are aiming to move away from a central facility to having multiple options.

Four potential sites would provide 27 beds under a state plan. The facilities would be run by private contractors.

### **Test scores analysis: Vermont Comprehensive Exam – WCAX – Melissa Cooney**

This was the first year the Vermont Comprehensive Exam was administered with a new vendor, and the test looked different for students.

Vermont’s Comprehensive Exam is a standardized test taken every year to assess achievement levels in math, reading and science. This year’s scores show that many Vermont students still aren’t reaching high proficiency rates after taking the exam last spring.

The state says there was a slight 10% increase in proficiency rates across the board with the new exam. However, there are gaps in subjects and the profile of the student taking the exam, with all three subjects only having 50% proficiency or lower.

Proficiency rates for math grades 3-9 averaged at roughly 35%, whereas reading was around 50%.

For science tested in grades 5, 8 and 11, the average proficiency levels were at a rate of around 45%.

There's also a 30% gap in proficiency rates among students who come from historically marginalized communities, which is something the Agency of Education says highlights work to be done. They say the slight increase in proficiency wasn't necessarily a universal trend among every student.

The state plan for education says the long-term goal is to have 100% of schools showing an average score at the mid-point of the proficiency range by 2025.

"Each school sets its own goals. And so it's a little bit different, difficult to speak for all of them, but generally speaking, what we encourage them to do with these results is look at them and see where they have strengths and weaknesses. And use those strengths and weaknesses to guide their planning decisions. So about maybe targeting certain populations or adopting certain instructional interventions that may be focused on math, for example," said Danielle Dupuis of the Vermont Agency of Education.

She says overall, this year's numbers are similar to those in 2019, pre-COVID.

The Agency of Education says the rollout had its ups and downs, but they'll be fine-tuning the program to improve the tests in the years to come.

"We know that schools felt some of that challenge. We also know some schools, though, had challenges under the previous assessment and reported that last year was their best testing here in a long time. So I think it was next," Dupuis said. "We've done quite a bit of analysis behind the scenes over the summer and fall to ensure that nothing about last year's administration had an effect on the results and we feel very confident that's the case."

This is the completion of the first year of the Vermont Comprehensive Assessment Exam. Previously, the SBAC was the exam of choice. This new exam will be administered for at least the next four years, and the next round of tests is in March.

### **Gov. Phil Scott signs into law potential short term property tax increase fix – WPTZ – Stephen Biddix**

On Thursday Gov. Phil Scott signed into law [H.850](#) which eliminates the 5% cap created by Act 127 and allows school districts to delay their budget votes.

Scott said in a statement, "To be clear, this bill does not solve our property tax problem. These changes will only reduce rates if school boards adjust their budgets accordingly and local voters support those changes," he said.

His signature was expected, but not as many districts as it may have seemed are delaying votes, especially in Chittenden County Municipalities are concerned over what voter turnout would look like if the date gets pushed back.

The Lamoille South Supervisory Union is seeing some of the biggest hikes. The Union says Stowe School district is projected at 27%, Elmore at 18%, and Morrisville at 11%. This led Stowe to delay their school budget vote to March 15.

"I think the challenge is right now even though some districts are making reductions there are a lot of districts not making reductions, so the way for that to equalize itself is going through the budget process and seeing if budgets get approved," said Ryan Heraty, the superintendent of Lamoille South Supervisory Union.

Back to Chittenden Co., many are pushing through and not delaying their budgets for fear of lower voter turnout.

Colchester School District told residents earlier in the month to expect a 15.5% property tax increase for education. This means a property valued at \$500,000 will see a roughly \$1200 yearly increase.

They told NBC5 Thursday that the number could slightly change as they adjust to the new legislation, but do not expect to delay their budget from the town meeting.

The Champlain Valley School District following suit and choosing to not delay their budget which means a 19-26% tax increase for residents as they dial in final numbers.

In South Burlington, the school board voted to go through with their budget and not delay Wednesday night. If approved at the town meeting with no changes residents will see a minimum 18% increase.

Winooski School District was supposed to be a beneficiary of Act 127 but has also felt the unintended consequences.

"The more districts spend, the more the yield goes down because we're basically going for the same pot of money for the same amount of money," said Wilmer Chavarria, the superintendent.

"Our taxpayers were actually going to find gigantic increases in tax bills without really that much spending, and then people were going to wonder what's going on so we were continually having to adapt," he said.

Many other school districts are still figuring out their plans and the legislature will need to work on a longer-term solution but right now what that could look like remains to be seen.

### **H.850 signed in attempt to avoid steep property tax increase – My Champlain Valley – Aidan Scanlon**

Governor Phil Scott signed [H.850](#) into law on Thursday, a bill that repeals parts of Act 127, and allows school districts to postpone Town Meeting Day school budget votes as they rework their proposals.

The bill gives school districts an opportunity to reduce an estimated 20% increase in property taxes in some districts. In a letter to the legislators, Scott wrote, "But to be clear, this bill does not solve our property tax problem. These changes will only reduce rates if school boards adjust their budgets accordingly and local voters support those changes. It's also important to note the projected spending increase this year is \$243 million, so even if every single school board makes adjustments to their budget, we're unlikely to avoid significant property tax increases."

Scott went on to point out how many districts have difficult choices ahead of them when it comes to staffing, program funding, and services. Act 127 was designed to increase funding to school districts that need it and have higher per-student costs, and put a 5% cap on property tax increases, but rising costs and inflations made many districts exceed that cap.

H.850 repeals the 5% cap and instead uses a tax discount system for impacted districts, that will be phased out over the next five years by gradually reducing the discount. With these new rules in place and Town Meeting Day less than two weeks away, school districts are now allowed to rework their budgets and reschedule a community vote to approve them. The bill also includes \$500,000 from the general fund to help pay for any new elections that will be held for school budgets.

### **Telemedicine could become more accessible in Vermont, thanks to legislation approved by House – Vermont Public – Bob Kinzel**

The Vermont House on Thursday gave its strong approval to legislation intended to make telemedicine more accessible.

The use of [telemedicine skyrocketed in Vermont at the onset of the COVID pandemic](#) and remains popular.

Under this bill, health insurance plans must reimburse [in-person, video and audio-only health care services](#) at the same rate.

Rep. Melanie Carpenter, a Democrat from Hyde Park, told her colleagues that telemedicine has become a key part of the state's health care system.

"They're important because they can increase access to health care for patients and provide more tools in the tool box for providers," Carpenter said. "This is especially important for patients who live in rural areas and for older Vermonters who may find travel more difficult."

Carpenter says telemedicine has also expanded access to mental health services in many parts of Vermont.

### House representatives hearing expert testimony on bill banning pesticides – WPTZ – Amanda Martin-Ryan

Thursday at the Vermont Statehouse, the Committee on Agriculture, Food, and Resiliency heard testimonies from experts on whether or not there should be a pesticide ban.

It has been a weeks-long discussion in the committee, but concerns over pesticides and their impacts have been circulating for years.

Longtime Burlington beekeeper Bill Mares called bees and other pollinators critical to the ecosystem, so he hopes the state of Vermont will place new limits on neonicotinoids – a kind of insecticide often put on farmers' seeds to protect plants from bugs.

"The health of all pollinators bespeaks the health of the entire population," Mares said.

He said those substances can have unintended consequences, like making it harder for honeybees to fight off parasites.

"Neonics add to the weakening of the bees, so they become even more susceptible to the mites," Mares said.

On Thursday, the committee heard testimonies from a pesticide expert along with the Commissioner of the Department of Environmental Conservation.

Both acknowledged the concerns of neonics, with pesticide expert Nat Shambaugh, elaborating on why they contaminate more than just flowers and pollinators.

"These compounds are very water soluble, they're persistent, they get into our water because only a few percent of the neonic get into the ground, surface water, and contaminates our environment," the committee said.

The concern for the DEC commissioner is that his agency will be tasked with enforcing the ban, despite already being short-staffed.

"The jurisdictional position that the bill has us in is a challenging one. If we were able to affect that, we would simply remove ourselves from the exemption portion and any type of enforcement within this bill and have that placed within ag," Commissioner Jason Batchelder said.

Mares said he and fellow beekeepers will continue advocating for the passage of the bill while members of the committee continue receiving testimony.

"I would say that we're hoping that this bill will help restore a safer balance between agricultural practices and the larger environment," Mares said.

### Hundreds of Vt. property owners failing to comply with 2015 water quality law – WCAX – Calvin Cutler

Hundreds of Vermont property owners have failed to meet a deadline aimed at keeping polluted stormwater runoff out of the state's rivers and lakes. While farms are a big source of phosphorous in Lake Champlain, runoff from impervious surfaces like rooftops and parking lots are also big contributors. A 2015 law was aimed at addressing those non-point sources, but compliance so far has been spotty.

Thousands of families gather each August for a summertime tradition in New Haven. Addison County Fair & Field Days is a summer showcase for livestock, art, cars, music, food, and more.

"It's like a five-day wedding with 30,000 people," said Megan Sutton, one of the event's board members. "Activities and things that people can participate in that you can't find anywhere else."

But they have a growing problem. Under a 2015 law, properties with over three acres of impervious surface have to update their stormwater systems to prevent pollution from running into rivers and streams, and ultimately causing the kind of algae blooms that have plagued Lake Champlain.

The 70-acre fairground has 16 acres of impervious surface including roofs, walkways, and the demolition derby area. And they'll need to install a new catch basin to capture and treat stormwater.

"We're a nonprofit that may or may not meet our budget from what comes through the gate every year and we are being asked to invest up to half a million dollars for this system," Sutton said.

Other organizations like the Champlain Valley Expo in Essex Junction and the Vermont State Fair in Rutland are in the same boat. Roughly 700 land parcels around Vermont are required to get new stormwater permits under the 2015 law and roughly half missed an initial application deadline last summer. The state knows that many are struggling with the cost but adds repairing damaged waterways is more expensive.

"The cost on the other end is if we don't continue to work to turn a corner, it will only be more costly down the road," said Kevin Burke with the Vermont Department of Environmental Conservation. He says the state has \$36 million to help with permitting and engineering. "When we see the bugs come back. And when they come back, the fish come back, it's all very important."

The fairgrounds say they want to comply with the law but argue they need an exemption from the regulations



“The whole goal is to have people comply but doesn’t shut them down,” said Sen. Chris Bray, D-Addison County. He says the state needs to work on ways to help fund projects and adds that the stormwater regulations will pay off in the long run. “You can put serious money in year after year and you don’t see instant results because nature is a complicated system. But you can nudge it and start reducing damage.”

Officials stress that improving water quality through nonpoint sources like impervious surfaces is just one piece of the puzzle to cleaning up waterways.

### **Bill proposing changes to hunting and trapping rules spurs passionate testimony – Vermont Public – Abagael Giles**

Lawmakers in Montpelier are once again considering big changes to the state’s hunting and trapping regulations.

Proposed legislation on the table this session has many hunters and trappers in the state very concerned — though groups that advocate for animal rights say the changes are necessary.

Lawmakers in the Senate Natural Resources and Energy Committee have introduced a bill that would strip the state Fish and Wildlife Board’s authority to write hunting and trapping regulations. That body is mostly made up of people who hunt, fish or trap.

Instead, under the bill, the Department of Fish and Wildlife would write new regulations moving forward.

Additionally, [S. 258](#) proposes banning hunting coyotes with dogs in Vermont and proposes a ban on baiting coyotes. Additionally, it would require foothold or body-gripping traps for fur bearing wildlife be set more than 50 feet back from any trail, class 4 road or other public area, including when the trap is set in water or on or under ice.

The move comes after lawmakers on the committee that oversees rulemaking — the Legislative Committee on Administrative Rules or LCAR — [told the Secretary of State this winter](#) that new regulations the Fish and Wildlife Board adopted in 2023 for trapping and hunting coyotes with hounds do not do what they called for in law.

Generally, the Legislature sets the guiding direction for a change in regulation by passing a law, and state agencies draft the change, which comes back to lawmakers for review.

And while agencies, or in the case of fish and wildlife regulations, the Fish and Wildlife Board, are not required to change the regulations if LCAR objects to them, the ruling can be a mark against the rules if they are challenged in court.

And the new regulations on hunting and trapping already have been.

In early January, a coalition of four wildlife advocacy groups in the state — Protect Our Wildlife, Animal Wellness Action, Center for a Humane Economy and Vermont Wildlife Coalition — [filed](#)

[a lawsuit](#) in Washington County Civil Court, alleging the new regulations don't do what lawmakers called for in statute.

Democratic lawmakers in the Senate Natural Resources Committee have said publicly they agree — though the Department of Fish and Wildlife stands by the board's regulations and does not support the changes proposed in the bill.

Fish and Wildlife Commissioner Christopher Herrick told the committee Wednesday his department has issued 36 permits so far for hunting coyotes with hounds in the first-ever permitted season on hunting coyotes in the state. The season ends in March.

"I recommend to you that we just implemented this — let's see if it works the way you desired when you passed the bill," Herrick said. "We haven't even given it an opportunity to work."

He said the Fish and Wildlife Board has been effective, and that the existing system has served Vermont well. He urged lawmakers not to tear it down because they disagree with parts of a rule, a dispute he points out is being hashed out right now in state courts.

"If the board had proposed rules which addressed the law, we wouldn't be here today," said Sen. Mark MacDonald, a Democrat from Orange County. "We're here today because the laws that were passed were not implemented ... the system has failed as currently structured."

### **Who gets to decide?**

For several years, wildlife advocacy groups have told lawmakers that they feel the Fish and Wildlife Board does not listen to their concerns about animal welfare in designing regulations for hunting, trapping and fishing.

Advocacy groups in the state have called for legislation to specifically require that people who don't hunt, fish or trap have representation on the Fish and Wildlife Board — and this bill would do that.

Bob Galvin with Animal Wellness Action accused members of the Fish and Wildlife Board of calling wildlife advocates "bunny huggers" at a board meeting during the last year.

"I support hunters, trappers and anglers being on the board and having a seat at the table," said Galvin. "And I want to see other folks like non-consumptive birdwatchers, hikers, scientists and other Vermonters who have spent considerable time in the field studying and understanding wildlife to also be involved in the conversation."

"Non-consumptive" is a phrase hunters and trappers told lawmakers they take deep offense to, saying the language is "othering." And they point out that some of the groups advocating for S.258 [have called publicly](#) for a ban on trapping in the state.

Commissioner Herrick, with Vermont Fish and Wildlife, disputed the notion that organizations like the Vermont Wildlife Coalition haven't had a voice. He said animal welfare groups were invited to participate in the working group that recommended the regulations the Fish and

Wildlife Board approved — though groups including Protect Our Wildlife have been critical of that process.

“We’re not always going to agree, but I think it’s a mischaracterization to say that the department and the [Fish and Wildlife] Board do not hear from the public,” Herrick said. “The public is well represented. There’s a public comment period.”

Right now, the 14-person board is appointed by the governor, with members confirmed by the Senate.

The new bill proposes the board be appointed by the Legislature and by the Commissioner of Fish and Wildlife, and it requires that the board include people who don’t hunt, trap or fish.

As proposed, the board would give feedback to the department about all rules and regulations, rather than just those pertaining to hunting, fishing and trapping as it does now — which the department could choose to incorporate or to ignore. Vermont Department of Fish and Wildlife says this change will overly complicate the way they manage wildlife.

And while animal welfare groups in the state say scientists at the department should make decisions about hunting, trapping and fishing, others say the current system puts hunters, trappers and anglers at the table in a way that generates effective regulations.

Chris Bradley, president of the Vermont Federation of Sportsmen’s Clubs says there is no justifiable reason for what he says is a “radical” change to how hunting, trapping and fishing are regulated in the state.

“Currently, the governor appoints these individuals based on their reputation, knowledge and experience of Vermont’s outdoors,” he said. “And yes, these historically have been ‘consumptive’ users. Under S.258, that board will be replaced by a politically driven board.”

Bradley did acknowledge gubernatorial appointees are also political — but he and others said they were more comfortable with the existing process.

### **Heated testimony**

Lawmakers are taking testimony all week, and on Tuesday heard passionate appeals from both hunters and trappers and organizations that oppose trapping and hunting coyotes with hounds in the state.

Brenna Galdenzi with Protect Our Wildlife said her group strongly supports the bill, and called hunting coyotes with dogs “a public safety concern.”

“This isn’t the Vermont, again, for better or worse, of the 1950s,” Galdenzi said. “Vermont is more populated, with more people recreating on public lands ... there’s going to be continued conflicts with the public.”

She said this bill will make decisions about managing Vermont’s animal species more scientific and more inclusive.

Sarah Gorsline with Project Coyote, which advocates for an end to Vermont's open season on coyotes, said her group fully supports a ban on hunting coyotes with hounds. She said remaining apex predators are critical in the Northeast, where wolves and mountain lions have largely been extirpated.

"When personal traditions affect the larger community and public safety, then I would ask, how are those traditions going to adapt to new understandings provided by science, to living together with other community members in Vermont?" Gorsline asked lawmakers.

Mike Covey, a lobbyist for the Vermont Traditions Coalition who said he hunts coyotes with hounds and traps, said his group strongly opposes the bill. He said dog owners should be responsible for keeping their pets out of traps — and that Vermont should consider enforcing leash laws more strictly.

"Hunters, anglers and trappers are all wildlife advocates," he said. "We've spent the better part of the century caring for, caretaking, stewarding and funding the sound management of wildlife throughout the country. And to suddenly be targeted as disposable in so many ways, that's very off putting."

Covey said anglers, trappers and hunters don't feel heard and that there's growing distrust in how regulations are written in the state, and trappers and hound hunters feel these changes whittle away at their ability to practice traditions that have been passed down in their families for generations.

Former state Sen. John Rogers of West Glover said Tuesday he vehemently opposes the bill, and that as a farmer who has lost livestock to coyotes, he supports the ability to hunt coyotes all year.

Rogers said he believes changing the makeup of the Fish and Wildlife Board would make it easier for people who oppose trapping to eliminate it — and he said most hunters and trappers don't have the time to spend advocating for their traditions before lawmakers. He said he's seen animal rights activists have referred to hunters as "knuckle-draggers" on social media.

"These people do not have the time to spend in the Statehouse lobbying for their rights. They do not have the money to hire expensive lawyers," he said.

The advocacy organizations that testified Tuesday in support of the bill pointed out that they also have hunters in their membership and say they support the right to hunt in Vermont.

### **Amendment Wednesday**

In an amendment Wednesday, lawmakers updated the language in the bill to eliminate the terms "non-consumptive and consumptive users."

And they said they plan to look closely at whether any proposed changes to how regulations about Fish and Wildlife are written might disproportionately impact people from a particular socioeconomic background.

Testimony continues through the week, and lawmakers are scheduled to hear from a range of people Thursday, including those who hunt coyote with hounds and those who oppose it, as well as others concerned with the governance changes the bill proposes.

A list of testimony can be found [here](#), and those who wish to testify can reach out to the committee directly.

Sen. Becca White, a Democrat from Windsor County who sponsored S. 258, called early in the week for respectful discourse about the issue, saying members of the committee have in the past received threats when debate over climate and environmental policy gets heated.

“One of the problems I’m already sensing with this legislation is that this is a very broad conversation about the identity of Vermont,” White said.

### **Vt. Fish & Wildlife proposes moose hunt to reduce winter ticks – WCAX**

The Vermont Fish & Wildlife Department is recommending that 180 moose hunting permits be issued for the Northeastern corner of the state. No permits are recommended anywhere else in Vermont.

They say the goal of the moose harvest is to improve moose health in that chunk of the state by reducing the population and therefore reducing the abundance of winter ticks.

The impact of the ticks means low birth rates with many calves not surviving their first winter.

The [proposal](#) for the hunt was approved on Wednesday and is now up for public comment.

### **House proposal would ban pet store dog and cat sales – the Other Paper – Holly Sullivan**

Vermont could ban pet stores from selling dogs, cats and wolf hybrids under a bill in the House agriculture committee.

The legislation, H.567, is sponsored by Rep. Emilie Krasnow, D-South Burlington, who introduced it to committee members Jan. 31. The bill, Krasnow said, aims to prevent Vermont from becoming a place for puppy farms or mills — commercial dog breeding operations that raise animals in poor conditions.

“There are seven other states that have this bill now, and the Maine bill has been working since 2019,” she said, adding that the Vermont bill is modeled after the one in Maine.

Multiple states in the Northeast are considering similar legislation: Massachusetts, New Hampshire and New Jersey.

“Why that’s so important is because we don’t want to be open for business for these puppy mills and pet stores to come to Vermont that would be pushed out of other states,” Krasnow said.

Similar concerns bubbled up in Connecticut after New York's ban on pet sales. The New England state was seeing a rise in pet store openings last fall, according to the Hartford Courant.

References came up in committee to a lone pet store in Vermont that sells these animals, which through a grandfather clause in the bill would be able to stay in business.

"We are lucky that the puppy-selling pet store industry is small in Vermont, with only one known store selling puppies," Krasnow told committee members Jan. 31. "That store will be able to continue to do so while we avoid an influx of bad actors who are looking for safe havens and who have track records of importing puppies from Midwest puppy mills and bringing so many issues to the communities they sell puppies in."

Krasnow assured committee members the bill would not impact stores that already do not sell puppies, "responsible breeders" or "the \$136 billion pet retail industry that is focused on pet products and services."

The bill has drawn criticism from groups that represent the pet industry and breeders, which say it will only make the black-market boom.

Patti Strand, president of the National Animal Interest Alliance, wrote to committee members on Jan. 30, summarizing the organization's "strong opposition to H.567 in its current form."

The bill will fail to protect pets due to "the unintended consequences of shutting down one of the public's remaining sources of pets," Strand wrote.

Taylor Livelli, government affairs manager for the trade group Pet Advocacy Network, agrees with Strand's sentiment. Until 2022, the group was called the Pet Industry Joint Advisory Council.

"While well-intentioned, retail pet sale bans will not stop bad breeders who are unregulated, unlicensed and are not held accountable to any animal care standards," she wrote in a Jan. 31 letter to committee members.

Livelli said H.567 "will only boost the unregulated black market for pets."

In her letter, Livelli discussed California's experience with passing a similar bill, claiming the state saw an "over 350 percent" increase in reported puppy scams and a surge in sick dogs "acquired through unregulated sources." Livelli cited what appeared to be an article title — but without a link or source name — and the website of the Better Business Bureau, which tracks reports of business scams.

Krasnow remains optimistic about H.567's positive impact on the pet community.

"I'm not personally concerned that (the bill) would create an underground illicit dog and cat market here," she said to committee members Jan. 31.

Krasnow said the bill has gained support from local organizations, the Humane Society and state representatives.

### **Bill would create superfund for natural disaster recovery – News & Citizen – Norah White**

Legislators are discussing a bill that would require large companies to pay for environmental harm they caused by fossil fuel emissions. That money would make up what lawmakers are calling a climate superfund to help pay for natural disaster recovery in Vermont.

It has become obvious to most Vermonters, said Sen. Kesha Ram Hinsdale, one of the sponsors of the bill, S.259, that fossil fuel companies continued to push for the use of their energy products well after they knew the damage that it would cause to the climate and tried to bury the research for as long as they could.

“You make a mess, you clean it up,” Johanna Miller, energy and climate program director for the Vermont Natural Resources Council, said. “This is all about ensuring that the largest fossil fuel companies — who have long known for decades the harm they caused — are held accountable.”

The bill, which has 20 sponsors in the Senate Committee on Judiciary, would trigger an assessment of the greenhouse gas emissions of companies engaged in fossil fuel extraction or refinement from Jan. 1, 2000, to Dec. 31, 2019. Any companies whose products were responsible for the release of more than 1 billion metric tons of greenhouse gasses during those years would be handed a fine.

To figure out each payment demand, the state would look at how much a given company contributed to greenhouse gas emissions during that 20-year period. The state would also determine the total cost to Vermont from fossil fuel industry emissions over that time, and then ask the company to pay for a matching percentage.

So, if a company contributed 10 percent of the total emissions calculated under the bill, it would be asked to give the superfund an amount equaling 10 percent of the costs to Vermont.

The fund would be managed by the Vermont Agency of Natural Resources, which would use a federal Environmental Protection Agency tool to calculate emissions.

Vermont has suffered from 19 climate-related disasters since 2017, said Miller, costing Vermonters significantly.

One example is the catastrophic flooding Vermont faced last year, forcing residents out of their homes and costing them thousands in damages.

“This is going to impact our health, our tourism, our scenic beauty, not to mention our homes and overall economy,” Ram Hinsdale said.

Those costs extend to recovery efforts by government groups.

“For just our program, we’re looking at over \$10 million just to help landowners,” Bob Thompson, state conservation engineer for the U.S. Department of Agriculture in Vermont, said.

The bill would put into effect a master plan for the use of the superfund, legislative counsel Michael O’Grady said in a judiciary committee meeting Feb. 8.

The fund would pay for infrastructure projects “designed to avoid, moderate, repair or adapt to negative impacts caused by climate change and to assist communities, households and businesses in preparing for future climate-change-driven disruptions,” according to the bill.

Examples of funded infrastructure projects would be stormwater drainage upgrades, sturdier roads and bridges and renovated sewage treatment plants — all of which may help flooding victims.

Supporters hope the superfund would help landowners pay for their own recovery as well as climate restoration.

Stephanie Brackin, a spokesperson for the Agency of Natural Resources, said the agency will be monitoring the bill as it evolves.

### **Vt. bill would strip power from Fish and Wildlife Board – WCAX**

A bill at the Statehouse calls for shaking up the authority of the Fish & Wildlife Board.

[S. 258 proposes to amend the powers of the Fish and Wildlife Board](#) so that it serves in an advisory capacity and gives more authority to the commissioner. The board would be appointed by the Legislature instead of the governor and would increase the number of members from 14 to 15.

It would consist of people who hunt, fish, and trap, but also could include members who don’t engage in those activities. Under the bill, department staff would have the board consider whether a proposed rule is designed to maintain the best health, population, and viewing opportunities for wildlife.

Brenna Galdenzi with the group Protect our Wildlife says it’s time to have new voices heard in the regulation of wildlife. “The Fish and Wildlife Board has been operating for decades making policy on our shared wildlife without diverse voices at the table and this legislation seeks to change that,” she said.

Other groups, including the Vermont Traditions Coalition, say they are fundamentally opposed to the effort. “All I can do is talk about what the optics are to my community. The bill appears to be a bid to put folks on the board who have already established they want to end these practices,” said the group’s Mike Covey.

The bill also would ban the hunting of coyotes with dogs.



## Gov. Phil Scott signs law aimed at driving down education spending – VT Digger – Ethan Weinstein

Gov. Phil Scott on Thursday signed into law [H.850](#), a bill that repeals a controversial property tax cap and allows school boards to push back budget votes in an attempt to lower education spending and, in turn, property taxes.

“The changes made in this bill are a necessary step as Vermonters face a projected 20% increase in property tax bills, and in some communities, it could be even higher,” Scott wrote in a letter to lawmakers. “But to be clear, this bill does not solve our property tax problem. These changes will only reduce rates if school boards adjust their budgets accordingly and local voters support those changes.”

On Wednesday, the [Senate expedited the passage of H.850](#), acknowledging the time-sensitive nature of the legislation.

During debate on the Senate floor, Senate President Pro Tempore Phil Baruth, D/P-Chittenden Central, said the legislature would need to come up with “groundbreaking” new ways to contain public education costs this year.

In his letter, the governor harkened back to [2017](#) and [2018](#) proposals that he said “would have put us on a better path to a sustainable public education system.”

Scott’s finger-pointing at lawmakers has become a repeated refrain as Vermonters face a projected average property tax increase of 20%, driven by a predicted 15% increase in education spending.

H.850 will repeal the 5% homestead tax rate increase cap created by [Act 127](#) — Vermont’s [most recent education funding law](#) — and replace it with a tax discount system limited to [districts that lost taxing capacity under the new pupil weighting system](#).

The law will also allow school districts to push back budget votes until April 15, as lawmakers hope removing the property tax cap will spur school boards to remove spending. Many districts had planned to put budgets in front of voters on Vermont’s Town Meeting Day, which this year is March 5.

School district leaders have said the spending increases are needed to maintain the status quo due to inflation, rising staff health care costs and teacher salaries, and the increased needs of Vermont’s children, an increasing number of whom are struggling with mental health challenges.

It remains to be seen how much money school boards will slash from their budgets as a result of H.850’s passage.

## **How Vermont's education funding landscape has changed – VT Digger – Erin Petenko**

Rural areas of the state, such as the Northeast Kingdom, stand to gain the most from a law that changed the way students are counted for the statewide education fund, according to new Agency of Education [data](#) presented to lawmakers earlier this month.

For school districts and homestead property tax payers, [Act 127](#) goes into effect for the first time this coming fiscal year. The law, passed in 2022, is intended to even the playing field between districts by giving more weight to low-income students, English language learners and students at rural schools, on the understanding that these groups are more expensive to educate.

Every year, towns in Vermont send money raised through property taxes to the state education fund. The fund in turn distributes money back out to school districts to pay a large portion of the annual school budgets approved by each school districts' voters.

The Agency of Education recently provided data to legislators on how every school district's share of weighted pupils statewide has changed as a result of Act 127.

It's complicated, but this change in weighted pupil share directly impacts homestead property taxes. (Homestead property taxes are those paid by resident homeowners.) More details on this are below.

According to the agency's data, many of the school districts that saw the largest percentage increase in their share of all weighted students are in the Northeast Kingdom — Caledonia, Essex and Orleans counties. Another rural county, Orange, also saw gains across most districts.

Not only are the three Northeast Kingdom counties more rural and less populated than the rest of the state, each has a median household income below the state average of about \$74,000, according to [data](#) from the U.S. Census Bureau.

In contrast, the counties with districts that combined saw a reduced portion of the state's total weighted pupil count under the formula are Addison, Chittenden, Washington and Grand Isle.

In the case of Chittenden County, there were large gains in addition to the losses. Burlington and Winooski have had an increase in their share under the new formula. Both districts have a higher-than-average percent of low-income families and English language learners, according to the [Agency of Education](#) and the [National Center for Education Statistics](#).

### **How to use these infographics**

VTDigger generated the map above and the table below based on data provided by the Vermont Agency of Education to lawmakers earlier this month, also confirming the data was up to date.

You can use these tools to view your local district and see if it gains or loses weighted pupil share under the new formula. But there are a few caveats.

First, some regions of the state have different districts for elementary, middle and high school students, such as a regional high school. In cases where there are overlapping districts, VTDigger

chose to only represent the smaller district on the map, but the other districts are still visible in the table below. Those districts not reflected in the map have an asterisk next to their name in the table.

Second, three areas — Buels Gore, Ferdinand and Somerset — are so small that their pupil weight share was below 0.01%. They have been removed from the table but are still visible in the map, denoted by “<0.01%.”

### **How weighted pupil share affects homestead property taxes**

A school district’s budget drives the homestead tax rate up or down in a given year based on the district’s education spending per “weighted pupil,” a count arrived at by multiplying the weights assigned to certain categories of students by the district’s number of students in those categories. (For non-homestead properties, a category that includes properties owned by businesses, rental units and second homes, this is less relevant. That’s because the Legislature sets one tax rate — before a town-level adjustment called the Common Level of Appraisal (CLA) — to meet the remaining education spending needs.)

The new pupil weighting system in Act 127 means that for almost every district, its share of the total weighted pupils statewide has changed. As a result, districts across the state are seeing swings in their “tax capacity” — a measure of what the statewide education fund will provide to a district for a given tax rate. Towns that have increased their share of the statewide total “weighted pupil” count now have higher tax capacity, and those that have had their share reduced now have lower tax capacity.

A gain in tax capacity means that school districts will receive more funding for the same tax rate — or a lower tax rate for the same funding level. Decreased tax capacity means districts will need a higher tax rate to receive the same funding level or will receive reduced funding for the same tax rate.

Act 127 contained a provision intended to make the phase-in of these changes more gradual by capping the amount that any district’s homestead tax rate could go up each year at 5% for the next five years. But a large jump in staff health care costs and the loss of Covid-19 pandemic-era federal funding, among other factors, has led all school districts in the state to propose budgets that increase education spending by an average of almost 15% over the current year.

Due to these unique circumstances, every district in the state would exceed the cap, according to recent calculations by the Agency of Education. As a result, if the cap remained in place, tax rates for non-homestead properties would skyrocket.

In recent weeks, lawmakers have raced to repeal the 5% cap and put a new transition mechanism into law. The House approved a bill, [H.850](#), to do that on Feb. 14. This week, the Senate passed it on Wednesday, and the governor promptly signed it on Thursday.

The new mechanism will provide a 1-cent discount on a district’s homestead tax rate (per \$100 in property value) for every percentage loss in its share of statewide weighted pupils. The discount would be reduced by 20% over each of the next five years. Only tax rates for residents of school districts that lost weighted pupil share due to Act 127 will receive the adjustment.

So, for example, the Norwich school district in the Upper Valley is among those that lost the most tax capacity, with a 19% loss in its share of the state's weighted pupils. The new transition mechanism would reduce that district's pre-CLA homestead property tax rate by 19 cents this year, 15.2 cents next year and so on.

The impact of these changes will be blunted somewhat for the roughly two-thirds of homestead property taxpayers with annual household incomes below a limit, set this year at \$128,000. Those taxpayers are eligible for a property tax credit of up to \$8,000 depending on their income and the value of their property.

The law also now allows school districts to revise their budgets and push back their annual meetings, in which they are considered by voters, until April 15, if necessary.

### **Facing an estimated \$9M budget gap, Burlington voters to weigh in on tax increase – VT Digger – Patrick Crowley**

When Burlington's new mayor and City Council take their seats in early April, among their first orders of business will be tackling a multimillion dollar shortfall in the budget for the coming fiscal year.

Since the start of the Covid-19 pandemic in 2020, the city has received over \$27 million in funds from the federal government, which have helped bolster its budget. Now, all but about \$1 million has been spent or dedicated, according to Katherine Schad, Burlington's chief administrative officer.

Adding the pressures of inflation, the city faces an estimated \$9 million shortfall in its fiscal year 2025 budget.

Mayor Miro Weinberger, who is in his final weeks of office, told the council in late January that while it's typical to face a budget gap, this one is larger than in recent years.

To help address the budget woes, his administration has proposed a three-cent increase to Burlington's public safety tax, which, if approved by voters, would increase the city's portion of property taxes by around 4%. According to the city's website, a Burlington homeowner with a property valued at the median value of \$381,400 could see up to a \$114 increase in their city taxes. That does not include school taxes, which could add around \$800 to a home at that value.

The tax, which pays for about one-third of the police and fire department budgets, last increased in 2020, when the fire department added a third ambulance. Since then, costs related to public safety have increased. As a result of a new police contract, that department's personnel costs are \$1.7 million higher than they were in 2020.

Schad told the council in January that in addition to the proposal to increase the public safety tax, which could raise a projected \$1.8 million, the administration is proposing cuts elsewhere in the city budget. To help inform those potential cuts, the city is conducting a staffing study of many departments outside of public safety, with results expected in May. The budget is typically

approved in June. The police department already went through a staffing study, and the fire department is in the midst of completing its own.

The Weinberger administration had to rush to get the tax increase on the March Town Meeting Day ballot in order to avoid calling for a special election, something that has become more expensive in recent years due to the cost of mailing ballots.

While city councilors broadly supported putting the tax increase on the budget — and approved doing so — some expressed discomfort about its potential impact on affordability in the city, especially when combined with the potential for a nearly 14% increase in school taxes in Burlington.

“This leads us to broader questions of the sustainability of our property tax system,” said Councilor Joe Magee, P-Ward 3. Magee is stepping down at the end of his term in March, but he encouraged the next council and administration to push the Legislature to reform the system.

During the mayoral race, the topic of [public safety](#) has largely overshadowed talk of affordability and tax rates.

But the two party-endorsed candidates, Progressive Emma Mulvaney-Stanak and Democrat Joan Shannon, have both acknowledged that affordability is front of mind for many city residents. Mulvaney-Stanak is proposing an overhaul of the city’s tax system — a concept Shannon does not support.

During an interview on Tuesday, Mulvaney-Stanak walked through her proposal to change the Queen City’s property tax-based system to an income-sensitive model. She said it would closely resemble the way the state assesses education taxes. Under her plan, residential property owners living in their primary residence would pay municipal taxes based on income rather than their home’s value, she said.

Mulvaney-Stanak also made the case that there isn’t enough “equity” between residential and commercial property owners, particularly after a citywide reappraisal which hit tax bills in 2021. She said the reappraisal placed a larger share of the tax burden on residential properties and that, as mayor, she would examine how to correct that.

Shannon dismissed the idea of income sensitivity in municipal taxes. She said the state subsidizes the income adjustments in education taxes with other state programs. And she questioned who would pay more within a municipality.

“There’s not much conversation about exactly who pays more and I think that that’s very important to look at because the city really doesn’t have a base of wealthy people to draw from,” Shannon said in an interview on Tuesday.

According to U.S. Census data from 2022, the median household income in Burlington is about \$65,000 whereas statewide that figure is around \$74,000.

In order to keep Burlington affordable, Shannon said the city needs to “grow its tax base.” That means supporting businesses, because “if our businesses aren’t paying the taxes, that puts more

burden on the property taxpayer,” Shannon said. “So we need to make sure that our businesses and our downtown remain healthy in order to save other taxpayers money.”

Beyond that, she said a “baseline problem” with affordability is the statewide school funding system, which she said “is far too expensive and it’s not delivering the quality education that it should be at that price.”

Mulvaney-Stanak, who has been a state representative since 2021, agreed that the city finds itself in an “unfortunate time” with school costs. She urged state action on that front to address deferred facility costs which are [being felt throughout the state](#).

Both candidates said they support the proposed increase of the public safety tax. Mulvaney-Stanak noted she wasn’t sure she would “structure it that way, but I am glad that there is something at least on the ballot to allow us a little bit more of an ability to raise revenue.”

### **St. Albans City voters to decide on \$11.4 million bond for new housing project and other downtown improvements – VT Digger – Habib Sabet**

St. Albans residents will vote on Town Meeting Day whether to approve an \$11.4 million bond paid for through tax increment financing to upgrade the city’s downtown area.

\$10 million of that money would be earmarked for two new four-story apartment buildings behind city hall, housing about 90 new units in total, [according to city planning documents](#). Those units would primarily be one- and two-bedroom apartments and be considered “workforce housing” — meaning they would be affordable for people making between 80% and 120% of the area’s median income.

The median household income in the St. Albans City area is just under \$50,000, according to [data from the U.S. Census Bureau](#).

The apartment buildings would fill in space between Hudson and Center streets that is either vacant or used for surface parking. Part of the nearby Bellevue building would be demolished to accommodate the new buildings, as would two city-owned buildings on Hudson Street.

Of the remaining bond money, about \$1.2 million would cover construction costs and professional services for the city’s [Federal Street redevelopment project](#). That money would supplement the nearly \$8 million in federal money that St. Albans has already received to revamp Federal Street.

Additionally, \$200,000 would be used to pay for brownfield remediation at 45 Kingman St., [where another housing project is in the works](#).

If passed, the bond debt would be paid for through tax increment financing, or TIF. Under that structure, a municipality designates a TIF district — in this case downtown St. Albans — and pays for upgrades to the district with future tax revenues that are expected to be derived from those improvements.

Since the creation of its TIF district in 2012, the city has taken on about \$21 million of debt to fund infrastructure projects. According to Dominic Cloud, the St. Albans city manager, the debt issuance period for the St. Albans TIF district ends this spring, making this the final vote on improvements to the district under the financing mechanism.

Cloud said that the city's \$10 million dollar TIF investment in the housing project would cover polluted brownfield site remediation, parking and other site work, "setting the table" for a private developer to construct the apartment buildings.

"The city is really the master developer," Cloud said. "Our role is to take on and absorb the costs that would prevent this from being done." The remainder of the housing project will likely require about \$25 million in additional funding from a private developer, which the city has not officially chosen yet, Cloud said.

If the bond passes, the city could break ground on the project as early as next year, with 18-24 months of construction expected before completion, Cloud said.

Cloud said that the catalyst for the project was [a report](#), released by the Northwest Regional Planning Commission in November, which estimated that Franklin and Grand Isle counties need 3,350 new or improved housing units just to meet the needs of its current residents, with more housing likely required to accommodate the region's expected growth.

The report also emphasized a need for smaller units that serve single-person households over the detached single-family homes that currently dominate the area's housing stock.

"St. Albans has adopted a housing for all approach," Cloud said. "There are existing tools that are covering the more deeply affordable (housing), but there's a gap at that next level up and we are responding, trying to fill that gap."

Cloud noted that the project would likely be "mixed use" and would include commercial real estate on the ground floors of the buildings.

### **Final Reading: Two Vermont eye-care professions are at odds – VT Digger**

For years, Vermont's optometrists and ophthalmologists have had differing views of the responsibilities given to their two professions.

Many people may not even know the difference between the two eye-focused practitioners. (I personally for sure knew and definitely did not have to Google it ahead of time.)

But in Vermont, the distinction is a substantial one — and a source of ongoing discord.

Optometrists generally focus on primary eye care, like vision exams, diagnosing eye conditions, and prescribing glasses or contact lenses. They complete at least a four-year postgraduate program, a doctor of optometry, with the option of more training.



Ophthalmologists, meanwhile, are medical doctors. They go to medical school and then complete an internship and residency afterward, and are allowed to perform eye surgeries and more complex procedures.

In Vermont, the two groups have spent years at odds over the procedures that optometrists are allowed to perform.

Optometrists have long sought permission to do some surgical procedures currently reserved for ophthalmologists, such as removing lesions or using lasers to treat glaucoma. A number of other states allow optometrists to do so.

Ophthalmologists, however, have argued that optometrists don't have sufficient training to do those procedures, and that allowing them could put patients at risk.

Two years ago, the Senate Committee on Government Operations directed the Secretary of State's Office of Professional Regulation to find ways to expand optometrists' scope of practice — meaning, allow them to perform some of those ophthalmologist-only procedures.

Last fall, the OPR issued a report recommending the creation of a new specialty endorsement license for Vermont optometrists that would allow them to perform a specific list of operations. The list is worth reading if you are training for a spelling bee and want to learn words like “chalazia” and “trabeculoplasty.”

Now, lawmakers on the House Committee on Government Operations & Military Affairs are considering whether to write those recommendations into legislation — a discussion that set off the latest salvo in the face-off between optometrists and ophthalmologists.

On Thursday, representatives from the Vermont Ophthalmological Association and the Vermont Optometric Association offered dueling testimony to the committee.

Jessica McNally, the president of the Vermont Ophthalmological Society, urged lawmakers to keep those procedures in the purview of ophthalmologists.

“You understand much better than the average person what the difference is between an optometrist and ophthalmologist,” McNally told the committee, adding, “Why would you take the risk in any kind of eye health by allowing people who are not trained to provide and perform surgeries to do so?”

But Dean Barcelow, the president of the Vermont Optometric Society, said that his fellow optometrists were perfectly capable of doing those procedures — and have been doing them for years in other states. The proposed regulations in Vermont, he said, would be the most stringent in the country.

“The bottom line is, despite attempts to imply the contrary, optometry has a sound track record of performing these procedures, and it spans decades,” Barcelow said. “The language before you would create the most robust endorsement system in the country by an order of magnitude.”



Ultimately, the committee adjourned the hearing without coming to any conclusion on the matter.

“This is an incredibly political discussion,” noted Rep. Jay Hooper, D-Randolph. “I don’t think you even have to have subpar eyesight to see that.”

— *Peter D’Auria*

As Vermont grapples with an ongoing housing crisis, advocates want to improve access for one group of people who have “a woefully low inventory” to choose from: people with disabilities.

The House Committee on General and Housing on Thursday morning took up [H.137](#), that would make home accessibility modifications eligible for the [Vermont Housing Improvement Program](#).

Susan Aranoff, senior planner and policy advisor for the Vermont Developmental Disabilities Council, said Vermont needs 604 units of housing that comes with services, according to a recent [housing report](#) commissioned as a result of [Act 186](#).

“So these are people who have disabilities and in order to live independently... they need a certain level of support,” she said urging the committee to make it easier for families and landlords to make units more accessible for all.

“A rising tide lifts all boats,” she said. “Anybody could live in that unit. It doesn’t have to be a person with a disability. It can be just a unit that is available to more people and you can get in with your arms full.”

— *Auditi Guha*

## **On the move**

Gov. Phil Scott on Thursday signed into law [H.850](#), a bill that repeals a controversial property tax cap and allows school boards to push back budget votes in an attempt to lower education spending and, in turn, property taxes.

“The changes made in this bill are a necessary step as Vermonters face a projected 20% increase in property tax bills, and in some communities, it could be even higher,” Scott wrote in a letter to lawmakers.

“But to be clear, this bill does not solve our property tax problem,” he went on. “These changes will only reduce rates if school boards adjust their budgets accordingly and local voters support those changes.”

In his letter, the governor harkened back to [2017](#) and [2018](#) proposals that he said “would have put us on a better path to a sustainable public education system.”

Scott’s finger-pointing at lawmakers has become a repeated refrain as Vermonters face a projected average property tax increase of 20%, driven by a predicted 15% increase in education spending.

H.850 will repeal the 5% homestead tax rate increase cap created by [Act 127](#) — Vermont’s [most recent education funding law](#) — and replace it with a tax discount system limited to districts that lost taxing capacity under the new pupil weighting system.

[Read more here.](#)

— *Ethan Weinstein*

Visit our [2024 Bill tracker](#) for the latest updates on major legislation we are following.

### **Data dispatch**

Rural areas of the state, such as the Northeast Kingdom, stand to gain the most from a law that changed the way students are counted for the statewide education fund, according to new Agency of Education [data](#) presented to lawmakers earlier this month.

For school districts and homestead property tax payers, [Act 127](#) goes into effect for the first time this coming fiscal year. The law, passed in 2022, is intended to even the playing field between districts by giving more weight to low-income students, English language learners and students at rural schools, on the understanding that these groups are more expensive to educate.

[Go to](#) our interactive map and table to see how your local school district is affected.

— *Erin Petenko*

**From:** Moore, Julie  
**Sent:** Wednesday, March 13, 2024 1:38 PM  
**To:** Gendron, Maggie  
**Subject:** FW: S.259  
**Attachments:** GENERAL-#372287-v1-S.259 - 2024 - As Introduced - Dr 24-0052; ANR edits.docx



**Julia S. Moore, P.E.** | Secretary (she/her)  
Vermont Agency of Natural Resources  
1 National Life Dr, Davis 2 | Montpelier, VT 05620-3901  
802-828-1294 office  
[julie.moore@vermont.gov](mailto:julie.moore@vermont.gov)  
[anr.vermont.gov](http://anr.vermont.gov)

*The Agency of Natural Resources supports telework and there are times when I may be working from another location. I am generally available to connect by phone and email during business hours. I am also available to meet in-person upon request.*

Help raise money for Vermonters impacted by flood damage and show your Vermont pride with *Vermont Strong* and *Tough Too* license plates and socks. [Click here to purchase your Vermont Strong gear](#) or visit [DMV.Vermont.gov/VermontStrong23](http://DMV.Vermont.gov/VermontStrong23).

Impacted Vermonters can find resources and referrals by visiting [Vermont.Gov/Flood](http://Vermont.Gov/Flood).

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**From:** Moore, Julie  
**Sent:** Tuesday, March 12, 2024 2:34 PM  
**To:** Michael O'Grady <MOGrady@leg.state.vt.us>  
**Subject:** RE: S.259

Hi Mike.

Attached please find ANR's proposed mark-up of S.259. I would be happy to walk through our proposed changes with you and/or the committee.

We have also shared the attached with the Treasurer's Office and understand they are generally okay with our edits, but may suggest some additional tweaks. We will share it with Anthony Iarrapino shortly, but did not have time for back and forth with him in getting you a mark-up today... put another way, I expect he may well have comments on our mark-up.

Best,  
Julie



**Julia S. Moore, P.E.** | Secretary (she/her)  
Vermont Agency of Natural Resources  
1 National Life Dr, Davis 2 | Montpelier, VT 05620-3901  
802-828-1294 office  
[julie.moore@vermont.gov](mailto:julie.moore@vermont.gov)  
[anr.vermont.gov](http://anr.vermont.gov)

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**From:** Michael O'Grady <[MOGrady@leg.state.vt.us](mailto:MOGrady@leg.state.vt.us)>  
**Sent:** Tuesday, March 5, 2024 4:36 PM  
**To:** Moore, Julie <[Julie.Moore@vermont.gov](mailto:Julie.Moore@vermont.gov)>  
**Subject:** Re: S.259

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Sounds good. I will touch base with Sen Sears to get a better understanding of his flexibility on timing. I think he will be amenable, but I will try and get certainty.

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**From:** Moore, Julie <[Julie.Moore@vermont.gov](mailto:Julie.Moore@vermont.gov)>  
**Sent:** Tuesday, March 5, 2024 4:17:40 PM  
**To:** Michael O'Grady <[MOGrady@leg.state.vt.us](mailto:MOGrady@leg.state.vt.us)>  
**Subject:** RE: S.259

Let's plan on 2p on Thursday; I'll send a Teams invite.

Megan is working on language and I would like to touch base on approach and specifically a schedule that gives time for data review and to work on/thru the liability calculations between they are codified in statute. I would like to talk thru my concerns and see if there are ways to provide space/time to address them that are consistent with your understanding of the committee's interest.

Thanks!



**Julia S. Moore, P.E.** | Secretary (she/her)  
Vermont Agency of Natural Resources  
1 National Life Dr, Davis 2 | Montpelier, VT 05620-3901  
802-828-1294 office  
[julie.moore@vermont.gov](mailto:julie.moore@vermont.gov)  
[anr.vermont.gov](https://anr.vermont.gov)

*The Agency of Natural Resources supports telework and there are times when I may be working from another location. I am generally available to connect by phone and email during business hours. I am also available to meet in-person upon request.*

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Impacted Vermonters can find resources and referrals by visiting [Vermont.Gov/Flood](https://Vermont.Gov/Flood).

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**From:** Michael O'Grady <[MOGrady@leg.state.vt.us](mailto:MOGrady@leg.state.vt.us)>  
**Sent:** Tuesday, March 5, 2024 3:51 PM  
**To:** Moore, Julie <[Julie.Moore@vermont.gov](mailto:Julie.Moore@vermont.gov)>

**Subject:** Re: S.259

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Julie

I am working this week, but I have to take kids to appointments. I am available tomorrow between 9 and 10:45, and then between 2 and 3. Thursday, I am available between 9 and 3. Megan said she could get me language this week. Is this meeting in lieu of language?

Thanks

Mike

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**From:** Moore, Julie <[Julie.Moore@vermont.gov](mailto:Julie.Moore@vermont.gov)>  
**Sent:** Tuesday, March 5, 2024 1:34:35 PM  
**To:** Michael O'Grady <[MOGrady@leg.state.vt.us](mailto:MOGrady@leg.state.vt.us)>  
**Subject:** Re: S.259

Hi Mike.

Are you working this week? If so, I wonder if we could find 30m to talk about S259.

Thanks!  
Julie

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**From:** Moore, Julie <[Julie.Moore@vermont.gov](mailto:Julie.Moore@vermont.gov)>  
**Sent:** Wednesday, February 28, 2024 9:30:18 AM  
**To:** Michael O'Grady <[mogrady@leg.state.vt.us](mailto:mogrady@leg.state.vt.us)>  
**Cc:** O'Toole, Megan <[Megan.OToole@vermont.gov](mailto:Megan.OToole@vermont.gov)>  
**Subject:** Re: S.259

We don't have language yet, but would ask that you work with Megan O'Toole (cc'ed on this reply) in our Climate Action Office.

I hope you feel better soon!

Julie

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**From:** Michael O'Grady <[MOGrady@leg.state.vt.us](mailto:MOGrady@leg.state.vt.us)>  
**Sent:** Wednesday, February 28, 2024 9:20:31 AM  
**To:** Moore, Julie <[Julie.Moore@vermont.gov](mailto:Julie.Moore@vermont.gov)>  
**Subject:** S.259

**EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.**

Julie

Hi. I am working in my office because I have a cold and didn't want to sneeze and cough all over Sen. Sears. But I am listening.

Do you have suggested language for the changes you suggest to S.259 or is there a particular person at the Agency I should work with to develop language?

Thanks

Mike

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S.259

Introduced by Senators Watson, Sears, Bray, Campion, Chittenden, Clarkson,  
Cummings, Gulick, Hardy, Harrison, Hashim, Kitchel, Lyons,  
MacDonald, McCormack, Perchlik, Ram Hinsdale, Vyhovsky,  
White and Wrenner

Referred to Committee on

Date:

Subject: Judiciary; conservation and development; liability; greenhouse gas  
emissions

Statement of purpose of bill as introduced: This bill proposes to establish the  
Climate Superfund Cost Recovery Program at the Agency of Natural  
Resources. Under the Program, a responsible party that was engaged in the  
trade or business of extracting fossil fuel or refining crude oil between January  
1, 1995 and December 31, 2023 would be assessed a cost recovery demand for  
the entity's share of fossil fuel extraction or refinement contributing to  
greenhouse gas-related costs in Vermont. An entity would only be assessed a  
cost recovery demand if the Agency determined that the entity's products were  
responsible for more than one billion metric tons of covered greenhouse gas  
emissions. Any cost recovery payments received by the Agency would be  
deposited into the Climate Superfund Cost Recovery Program Fund to provide  
funding for climate change adaptive or resilience projects in the State.

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1 An act relating to climate change cost recovery

2 It is hereby enacted by the General Assembly of the State of Vermont:

3 Sec. 1. SHORT TITLE

4 This act may be cited as the “Climate Superfund Act.”

5 Sec. 2. 10 V.S.A. chapter 24A is added to read:

6 CHAPTER 24A. CLIMATE SUPERFUND COST RECOVERY PROGRAM

7 § 596. DEFINITIONS

8 As used in this chapter:

9 (1) “Agency” means the Agency of Natural Resources.

10 (2) “Climate change adaptation project” means a project designed to  
11 respond to, avoid, moderate, repair, or adapt to negative impacts caused by  
12 climate change and to assist human and natural communities, households, and  
13 businesses in preparing for future climate-change-driven disruptions. Climate  
14 change adaptation projects include implementing nature-based solutions and  
15 flood protections; upgrading stormwater drainage systems; making defensive  
16 upgrades to roads, bridges, railroads, and transit systems; preparing for and  
17 recovering from extreme weather events; undertaking preventive health care  
18 programs and providing medical care to treat illness or injury caused by the  
19 effects of climate change; relocating, elevating, or retrofitting sewage  
20 treatment plants and other infrastructure vulnerable to flooding; installing  
21 energy efficient cooling systems and other weatherization and energy



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1 efficiency upgrades and retrofits in public and private buildings, including  
2 schools and public housing, designed to reduce the public health effects of  
3 more frequent heat waves and forest fire smoke; upgrading parts of the  
4 electrical grid to increase stability and resilience, including supporting the  
5 creation of self-sufficient microgrids; and responding to toxic algae blooms,  
6 loss of agricultural topsoil, and other climate-driven ecosystem threats to  
7 forests, farms, fisheries, and food systems.

8 (3) “Climate Superfund Cost Recovery Program” means the program  
9 established by this chapter.

10 (4) “Coal” means bituminous coal, anthracite coal, and lignite.

11 (5)(A) “Controlled group” means two or more entities treated as a single  
12 employer under:

13 (i) 26 U.S.C. § 52(a) or (b), without regard to 26 U.S.C.  
14 § 1563(b)(2)(C); or

15 (ii) 26 U.S.C. § 414(m) or (o).

16 (B) For purposes of this chapter, entities in a controlled group are  
17 treated as a single entity for purposes of meeting the definition of responsible  
18 party and are jointly and severally liable for payment of any cost recovery  
19 demand owed by any entity in the controlled group.

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1           (6) “Cost recovery demand” means a charge asserted against a  
2           responsible party for cost recovery payments under the Program for payment to  
3           the Fund.

4           (7) “Covered greenhouse gas emissions” means the total quantity of  
5           greenhouse gases released into the atmosphere during the covered period.  
6           expressed in metric tons of carbon dioxide equivalent, resulting from the use of  
7           fossil fuels extracted , produced, refined, or sold by an entity.

8           (8) “Covered period” means the period that began on January 1, 1995  
9           and ended on December 31, 2023.

10           (9) “Crude oil” means oil or petroleum of any kind and in any form,  
11           including bitumen, oil sands, heavy oil, conventional and unconventional oil,  
12           shale oil, natural gas liquids, condensates, and related fossil fuels.

13           (10) “Entity” means any individual, trustee, agent, partnership,  
14           association, corporation, company, municipality, political subdivision, or other  
15           legal organization, including a foreign nation, that holds or held an ownership  
16           interest in a fossil fuel business during the covered period.

17           (11) “Environmental justice focus population” has the same meaning as  
18           in 3 V.S.A. § 6002.

19           (12) “Fossil fuel” means coal, petroleum products, and fuel gases.

20           (13) “Fossil fuel business” means a business engaging in the extraction  
21           of fossil fuels or the refining of petroleum products.

**Commented [M01]:** Preamble refers specifically to entities that extract and refine. Whatever the list of activities, it should be consistent in the bill as it will have bearing on the cost recovery demand calculus.

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1       (14) “Fuel gases” or “fuel gas” means:

2           (A) methane;

3           (B) natural gas;

4           (C) liquified natural gas; and

5           (D) manufactured fuel gases.

6       (15) “Fund” means the Climate Superfund Cost Recovery Program Fund  
7 established pursuant to section 599 of this title.

8       (16) “Greenhouse gas” has the same meaning as in section 552 of this  
9 title.

10       (17) “Nature-based solutions” means projects that utilize or mimic  
11 nature or natural processes and functions and that may also offer  
12 environmental, economic, and social benefits while increasing resilience.  
13 Nature-based solutions include both green and natural infrastructure.

14       (18) “Notice of cost recovery demand” means the written  
15 communication from the Agency informing a responsible party of the amount  
16 of the cost recovery demand payable to the Fund.

17       (19) “Petroleum product” means any product refined or re-refined from:

18           (A) synthetic or crude oil; or

19           (B) crude oil extracted from natural gas liquids or other sources.

20       (20) “Program” means the Climate Superfund Cost Recovery Program  
21 established under this chapter.

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(21) “Qualifying expenditure” means an authorized payment from the Fund to pay reasonable expenses associated with the administration of the Fund and the Program, and in support of a climate change adaptation project, including its operation, monitoring and maintenance.

(22) “Responsible party” means any entity or a successor in interest to an entity that during any part of the covered period was engaged in the trade or business of extracting fossil fuel or refining crude oil and is determined by the Agency attributable to for more than one billion metric tons of covered greenhouse gas emissions during the covered period. The term responsible party does not include any person who lacks sufficient connection with the State to satisfy the nexus requirements of the U.S. Constitution.

(23) “Strategy” means the Resilience Implementation Strategy adopted by the Agency.

#### § 597. THE CLIMATE SUPERFUND COST RECOVERY PROGRAM

There is hereby established the Climate Superfund Cost Recovery Program administered by the Climate Action Office of the Agency of Natural Resources. The purposes of the Program shall be all of the following:

(1) to secure compensatory payments from responsible parties based on a standard of strict liability to provide a source of revenue for climate change adaptation projects within the State;

(2) to determine proportional liability of responsible parties;

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(3) to impose cost recovery demands on responsible parties and issue notices of cost recovery demands;

(4) to accept and collect payment from responsible parties;

(5) to develop, adopt, implement, and update the Strategy that will identify and prioritize climate change adaptation projects; and

(5) to disperse funds to implement climate change adaptation projects identified in the Strategy.

#### § 598. LIABILITY OF RESPONSIBLE PARTIES

(a)(1) A responsible party shall be strictly liable for a share of the costs of climate change adaptation projects and all qualifying expenditures supported by the Fund..

(2) For purposes of this section, entities in a controlled group:

(A) shall be treated by the Agency as a single entity for the purposes of identifying responsible parties; and

(B) are jointly and severally liable for payment of any cost recovery demand owed by any entity in the controlled group.

(b) With respect to each responsible party, the cost recovery demand shall be proportional to the responsible party's share of covered greenhouse gas emissions as it bears to the aggregate shares of covered greenhouse gas emissions resulting from the use of fossil fuels **extracted, produced, or refined** during the covered period.

**Commented [MO2]:** Again, the list of covered activities should be consistent.

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1       (c) If a responsible party owns a minority interest of 10 percent or more in  
2       another entity, the responsible party's applicable share of greenhouse gas  
3       emissions shall be calculated as the applicable share of greenhouse gas  
4       emissions for the entity in which the responsible party holds a minority interest  
5       multiplied by the percentage of the minority interest held by the responsible  
6       party.

7       (d) The Agency shall use the U.S. Environmental Protection Agency's  
8       Emissions Factors for Greenhouse Gas Inventories as applied to the best  
9       publicly available fossil fuel volume data for the purpose of determining the  
10       amount of covered greenhouse gas emissions attributable to any entity from the  
11       fossil fuels attributable to the entity.

12       (e) The Agency may adjust the cost recovery demand amount of a  
13       responsible party who refined petroleum products or who is a successor in  
14       interest to an entity that refines petroleum products if the responsible party  
15       establishes to the satisfaction of the Agency that:

16               (1) a portion of the cost recovery demand amount was attributable to the  
17               refining of crude oil extracted by another responsible party; and

18               (2) the crude oil extracted by the other entity was accounted for when  
19               the Agency determined the cost recovery demand amount for the other entity  
20               of a successor in interest of the other entity.

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1       (f)(1) Except as provided in subdivision (2) of this subsection, a  
2       responsible party shall pay the cost recovery demand amount in full no later  
3       than six months following the Secretary's issuance of the cost recovery  
4       demand.

5       (2)(A) A responsible party may elect to pay the cost recovery demand  
6       amount in nine annual installments in accordance with this subdivision (2).

7       (B) The first installment shall be paid no later than six months  
8       following the Secretary's issuance of the notice of cost recovery demand, and  
9       shall be equal to 20 percent of the total cost recovery demand amount.

10       (C) Each subsequent installment shall be paid one year from the  
11       initial payment each subsequent year and shall be equal to 10 percent of the  
12       total cost recovery demand amount. The Secretary, at the Secretary's  
13       discretion, may adjust the amount of a subsequent installment payment to  
14       reflect increases or decreases in the Consumer Price Index.

15       (D)(i) The unpaid balance of all remaining installments shall become  
16       due immediately if:

17       (I) the responsible party fails to pay any installment in a timely  
18       manner, as specified in Agency rules;

19       (II) except as provided in subdivision (ii) of this subdivision  
20       (f)(2)(D), there is a liquidation or sale of substantially all the assets of the  
21       responsible party; or

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(III) the responsible party ceases to do business.

(ii) In the case of a sale of substantially all the assets of a

responsible party, the remaining installments shall not become due

immediately if the buyer enters into an agreement with the Agency under

which the buyer assumes liability for the remaining installments due under this

subdivision (2) in the same manner as if the buyer were the responsible party.

(g) The Agency shall deposit cost recovery payments collected under this

chapter to the Climate Superfund Cost Recovery Program Fund established

under section 599 of this title.

(h) A responsible party aggrieved by the issuance of a notice of cost

recovery demand must exhaust administrative remedies by filing a request for

reconsideration with the Secretary within fifteen (15) days of issuance of the

notice of cost recovery demand. A request for reconsideration must state the

grounds for the request and include supporting documentation. The Secretary

shall notify the responsible party of the final decision by issuing a subsequent

notice of cost recovery demand. A responsible party aggrieved by the issuance

of a final notice of cost recovery demand may bring an action pursuant to Rule

74 of the Vermont Rules of Civil Procedure in the Civil Division of the

Superior Court of Washington County.

§ 599. CLIMATE SUPERFUND COST RECOVERY PROGRAM FUND

Commented [MO3]: @Stevens, Rachel informal process language

Commented [SR4R3]: @OTooke, Megan I've proposed some edits here based on some language in the APA, let me know if you have suggestions or edits.



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1       (a) There is created the Climate Superfund Cost Recovery Program Fund to  
2       be administered by the Secretary of Natural Resources to provide funding for  
3       climate change adaptation projects in the State. The Fund shall consist of:

4           (1) cost recovery payments distributed to the Fund under section 598 of  
5       this title;

6           (2) monies from time to time appropriated to the Fund by the General  
7       Assembly; and

8           (3) other gifts, donations, or other monies received from any source,  
9       public or private, dedicated for deposit into the Fund and approved by the  
10       Secretary of Administration.

11       (b) The Fund may be used only:

12           (1) to pay:

13           (A) qualified expenditures for climate change adaptation projects  
14       identified by the Agency in the Strategy; and

15           (B) reasonable administrative expenses of the Program;

16       \_\_\_\_\_  
17       \_\_\_\_\_  
18       (2) to implement climate adaptation actions identified in the State Hazard  
19       Mitigation Plan.

20       (c) Notwithstanding any contrary provisions of 32 V.S.A. chapter 7,  
21       subchapter 5, unexpended balances and interest earned by the Fund shall be  
      retained in the Fund from year to year.

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1     § 599a. REPORTS AND RULEMAKING

2         (a) On or before January 15, 2025, the Agency, in consultation with the  
3     State Treasurer, shall submit a report to the General Assembly detailing the  
4     feasibility and progress of carrying out the requirements of this chapter, a  
5     recommended timeline for identifying responsible parties and developing the  
6     cost recovery demand methodology and the Strategy, and a recommendation  
7     for administering the Program.

8         (b) The Agency may adopt rules necessary to implement the requirements  
9     of this chapter, including:

10         (1) adopting methodologies using the best available science and publicly  
11     available data to identify responsible parties and determine their applicable  
12     share of covered greenhouse gas emissions;

13         (2) requirements for registering entities that are responsible parties and  
14     issuing notices of cost recovery demand under the Program;

15         (3) the Resilience Implementation Strategy, which shall include:

16         —

17         (A) Practices utilizing nature-based solutions intended to stabilize  
18     floodplains, riparian zones, lake shoreland, wetlands, and similar lands,

19         (B) Practices to adapt infrastructure to the impacts of climate change,

20         (C) Practices needed to build out early warning mechanisms and

21     support fast, effective response to climate-related threats,

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1       (D) Practices that support economic and environmental sustainability  
2       in the face of changing climate conditions; and

3       (E) Criteria and procedures for prioritizing climate change adaptation  
4       projects eligible to receive monies from the Climate Superfund Cost Recovery  
5       Program.

6       (b) In adopting the Strategy, the Agency shall:

7           (1) consult with the Environmental Justice Advisory Council;

8           (2) in consultation with other State agencies and departments, including  
9       the Department of Public Safety's Division of Vermont Emergency  
10       Management, assess the adaptation needs and vulnerabilities of various areas  
11       vital to the State's economy, normal functioning, and the health and well-being  
12       of Vermonters;

13           (3) identify major potential, proposed, and ongoing climate change  
14       adaptation projects throughout the State;

15           (4) identify opportunities for alignment with existing federal, State,  
16       and local funding streams;

17           (5) consult with stakeholders, including local governments, businesses,  
18       environmental advocates, relevant subject area experts, and representatives of  
19       environmental justice focus populations;

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1           (6) consider components of the Vermont Climate Action Plan required  
2           under section 592 of this title that are related to adaptation or resilience, as  
3           defined in section 590 of this title; and

4           (6) conduct public engagement in areas and communities that have the  
5           most significant exposure to the impacts of climate change, including  
6           disadvantaged, low-income, and rural communities and areas.

7           (c) Nothing in this section shall be construed to limit the existing authority  
8           of a State agency, department, or entity to regulate greenhouse gas emissions  
9           or establish strategies or adopt rules to mitigate climate risk and build  
10           resilience to climate change.

11           § 599b. CLIMATE CHANGE COST RECOVERY PROGRAM AUDIT  
12

13           (b) Once every five years, the State Auditor shall evaluate the operation  
14           and effectiveness of the Climate Superfund Cost Recovery Program. The  
15           Auditor shall make recommendations to the Agency on ways to increase  
16           program efficacy and cost-effectiveness. The Auditor shall submit the results  
17           of the audit to the Senate Committees on Natural Resources and Energy and on  
18           Judiciary and the House Committees on Environment and Energy and on  
19           Judiciary.

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1     Sec. 3. STATE TREASURER REPORT ON THE COST TO VERMONT OF  
2             COVERED GREENHOUSE GAS EMISSIONS

3             No later than one year following the adoption of the Strategy, the State  
4             Treasurer, after consultation with the Interagency Advisory Board to the  
5             Climate Action Office, shall submit to the Senate Committees on  
6             Appropriations, on Finance, on Agriculture, and on Natural Resources and  
7             Energy and the House Committees on Appropriations; on Ways and Means; on  
8             Agriculture, Food Resiliency, and Forestry; and on Environment and Energy  
9             an assessment of the cost to the State of Vermont of the emission of  
10            greenhouse gases for the period that began on January 1, 1995 and ended on  
11            December 31, 2023. The assessment shall include:

12            (1) a summary of the various cost-driving effects of greenhouse gas  
13            emissions on the State of Vermont, including effects on public health, natural  
14            resources, biodiversity, agriculture, economic development, flood preparedness  
15            and safety, and any other effect that the State Treasurer, in consultation with  
16            the Climate Action Office, determines is relevant;

17            (2) a calculation of the cost to the State of Vermont of each of the  
18            effects identified under subdivision (1) of this section; and

19            (3) an estimate of the cost to Vermont of the effects of the emission of  
20            greenhouse gases between January 1, 1995 and December 31, 2023.

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\*\*\* Appropriation and Positions \*\*\*

Sec. 4. APPROPRIATION

The sum of \$XXX,XXX is appropriated from the General Fund to the Agency of Natural Resources in fiscal year 2025 for the purpose of implementing the requirements of this Act, including for personal services for the position created pursuant to Sec. 5; costs associated with providing administrative, technical, and legal support to in carrying out the requirements of this Act and the Program; hiring consultants and experts; and for other necessary costs and expenses.

**Commented [MJ5]:** ANR will require a total of \$600K to implement this bill as drafted: \$450k to support the LTS for 3 years and \$150K for contracted services. We anticipate the Treasurer's Office may also require an appropriation and therefore did not insert the dollar-figure directly into the text.

Sec. 5. AGENCY OF NATURAL RESOURCES; POSITIONS

One three-year limited service position is created in the Agency of Natural Resources for the purpose of implementing this Act.

\*\*\* Effective Date \*\*\*

Sec. 6. EFFECTIVE DATE

This act shall take effect on July 1, 2024.

**From:** Michael O'Grady <MOGrady@leg.state.vt.us>  
**Sent:** Thursday, March 14, 2024 8:13 AM  
**To:** O'Toole, Megan  
**Cc:** Moore, Julie  
**Subject:** S.259  
**Attachments:** GENERAL-#375258-v1-S\_259\_Sen\_\_Sears\_proposed\_amendment.pdf

**EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.**

Megan

Just finished the draft this morning post editing. It is attached.

Mike

1 S.259

2 Senator Sears moves that the bill be amended by striking out all after the  
3 enacting clause and inserting in lieu thereof the following:

4 Sec. 1. SHORT TITLE

5 This act may be cited as the “Climate Superfund Act.”

6 Sec. 2. 10 V.S.A. chapter 24A is added to read:

7 CHAPTER 24A. CLIMATE SUPERFUND COST RECOVERY PROGRAM

8 § 596. DEFINITIONS

9 As used in this chapter:

10 (1) “Agency” means the Agency of Natural Resources.

11 (2) “Climate change adaptation project” means a project designed to  
12 respond to, avoid, moderate, repair, or adapt to negative impacts caused by  
13 climate change and to assist human and natural communities, households, and  
14 businesses in preparing for future climate-change-driven disruptions. Climate  
15 change adaptation projects include implementing nature-based solutions and  
16 flood protections; home buyouts; upgrading stormwater drainage systems;  
17 making defensive upgrades to roads, bridges, railroads, and transit systems;  
18 preparing for and recovering from extreme weather events; undertaking  
19 preventive health care programs and providing medical care to treat illness or  
20 injury caused by the effects of climate change; relocating, elevating, or  
21 retrofitting sewage treatment plants and other infrastructure vulnerable to  
22 flooding; installing energy efficient cooling systems and other weatherization



1 and energy efficiency upgrades and retrofits in public and private buildings,  
2 including schools and public housing, designed to reduce the public health  
3 effects of more frequent heat waves and forest fire smoke; upgrading parts of  
4 the electrical grid to increase stability and resilience, including supporting the  
5 creation of self-sufficient microgrids; and responding to toxic algae blooms,  
6 loss of agricultural topsoil, crop loss, and other climate-driven ecosystem  
7 threats to forests, farms, fisheries, and food systems.

8 (3) “Climate Superfund Cost Recovery Program” means the program  
9 established by this chapter.

10 (4) “Coal” means bituminous coal, anthracite coal, and lignite.

11 (5)(A) “Controlled group” means two or more entities treated as a single  
12 employer under:

13 (i) 26 U.S.C. § 52(a) or (b), without regard to 26 U.S.C.  
14 § 1563(b)(2)(C); or

15 (ii) 26 U.S.C. § 414(m) or (o).

16 (B) For purposes of this chapter, entities in a controlled group are  
17 treated as a single entity for purposes of meeting the definition of responsible  
18 party and are jointly and severally liable for payment of any cost recovery  
19 demand owed by any entity in the controlled group.

20 (6) “Cost recovery demand” means a charge asserted against a  
21 responsible party for cost recovery payments under the Program for payment to  
22 the Fund.

1           (7) “Covered greenhouse gas emissions” means the total quantity of  
2           greenhouse gases released into the atmosphere during the covered period,  
3           expressed in metric tons of carbon dioxide equivalent, resulting from the use of  
4           fossil fuels **extracted or refined** by an entity.

5           (8) “Covered period” means the period that began on January 1, **1995**  
6           and ended on December 31, **2023**.

7           (9) “Crude oil” means oil or petroleum of any kind and in any form,  
8           including bitumen, oil sands, heavy oil, conventional and unconventional oil,  
9           shale oil, natural gas liquids, condensates, and related fossil fuels.

10           (10) “Entity” means any individual, trustee, agent, partnership,  
11           association, corporation, company, municipality, political subdivision, or other  
12           legal organization, including a foreign nation, that holds or held an ownership  
13           interest in a fossil fuel business during the covered period.

14           (11) “Environmental justice focus population” has the same meaning as  
15           in 3 V.S.A. § 6002.

16           (12) “Fossil fuel” means coal, petroleum products, and fuel gases.

17           (13) “Fossil fuel business” means a business engaging in the extraction  
18           of fossil fuels or the refining of petroleum products.

19           (14) “Fuel gases” or “fuel gas” means:

20           (A) methane;

21           (B) natural gas;

22           (C) liquified natural gas; and

1           (D) manufactured fuel gases.

2           (15) “Fund” means the Climate Superfund Cost Recovery Program Fund  
3           established pursuant to section 599 of this title.

4           (16) “Greenhouse gas” has the same meaning as in section 552 of this  
5           title.

6           (17) “Nature-based solutions” means projects that utilize or mimic  
7           nature or natural processes and functions and that may also offer  
8           environmental, economic, and social benefits while increasing resilience.  
9           Nature-based solutions include both green and natural infrastructure.

10           (18) “Notice of cost recovery demand” means the written  
11           communication from the Agency informing a responsible party of the amount  
12           of the cost recovery demand payable to the Fund.

13           (19) “Petroleum product” means any product refined or re-refined from:

14           (A) synthetic or crude oil; or

15           (B) crude oil extracted from natural gas liquids or other sources.

16           (20) “Program” means the Climate Superfund Cost Recovery Program  
17           established under this chapter.

18           (21) “Qualifying expenditure” means an authorized payment from the  
19           Fund to pay reasonable expenses associated with the administration of the  
20           Fund and the Program and as part of the support of a climate change adaptation  
21           project, including its operation, monitoring, and maintenance.

1           (22) “Responsible party” means any entity or a successor in interest to  
2           an entity that during any part of the covered period was engaged in the trade or  
3           business of extracting fossil fuel or refining crude oil and is determined by the  
4           Agency attributable to for more than one billion metric tons of covered  
5           greenhouse gas emissions during the covered period. The term responsible  
6           party does not include any person who lacks sufficient connection with the  
7           State to satisfy the nexus requirements of the U.S. Constitution.

8           (23) “Strategy” means the Resilience Implementation Strategy adopted  
9           by the Agency.

10       § 597. THE CLIMATE SUPERFUND COST RECOVERY PROGRAM

11       There is hereby established the Climate Superfund Cost Recovery Program  
12       administered by the Climate Action Office of the Agency of Natural  
13       Resources. The purposes of the Program shall be all of the following:

14           (1) to secure compensatory payments from responsible parties based on  
15           a standard of strict liability to provide a source of revenue for climate change  
16           adaptation projects within the State;

17           (2) to determine proportional liability of responsible parties;

18           (3) to impose cost recovery demands on responsible parties and issue  
19           notices of cost recovery demands;

20           (4) to accept and collect payment from responsible parties;

21           (5) to develop, adopt, implement, and update the Strategy that will  
22           identify and prioritize climate change adaptation projects; and

1           (6) to disperse funds to **implement** climate change **adaptation** projects  
2           **identified in the Strategy.**

3           § 598. LIABILITY OF RESPONSIBLE PARTIES

4           (a)(1) A responsible party shall be strictly liable for a share of the costs of  
5           climate change **adaptation** projects and **all qualifying expenditures** supported  
6           by the Fund.

7           (2) For purposes of this section, entities in a controlled group:

8           (A) shall be treated by the Agency as a single entity for the purposes  
9           of identifying responsible parties; and

10           (B) are jointly and severally liable for payment of any cost recovery  
11           demand owed by any entity in the controlled group.

12           (b) With respect to each responsible party, the cost recovery demand shall  
13           be equal to an amount that bears the same ratio to the cost to the State of  
14           Vermont and its residents, as calculated by the State Treasurer pursuant to  
15           section 599c of this title, from the emission of covered greenhouse gases  
16           during the covered period as the responsible party's applicable share of  
17           covered greenhouse gas emissions bears to the aggregate applicable shares of  
18           covered greenhouse gas emissions resulting from the use of fossil fuels  
19           extracted or refined during the covered period.

20           (c) If a responsible party owns a minority interest of 10 percent or more in  
21           another entity, the responsible party's applicable share of **covered** greenhouse  
22           gas emissions **shall be increased by** the applicable share of **covered** greenhouse

1 gas emissions for the entity in which the responsible party holds a minority  
2 interest multiplied by the percentage of the minority interest held by the  
3 responsible party.

4 (d) The Agency shall use the U.S. Environmental Protection Agency's  
5 Emissions Factors for Greenhouse Gas Inventories as applied to the best  
6 publicly available fossil fuel volume data for the purpose of determining the  
7 amount of covered greenhouse gas emissions attributable to any entity from the  
8 fossil fuels attributable to the entity.

9 (e) The Agency may adjust the cost recovery demand amount of a  
10 responsible party who refined petroleum products or who is a successor in  
11 interest to an entity that refines petroleum products if the responsible party  
12 establishes to the satisfaction of the Agency that:

13 (1) a portion of the cost recovery demand amount was attributable to the  
14 refining of crude oil extracted by another responsible party; and

15 (2) the crude oil extracted by the other entity was accounted for when  
16 the Agency determined the cost recovery demand amount for the other entity  
17 of a successor in interest of the other entity.

18 (f) The Agency shall issue the cost recovery demands required under this  
19 section not later than six months following the adoption of the rules required  
20 under subdivision 599a(b)(2) of this title.

21 (g)(1) Except as provided in subdivision (2) of this subsection, a  
22 responsible party shall pay the cost recovery demand amount in full not later

1 than six months following the Secretary's issuance of the cost recovery  
2 demand.

3 (2)(A) A responsible party may elect to pay the cost recovery demand  
4 amount in nine annual installments in accordance with this subdivision (2).

5 (B) The first installment shall be paid not later than six months  
6 following the Secretary's issuance of the cost recovery demand and shall be  
7 equal to 20 percent of the total cost recovery demand amount.

8 (C) Each subsequent installment shall be paid one year from the  
9 initial payment each subsequent year and shall be equal to 10 percent of the  
10 total cost recovery demand amount. The Secretary, at the Secretary's  
11 discretion, may adjust the amount of a subsequent installment payment to  
12 reflect increases or decreases in the Consumer Price Index.

13 (D)(i) The unpaid balance of all remaining installments shall become  
14 due immediately if:

15 (I) the responsible party fails to pay any installment in a timely  
16 manner, as specified in Agency rules;

17 (II) except as provided in subdivision (ii) of this subdivision  
18 (g)(2)(D), there is a liquidation or sale of substantially all the assets of the  
19 responsible party; or

20 (III) the responsible party ceases to do business.

21 (ii) In the case of a sale of substantially all the assets of a  
22 responsible party, the remaining installments shall not become due

1 immediately if the buyer enters into an agreement with the Agency under  
2 which the buyer assumes liability for the remaining installments due under this  
3 subdivision (2) in the same manner as if the buyer were the responsible party.

4 (h) The Agency shall deposit cost recovery payments collected under this  
5 chapter to the Climate Superfund Cost Recovery Program Fund established  
6 under section 599 of this title.

7 (i) A responsible party aggrieved by the issuance of a notice of cost  
8 recovery demand shall exhaust administrative remedies by filing a request for  
9 reconsideration with the Secretary within 15 days following issuance of the  
10 notice of cost recovery demand. A request for reconsideration shall state the  
11 grounds for the request and include supporting documentation. The Secretary  
12 shall notify the responsible party of the final decision by issuing a subsequent  
13 notice of cost recovery demand. A responsible party aggrieved by the issuance  
14 of a final notice of cost recovery demand may bring an action pursuant to Rule  
15 74 of the Vermont Rules of Civil Procedure in the Civil Division of the  
16 Superior Court of Washington County.

17 (j) Nothing in this section shall be construed to supersede or diminish in  
18 any way existing remedies available to a person of the State at common law or  
19 under statute.



1     § 599. CLIMATE SUPERFUND COST RECOVERY PROGRAM FUND

2           (a) There is created the Climate Superfund Cost Recovery Program Fund to  
3     be administered by the Secretary of Natural Resources to provide funding for  
4     climate change adaptation projects in the State. The Fund shall consist of:

5           (1) cost recovery payments distributed to the Fund under section 598 of  
6     this title;

7           (2) monies from time to time appropriated to the Fund by the General  
8     Assembly; and

9           (3) other gifts, donations, or other monies received from any source,  
10    public or private, dedicated for deposit into the Fund and approved by the  
11    Secretary of Administration.

12          (b) The Fund may be used only:

13           (1) to pay:

14           (A) qualified expenditures for climate change adaptation projects  
15    identified by the Agency in the Strategy; and

16           (B) reasonable administrative expenses of the Program; and

17           (2) to implement climate adaptation action identified in the State Hazard  
18    Mitigation Plan.

19          (c) Notwithstanding any contrary provisions of 32 V.S.A. chapter 7,  
20    subchapter 5, unexpended balances and interest earned by the Fund shall be  
21    retained in the Fund from year to year.

1     § 599a. REPORTS; RULEMAKING

2           (a) On or before January 15, 2025, the Agency, in consultation with the  
3     State Treasurer, shall submit a report to the General Assembly detailing the  
4     feasibility and progress of carrying out the requirements of this chapter,  
5     including any recommendations for improving the administration of the  
6     Program.

7           (b) The Agency shall adopt rules necessary to implement the requirements  
8     of this chapter, including:

9           (1) adopting methodologies using the best available science and publicly  
10     available data to identify responsible parties and determine their applicable  
11     share of covered greenhouse gas emissions;

12          (2) requirements for registering entities that are responsible parties and  
13     issuing notices of cost recovery demands under the Program; and

14          (3) the Resilience Implementation Strategy, which shall include:

15           (A) practices utilizing nature-based solutions intended to stabilize  
16     floodplains, riparian zones, lake shoreland, wetlands, and similar lands;

17           (B) practices to adapt infrastructure to the impacts of climate change;

18           (C) practices needed to build out early warning mechanisms and  
19     support fast, effective response to climate-related threats;

20           (D) practices that support economic and environmental sustainability  
21     in the face of changing climate conditions; and

1           (E) criteria and procedures for prioritizing climate change adaptation  
2 projects eligible to receive monies from the Climate Superfund Cost Recovery  
3 Program.

4           (c) In adopting the Strategy, the Agency shall:

5               (1) consult with the Environmental Justice Advisory Council;

6               (2) in consultation with other State agencies and departments, including  
7 the Department of Public Safety's Division of Vermont Emergency  
8 Management, assess the adaptation needs and vulnerabilities of various areas  
9 vital to the State's economy, normal functioning, and the health and well-being  
10 of Vermonters;

11              (3) identify major potential, proposed, and ongoing climate change  
12 adaptation projects throughout the State;

13              (4) identify opportunities for alignment with existing federal, State,  
14 and local funding streams;

15              (5) consult with stakeholders, including local governments, businesses,  
16 environmental advocates, relevant subject area experts, and representatives of  
17 environmental justice focus populations;

18              (6) consider components of the Vermont Climate Action Plan required  
19 under section 592 of this title that are related to adaptation or resilience, as  
20 defined in section 590 of this title; and

1           (7) conduct public engagement in areas and communities that have the  
2           most significant exposure to the impacts of climate change, including  
3           disadvantaged, low-income, and rural communities and areas.

4           (d) Nothing in this section shall be construed to limit the existing authority  
5           of a State agency, department, or entity to regulate greenhouse gas emissions  
6           or establish strategies or adopt rules to mitigate climate risk and build  
7           resilience to climate change.

8           § 599b. CLIMATE CHANGE COST RECOVERY PROGRAM AUDIT

9           Once every five years, the State Auditor shall evaluate the operation and  
10          effectiveness of the Climate Superfund Cost Recovery Program. The Auditor  
11          shall make recommendations to the Agency on ways to increase program  
12          efficacy and cost-effectiveness. The Auditor shall submit the results of the  
13          audit to the Senate Committees on Natural Resources and Energy and on  
14          Judiciary and the House Committees on Environment and Energy and on  
15          Judiciary.

16          § 599c. STATE TREASURER REPORT ON THE COST TO VERMONT OF  
17          COVERED GREENHOUSE GAS EMISSIONS

18          On or before January 15, 2026, the State Treasurer, after consultation with  
19          the Interagency Advisory Board to the Climate Action Office, and with any  
20          other person or entity whom the State Treasurer decides to consult for the  
21          purpose of obtaining and utilizing credible data or methodologies that the State  
22          Treasurer determines may aid the State Treasurer in making the assessments

1 and estimates required by this section, shall submit to the Senate Committees  
2 on Appropriations, on Finance, on Agriculture, and on Natural Resources and  
3 Energy and the House Committees on Appropriations; on Ways and Means; on  
4 Agriculture, Food Resiliency, and Forestry; and on Environment and Energy  
5 an assessment of the cost to the State of Vermont and its residents of the  
6 emission of covered greenhouse gases for the period that began on January 1,  
7 1995 and ended on December 31, 2023. The assessment shall include:

8 (1) a summary of the various cost-driving effects of covered greenhouse  
9 gas emissions on the State of Vermont, including effects on public health,  
10 natural resources, biodiversity, agriculture, economic development, flood  
11 preparedness and safety, housing, and any other effect that the State Treasurer,  
12 in consultation with the Climate Action Office, determines is relevant;

13 (2) a categorized calculation of the costs that have been incurred and are  
14 projected to be incurred in the future within the State of Vermont of each of the  
15 effects identified under subdivision (1) of this section; and

16 (3) a categorized calculation of the costs that have been incurred and are  
17 projected to be incurred in the future within the State of Vermont to abate the  
18 effects of covered greenhouse gas emissions from between January 1, 1995  
19 and December 31, 2023 on the State of Vermont and its residents.

1 **Sec. 3. IMPLEMENTATION**

2 (a) On or before July 1, 2025, the Agency of Natural Resources shall adopt  
3 the Resilience Implementation Strategy required pursuant to 10 V.S.A.  
4 § 599a(b)(3).

5 (b) On or before July 1, 2026, the Agency of Natural Resources shall adopt  
6 the rules required pursuant to 10 V.S.A. § 599a(b)(1) and (b)(2).

7 **Sec. 4. APPROPRIATION**

8 The sum of \$300,000.00 is appropriated from the General Fund to the  
9 Agency of Natural Resources in fiscal year 2025 for the purpose of  
10 implementing the requirements of this act, including for personal services for  
11 the position created pursuant to Sec. 5 of this act; costs associated with  
12 providing administrative, technical, and legal support in carrying out the  
13 requirements of this act and the Program; hiring consultants and experts; and  
14 for other necessary costs and expenses.

15 **Sec. 5. AGENCY OF NATURAL RESOURCES; POSITIONS**

16 One three-year limited service position is created in the Agency of Natural  
17 Resources for the purpose of implementing this act.

18 **Sec. 6. 10 V.S.A. § 8003(a) is amended to read:**

19 **8003. APPLICABILITY**

20 (a) The Secretary may take action under this chapter to enforce the  
21 following statutes and rules, permits, assurances, or orders implementing the

1 following statutes, and the Board may take such action with respect to

2 subdivision (10) of this subsection:

3 \* \* \*

4 (31) 10 V.S.A. chapter 124, relating to the trade in covered animal parts

5 or products; ~~and~~

6 (32) 10 V.S.A. chapter 164B, relating to collection and management of

7 covered household hazardous products; and

8 (33) 10 V.S.A. chapter 24A relating to the Climate Superfund Cost

9 Recovery Program.

10 Sec. 7. EFFECTIVE DATE

11 This act shall take effect on July 1, 2024.

**From:** Moore, Julie  
**Sent:** Thursday, March 14, 2024 8:20 AM  
**To:** Gendron, Maggie  
**Subject:** Fwd: S.259  
**Attachments:** GENERAL-#375258-v1-S\_259\_Sen\_\_Sears\_proposed\_amendment.pdf

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**From:** Michael O'Grady <MOGrady@leg.state.vt.us>  
**Sent:** Thursday, March 14, 2024 8:13:14 AM  
**To:** O'Toole, Megan <Megan.OToole@vermont.gov>  
**Cc:** Moore, Julie <Julie.Moore@vermont.gov>  
**Subject:** S.259

**EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.**

Megan

Just finished the draft this morning post editing. It is attached.

Mike



1 S.259

2 Senator Sears moves that the bill be amended by striking out all after the  
3 enacting clause and inserting in lieu thereof the following:

4 Sec. 1. SHORT TITLE

5 This act may be cited as the “Climate Superfund Act.”

6 Sec. 2. 10 V.S.A. chapter 24A is added to read:

7 CHAPTER 24A. CLIMATE SUPERFUND COST RECOVERY PROGRAM

8 § 596. DEFINITIONS

9 As used in this chapter:

10 (1) “Agency” means the Agency of Natural Resources.

11 (2) “Climate change adaptation project” means a project designed to  
12 respond to, avoid, moderate, repair, or adapt to negative impacts caused by  
13 climate change and to assist human and natural communities, households, and  
14 businesses in preparing for future climate-change-driven disruptions. Climate  
15 change adaptation projects include implementing nature-based solutions and  
16 flood protections; home buyouts; upgrading stormwater drainage systems;  
17 making defensive upgrades to roads, bridges, railroads, and transit systems;  
18 preparing for and recovering from extreme weather events; undertaking  
19 preventive health care programs and providing medical care to treat illness or  
20 injury caused by the effects of climate change; relocating, elevating, or  
21 retrofitting sewage treatment plants and other infrastructure vulnerable to  
22 flooding; installing energy efficient cooling systems and other weatherization

1 and energy efficiency upgrades and retrofits in public and private buildings,  
2 including schools and public housing, designed to reduce the public health  
3 effects of more frequent heat waves and forest fire smoke; upgrading parts of  
4 the electrical grid to increase stability and resilience, including supporting the  
5 creation of self-sufficient microgrids; and responding to toxic algae blooms,  
6 loss of agricultural topsoil, crop loss, and other climate-driven ecosystem  
7 threats to forests, farms, fisheries, and food systems.

8 (3) “Climate Superfund Cost Recovery Program” means the program  
9 established by this chapter.

10 (4) “Coal” means bituminous coal, anthracite coal, and lignite.

11 (5)(A) “Controlled group” means two or more entities treated as a single  
12 employer under:

13 (i) 26 U.S.C. § 52(a) or (b), without regard to 26 U.S.C.  
14 § 1563(b)(2)(C); or

15 (ii) 26 U.S.C. § 414(m) or (o).

16 (B) For purposes of this chapter, entities in a controlled group are  
17 treated as a single entity for purposes of meeting the definition of responsible  
18 party and are jointly and severally liable for payment of any cost recovery  
19 demand owed by any entity in the controlled group.

20 (6) “Cost recovery demand” means a charge asserted against a  
21 responsible party for cost recovery payments under the Program for payment to  
22 the Fund.

1           (7) “Covered greenhouse gas emissions” means the total quantity of  
2           greenhouse gases released into the atmosphere during the covered period,  
3           expressed in metric tons of carbon dioxide equivalent, resulting from the use of  
4           fossil fuels **extracted or refined** by an entity.

5           (8) “Covered period” means the period that began on January 1, **1995**  
6           and ended on December 31, **2023**.

7           (9) “Crude oil” means oil or petroleum of any kind and in any form,  
8           including bitumen, oil sands, heavy oil, conventional and unconventional oil,  
9           shale oil, natural gas liquids, condensates, and related fossil fuels.

10           (10) “Entity” means any individual, trustee, agent, partnership,  
11           association, corporation, company, municipality, political subdivision, or other  
12           legal organization, including a foreign nation, that holds or held an ownership  
13           interest in a fossil fuel business during the covered period.

14           (11) “Environmental justice focus population” has the same meaning as  
15           in 3 V.S.A. § 6002.

16           (12) “Fossil fuel” means coal, petroleum products, and fuel gases.

17           (13) “Fossil fuel business” means a business engaging in the extraction  
18           of fossil fuels or the refining of petroleum products.

19           (14) “Fuel gases” or “fuel gas” means:

20           (A) methane;

21           (B) natural gas;

22           (C) liquified natural gas; and

1           (D) manufactured fuel gases.

2           (15) “Fund” means the Climate Superfund Cost Recovery Program Fund  
3           established pursuant to section 599 of this title.

4           (16) “Greenhouse gas” has the same meaning as in section 552 of this  
5           title.

6           (17) “Nature-based solutions” means projects that utilize or mimic  
7           nature or natural processes and functions and that may also offer  
8           environmental, economic, and social benefits while increasing resilience.  
9           Nature-based solutions include both green and natural infrastructure.

10           (18) “Notice of cost recovery demand” means the written  
11           communication from the Agency informing a responsible party of the amount  
12           of the cost recovery demand payable to the Fund.

13           (19) “Petroleum product” means any product refined or re-refined from:

14           (A) synthetic or crude oil; or

15           (B) crude oil extracted from natural gas liquids or other sources.

16           (20) “Program” means the Climate Superfund Cost Recovery Program  
17           established under this chapter.

18           (21) “Qualifying expenditure” means an authorized payment from the  
19           Fund to pay reasonable expenses associated with the administration of the  
20           Fund and the Program and as part of the support of a climate change adaptation  
21           project, including its operation, monitoring, and maintenance.

1           (22) “Responsible party” means any entity or a successor in interest to  
2           an entity that during any part of the covered period was engaged in the trade or  
3           business of extracting fossil fuel or refining crude oil and is determined by the  
4           Agency attributable to for more than one billion metric tons of covered  
5           greenhouse gas emissions during the covered period. The term responsible  
6           party does not include any person who lacks sufficient connection with the  
7           State to satisfy the nexus requirements of the U.S. Constitution.

8           (23) “Strategy” means the Resilience Implementation Strategy adopted  
9           by the Agency.

10       § 597. THE CLIMATE SUPERFUND COST RECOVERY PROGRAM

11       There is hereby established the Climate Superfund Cost Recovery Program  
12       administered by the Climate Action Office of the Agency of Natural  
13       Resources. The purposes of the Program shall be all of the following:

14           (1) to secure compensatory payments from responsible parties based on  
15           a standard of strict liability to provide a source of revenue for climate change  
16           adaptation projects within the State;

17           (2) to determine proportional liability of responsible parties;

18           (3) to impose cost recovery demands on responsible parties and issue  
19           notices of cost recovery demands;

20           (4) to accept and collect payment from responsible parties;

21           (5) to develop, adopt, implement, and update the Strategy that will  
22           identify and prioritize climate change adaptation projects; and

1           (6) to disperse funds to implement climate change adaptation projects  
2           identified in the Strategy.

3           § 598. LIABILITY OF RESPONSIBLE PARTIES

4           (a)(1) A responsible party shall be strictly liable for a share of the costs of  
5           climate change adaptation projects and all qualifying expenditures supported  
6           by the Fund.

7           (2) For purposes of this section, entities in a controlled group:

8           (A) shall be treated by the Agency as a single entity for the purposes  
9           of identifying responsible parties; and

10           (B) are jointly and severally liable for payment of any cost recovery  
11           demand owed by any entity in the controlled group.

12           (b) With respect to each responsible party, the cost recovery demand shall  
13           be equal to an amount that bears the same ratio to the cost to the State of  
14           Vermont and its residents, as calculated by the State Treasurer pursuant to  
15           section 599c of this title, from the emission of covered greenhouse gases  
16           during the covered period as the responsible party's applicable share of  
17           covered greenhouse gas emissions bears to the aggregate applicable shares of  
18           covered greenhouse gas emissions resulting from the use of fossil fuels  
19           extracted or refined during the covered period.

20           (c) If a responsible party owns a minority interest of 10 percent or more in  
21           another entity, the responsible party's applicable share of covered greenhouse  
22           gas emissions shall be increased by the applicable share of covered greenhouse

1 gas emissions for the entity in which the responsible party holds a minority  
2 interest multiplied by the percentage of the minority interest held by the  
3 responsible party.

4 (d) The Agency shall use the U.S. Environmental Protection Agency's  
5 Emissions Factors for Greenhouse Gas Inventories as applied to the best  
6 publicly available fossil fuel volume data for the purpose of determining the  
7 amount of covered greenhouse gas emissions attributable to any entity from the  
8 fossil fuels attributable to the entity.

9 (e) The Agency may adjust the cost recovery demand amount of a  
10 responsible party who refined petroleum products or who is a successor in  
11 interest to an entity that refines petroleum products if the responsible party  
12 establishes to the satisfaction of the Agency that:

13 (1) a portion of the cost recovery demand amount was attributable to the  
14 refining of crude oil extracted by another responsible party; and

15 (2) the crude oil extracted by the other entity was accounted for when  
16 the Agency determined the cost recovery demand amount for the other entity  
17 of a successor in interest of the other entity.

18 (f) The Agency shall issue the cost recovery demands required under this  
19 section not later than six months following the adoption of the rules required  
20 under subdivision 599a(b)(2) of this title.

21 (g)(1) Except as provided in subdivision (2) of this subsection, a  
22 responsible party shall pay the cost recovery demand amount in full not later

1 than six months following the Secretary's issuance of the cost recovery  
2 demand.

3 (2)(A) A responsible party may elect to pay the cost recovery demand  
4 amount in nine annual installments in accordance with this subdivision (2).

5 (B) The first installment shall be paid not later than six months  
6 following the Secretary's issuance of the cost recovery demand and shall be  
7 equal to 20 percent of the total cost recovery demand amount.

8 (C) Each subsequent installment shall be paid one year from the  
9 initial payment each subsequent year and shall be equal to 10 percent of the  
10 total cost recovery demand amount. The Secretary, at the Secretary's  
11 discretion, may adjust the amount of a subsequent installment payment to  
12 reflect increases or decreases in the Consumer Price Index.

13 (D)(i) The unpaid balance of all remaining installments shall become  
14 due immediately if:

15 (I) the responsible party fails to pay any installment in a timely  
16 manner, as specified in Agency rules;

17 (II) except as provided in subdivision (ii) of this subdivision  
18 (g)(2)(D), there is a liquidation or sale of substantially all the assets of the  
19 responsible party; or

20 (III) the responsible party ceases to do business.

21 (ii) In the case of a sale of substantially all the assets of a  
22 responsible party, the remaining installments shall not become due



1 immediately if the buyer enters into an agreement with the Agency under  
2 which the buyer assumes liability for the remaining installments due under this  
3 subdivision (2) in the same manner as if the buyer were the responsible party.

4 (h) The Agency shall deposit cost recovery payments collected under this  
5 chapter to the Climate Superfund Cost Recovery Program Fund established  
6 under section 599 of this title.

7 (i) A responsible party aggrieved by the issuance of a notice of cost  
8 recovery demand shall exhaust administrative remedies by filing a request for  
9 reconsideration with the Secretary within 15 days following issuance of the  
10 notice of cost recovery demand. A request for reconsideration shall state the  
11 grounds for the request and include supporting documentation. The Secretary  
12 shall notify the responsible party of the final decision by issuing a subsequent  
13 notice of cost recovery demand. A responsible party aggrieved by the issuance  
14 of a final notice of cost recovery demand may bring an action pursuant to Rule  
15 74 of the Vermont Rules of Civil Procedure in the Civil Division of the  
16 Superior Court of Washington County.

17 (j) Nothing in this section shall be construed to supersede or diminish in  
18 any way existing remedies available to a person of the State at common law or  
19 under statute.

1     § 599. CLIMATE SUPERFUND COST RECOVERY PROGRAM FUND

2           (a) There is created the Climate Superfund Cost Recovery Program Fund to  
3     be administered by the Secretary of Natural Resources to provide funding for  
4     climate change adaptation projects in the State. The Fund shall consist of:

5           (1) cost recovery payments distributed to the Fund under section 598 of  
6     this title;

7           (2) monies from time to time appropriated to the Fund by the General  
8     Assembly; and

9           (3) other gifts, donations, or other monies received from any source,  
10    public or private, dedicated for deposit into the Fund and approved by the  
11    Secretary of Administration.

12          (b) The Fund may be used only:

13           (1) to pay:

14           (A) qualified expenditures for climate change adaptation projects  
15    identified by the Agency in the Strategy; and

16           (B) reasonable administrative expenses of the Program; and

17           (2) to implement climate adaptation action identified in the State Hazard  
18    Mitigation Plan.

19          (c) Notwithstanding any contrary provisions of 32 V.S.A. chapter 7,  
20    subchapter 5, unexpended balances and interest earned by the Fund shall be  
21    retained in the Fund from year to year.

1     § 599a. REPORTS; RULEMAKING

2           (a) On or before January 15, 2025, the Agency, in consultation with the  
3     State Treasurer, shall submit a report to the General Assembly detailing the  
4     feasibility and progress of carrying out the requirements of this chapter,  
5     including any recommendations for improving the administration of the  
6     Program.

7           (b) The Agency shall adopt rules necessary to implement the requirements  
8     of this chapter, including:

9           (1) adopting methodologies using the best available science and publicly  
10     available data to identify responsible parties and determine their applicable  
11     share of covered greenhouse gas emissions;

12          (2) requirements for registering entities that are responsible parties and  
13     issuing notices of cost recovery demands under the Program; and

14          (3) the Resilience Implementation Strategy, which shall include:

15           (A) practices utilizing nature-based solutions intended to stabilize  
16     floodplains, riparian zones, lake shoreland, wetlands, and similar lands;

17           (B) practices to adapt infrastructure to the impacts of climate change;

18           (C) practices needed to build out early warning mechanisms and  
19     support fast, effective response to climate-related threats;

20           (D) practices that support economic and environmental sustainability  
21     in the face of changing climate conditions; and

1           (E) criteria and procedures for prioritizing climate change adaptation  
2 projects eligible to receive monies from the Climate Superfund Cost Recovery  
3 Program.

4           (c) In adopting the Strategy, the Agency shall:

5               (1) consult with the Environmental Justice Advisory Council;

6               (2) in consultation with other State agencies and departments, including  
7 the Department of Public Safety's Division of Vermont Emergency  
8 Management, assess the adaptation needs and vulnerabilities of various areas  
9 vital to the State's economy, normal functioning, and the health and well-being  
10 of Vermonters;

11              (3) identify major potential, proposed, and ongoing climate change  
12 adaptation projects throughout the State;

13              (4) identify opportunities for alignment with existing federal, State,  
14 and local funding streams;

15              (5) consult with stakeholders, including local governments, businesses,  
16 environmental advocates, relevant subject area experts, and representatives of  
17 environmental justice focus populations;

18              (6) consider components of the Vermont Climate Action Plan required  
19 under section 592 of this title that are related to adaptation or resilience, as  
20 defined in section 590 of this title; and

1           (7) conduct public engagement in areas and communities that have the  
2           most significant exposure to the impacts of climate change, including  
3           disadvantaged, low-income, and rural communities and areas.

4           (d) Nothing in this section shall be construed to limit the existing authority  
5           of a State agency, department, or entity to regulate greenhouse gas emissions  
6           or establish strategies or adopt rules to mitigate climate risk and build  
7           resilience to climate change.

8           § 599b. CLIMATE CHANGE COST RECOVERY PROGRAM AUDIT

9           Once every five years, the State Auditor shall evaluate the operation and  
10          effectiveness of the Climate Superfund Cost Recovery Program. The Auditor  
11          shall make recommendations to the Agency on ways to increase program  
12          efficacy and cost-effectiveness. The Auditor shall submit the results of the  
13          audit to the Senate Committees on Natural Resources and Energy and on  
14          Judiciary and the House Committees on Environment and Energy and on  
15          Judiciary.

16          § 599c. STATE TREASURER REPORT ON THE COST TO VERMONT OF  
17          COVERED GREENHOUSE GAS EMISSIONS

18          On or before January 15, 2026, the State Treasurer, after consultation with  
19          the Interagency Advisory Board to the Climate Action Office, and with any  
20          other person or entity whom the State Treasurer decides to consult for the  
21          purpose of obtaining and utilizing credible data or methodologies that the State  
22          Treasurer determines may aid the State Treasurer in making the assessments

1 and estimates required by this section, shall submit to the Senate Committees  
2 on Appropriations, on Finance, on Agriculture, and on Natural Resources and  
3 Energy and the House Committees on Appropriations; on Ways and Means; on  
4 Agriculture, Food Resiliency, and Forestry; and on Environment and Energy  
5 an assessment of the cost to the State of Vermont and its residents of the  
6 emission of covered greenhouse gases for the period that began on January 1,  
7 1995 and ended on December 31, 2023. The assessment shall include:

8 (1) a summary of the various cost-driving effects of covered greenhouse  
9 gas emissions on the State of Vermont, including effects on public health,  
10 natural resources, biodiversity, agriculture, economic development, flood  
11 preparedness and safety, housing, and any other effect that the State Treasurer,  
12 in consultation with the Climate Action Office, determines is relevant;

13 (2) a categorized calculation of the costs that have been incurred and are  
14 projected to be incurred in the future within the State of Vermont of each of the  
15 effects identified under subdivision (1) of this section; and

16 (3) a categorized calculation of the costs that have been incurred and are  
17 projected to be incurred in the future within the State of Vermont to abate the  
18 effects of covered greenhouse gas emissions from between January 1, 1995  
19 and December 31, 2023 on the State of Vermont and its residents.

1 **Sec. 3. IMPLEMENTATION**

2 (a) On or before July 1, 2025, the Agency of Natural Resources shall adopt  
3 the Resilience Implementation Strategy required pursuant to 10 V.S.A.  
4 § 599a(b)(3).

5 (b) On or before July 1, 2026, the Agency of Natural Resources shall adopt  
6 the rules required pursuant to 10 V.S.A. § 599a(b)(1) and (b)(2).

7 **Sec. 4. APPROPRIATION**

8 The sum of \$300,000.00 is appropriated from the General Fund to the  
9 Agency of Natural Resources in fiscal year 2025 for the purpose of  
10 implementing the requirements of this act, including for personal services for  
11 the position created pursuant to Sec. 5 of this act; costs associated with  
12 providing administrative, technical, and legal support in carrying out the  
13 requirements of this act and the Program; hiring consultants and experts; and  
14 for other necessary costs and expenses.

15 **Sec. 5. AGENCY OF NATURAL RESOURCES; POSITIONS**

16 One three-year limited service position is created in the Agency of Natural  
17 Resources for the purpose of implementing this act.

18 **Sec. 6. 10 V.S.A. § 8003(a) is amended to read:**

19 **8003. APPLICABILITY**

20 (a) The Secretary may take action under this chapter to enforce the  
21 following statutes and rules, permits, assurances, or orders implementing the

1 following statutes, and the Board may take such action with respect to

2 subdivision (10) of this subsection:

3 \* \* \*

4 (31) 10 V.S.A. chapter 124, relating to the trade in covered animal parts

5 or products; ~~and~~

6 (32) 10 V.S.A. chapter 164B, relating to collection and management of

7 covered household hazardous products; and

8 (33) 10 V.S.A. chapter 24A relating to the Climate Superfund Cost

9 Recovery Program.

10 Sec. 7. EFFECTIVE DATE

11 This act shall take effect on July 1, 2024.



**From:** Michael O'Grady <MOGrady@leg.state.vt.us>  
**Sent:** Thursday, March 14, 2024 11:52 AM  
**To:** Anthony Iarrapino; O'Toole, Megan; Gendron, Maggie; Doyon, Ashlynn; Ben Edgerly Walsh  
**Subject:** S.259 Redraft and Timelines  
**Attachments:** GENERAL-#375320-v1-S.259 Senate Judiciary Committee Amendment.DOCX; GENERAL-#375325-v1-S.259 Timeline.DOCX

**EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.**

Hello Everyone

Attached is the unedited redraft of S.259, including its formatting as a committee amendment. Please look over and let me know if you would like changes.

Also attached is a table of the timeline.

Thanks

Mike

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TO THE HONORABLE SENATE:

The Committee on Judiciary to which was referred Senate Bill No. entitled  
“An act relating to climate change cost recovery” respectfully reports that it  
has considered the same and recommends that the bill be amended by striking  
out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. SHORT TITLE

This act may be cited as the “Climate Superfund Act.”

Sec. 2. 10 V.S.A. chapter 24A is added to read:

CHAPTER 24A. CLIMATE SUPERFUND COST RECOVERY PROGRAM

§ 596. DEFINITIONS

As used in this chapter:

(1) “Agency” means the Agency of Natural Resources.

(2) “Climate change adaptation project” means a project designed to  
respond to, avoid, moderate, repair, or adapt to negative impacts caused by  
climate change and to assist human and natural communities, households, and  
businesses in preparing for future climate-change-driven disruptions. Climate  
change adaptation projects include implementing nature-based solutions and  
flood protections; home buyouts; upgrading stormwater drainage systems;  
making defensive upgrades to roads, bridges, railroads, and transit systems;  
preparing for and recovering from extreme weather events; undertaking  
preventive health care programs and providing medical care to treat illness or

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1 injury caused by the effects of climate change; relocating, elevating, or  
2 retrofitting sewage treatment plants and other infrastructure vulnerable to  
3 flooding; installing energy efficient cooling systems and other weatherization  
4 and energy efficiency upgrades and retrofits in public and private buildings,  
5 including schools and public housing, designed to reduce the public health  
6 effects of more frequent heat waves and forest fire smoke; upgrading parts of  
7 the electrical grid to increase stability and resilience, including supporting the  
8 creation of self-sufficient microgrids; and responding to toxic algae blooms,  
9 loss of agricultural topsoil, crop loss, and other climate-driven ecosystem  
10 threats to forests, farms, fisheries, and food systems.

11 (3) “Climate Superfund Cost Recovery Program” means the program  
12 established by this chapter.

13 (4) “Coal” means bituminous coal, anthracite coal, and lignite.

14 (5)(A) “Controlled group” means two or more entities treated as a single  
15 employer under:

16 (i) 26 U.S.C. § 52(a) or (b), without regard to 26 U.S.C.  
17 § 1563(b)(2)(C); or

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1 party and are jointly and severally liable for payment of any cost recovery  
2 demand owed by any entity in the controlled group.

3 (6) “Cost recovery demand” means a charge asserted against a  
4 responsible party for cost recovery payments under the Program for payment to  
5 the Fund.

6 (7) “Covered greenhouse gas emissions” means the total quantity of  
7 greenhouse gases released into the atmosphere during the covered period,  
8 expressed in metric tons of carbon dioxide equivalent, resulting from the use of  
9 fossil fuels extracted or refined by an entity.

10 (8) “Covered period” means the period that began on January 1, 1995  
11 and ended on December 31, 2024.

12 (9) “Crude oil” means oil or petroleum of any kind and in any form,  
13 including bitumen, oil sands, heavy oil, conventional and unconventional oil,  
14 shale oil, natural gas liquids, condensates, and related fossil fuels.

15 (10) “Entity” means any individual, trustee, agent, partnership,  
16 association, corporation, company, municipality, political subdivision, or other  
17 legal organization, including a foreign nation, that holds or held an ownership  
18 interest in a fossil fuel business during the covered period.

19 (11) “Environmental justice focus population” has the same meaning as  
20 in 3 V.S.A. § 6002.

21 (12) “Fossil fuel” means coal, petroleum products, and fuel gases.

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1           (13) “Fossil fuel business” means a business engaging in the extraction  
2           of fossil fuels or the refining of petroleum products.

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8           (15) “Fund” means the Climate Superfund Cost Recovery Program Fund  
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11           title.

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13           nature or natural processes and functions and that may also offer  
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21               (B) crude oil extracted from natural gas liquids or other sources.

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5           Fund and the Program and as part of the support of a climate change adaptation  
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10          Agency attributable to for more than one billion metric tons of covered  
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1           (1) to secure compensatory payments from responsible parties based on  
2           a standard of strict liability to provide a source of revenue for climate change  
3           adaptation projects within the State;

4           (2) to determine proportional liability of responsible parties;

5           (3) to impose cost recovery demands on responsible parties and issue  
6           notices of cost recovery demands;

7           (4) to accept and collect payment from responsible parties;

8           (5) to develop, adopt, implement, and update the Strategy that will  
9           identify and prioritize climate change adaptation projects; and

10           (6) to disperse funds to implement climate change adaptation projects  
11           identified in the Strategy.

12           § 598. LIABILITY OF RESPONSIBLE PARTIES

13           (a)(1) A responsible party shall be strictly liable for a share of the costs of  
14           climate change adaptation projects and all qualifying expenditures supported  
15           by the Fund.

16           (2) For purposes of this section, entities in a controlled group:

17           (A) shall be treated by the Agency as a single entity for the purposes  
18           of identifying responsible parties; and

19           (B) are jointly and severally liable for payment of any cost recovery  
20           demand owed by any entity in the controlled group.

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1        (b) With respect to each responsible party, the cost recovery demand shall  
2        be equal to an amount that bears the same ratio to the cost to the State of  
3        Vermont and its residents, as calculated by the State Treasurer pursuant to  
4        section 599c of this title, from the emission of covered greenhouse gases  
5        during the covered period as the responsible party's applicable share of  
6        covered greenhouse gas emissions bears to the aggregate applicable shares of  
7        covered greenhouse gas emissions resulting from the use of fossil fuels  
8        extracted or refined during the covered period.

9        (c) If a responsible party owns a minority interest of 10 percent or more in  
10       another entity, the responsible party's applicable share of covered greenhouse  
11       gas emissions shall be increased by the applicable share of covered greenhouse  
12       gas emissions for the entity in which the responsible party holds a minority  
13       interest multiplied by the percentage of the minority interest held by the  
14       responsible party.

15       (d) The Agency shall use the U.S. Environmental Protection Agency's  
16       Emissions Factors for Greenhouse Gas Inventories as applied to the best  
17       publicly available fossil fuel volume data for the purpose of determining the  
18       amount of covered greenhouse gas emissions attributable to any entity from the  
19       fossil fuels attributable to the entity.

20       (e) The Agency may adjust the cost recovery demand amount of a  
21       responsible party who refined petroleum products or who is a successor in



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1 interest to an entity that refines petroleum products if the responsible party  
2 establishes to the satisfaction of the Agency that:

3 (1) a portion of the cost recovery demand amount was attributable to the  
4 refining of crude oil extracted by another responsible party; and

5 (2) the crude oil extracted by the other entity was accounted for when  
6 the Agency determined the cost recovery demand amount for the other entity  
7 of a successor in interest of the other entity.

8 (f) The Agency shall issue the cost recovery demands required under this  
9 section not later than six months following the adoption of the rules required  
10 under subdivision 599a(b)(2) of this title.

11 (g)(1) Except as provided in subdivision (2) of this subsection, a  
12 responsible party shall pay the cost recovery demand amount in full not later  
13 than six months following the Secretary's issuance of the cost recovery  
14 demand.

15 (2)(A) A responsible party may elect to pay the cost recovery demand  
16 amount in nine annual installments in accordance with this subdivision (2).

17 (B) The first installment shall be paid not later than six months  
18 following the Secretary's issuance of the cost recovery demand and shall be  
19 equal to 20 percent of the total cost recovery demand amount.

20 (C) Each subsequent installment shall be paid one year from the  
21 initial payment each subsequent year and shall be equal to 10 percent of the

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1 total cost recovery demand amount. The Secretary, at the Secretary's  
2 discretion, may adjust the amount of a subsequent installment payment to  
3 reflect increases or decreases in the Consumer Price Index.

4 (D)(i) The unpaid balance of all remaining installments shall become  
5 due immediately if:

6 (I) the responsible party fails to pay any installment in a timely  
7 manner, as specified in Agency rules;

8 (II) except as provided in subdivision (ii) of this subdivision  
9 (g)(2)(D), there is a liquidation or sale of substantially all the assets of the  
10 responsible party; or

11 (III) the responsible party ceases to do business.

12 (ii) In the case of a sale of substantially all the assets of a  
13 responsible party, the remaining installments shall not become due  
14 immediately if the buyer enters into an agreement with the Agency under  
15 which the buyer assumes liability for the remaining installments due under this  
16 subdivision (2) in the same manner as if the buyer were the responsible party.

17 (h) The Agency shall deposit cost recovery payments collected under this  
18 chapter to the Climate Superfund Cost Recovery Program Fund established  
19 under section 599 of this title.

20 (i) A responsible party aggrieved by the issuance of a notice of cost  
21 recovery demand shall exhaust administrative remedies by filing a request for

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1 reconsideration with the Secretary within 15 days following issuance of the  
2 notice of cost recovery demand. A request for reconsideration shall state the  
3 grounds for the request and include supporting documentation. The Secretary  
4 shall notify the responsible party of the final decision by issuing a subsequent  
5 notice of cost recovery demand. A responsible party aggrieved by the issuance  
6 of a final notice of cost recovery demand may bring an action pursuant to Rule  
7 74 of the Vermont Rules of Civil Procedure in the Civil Division of the  
8 Superior Court of Washington County.

9 (j) Nothing in this section shall be construed to supersede or diminish in  
10 any way existing remedies available to a person of the State at common law or  
11 under statute.

12 § 599. CLIMATE SUPERFUND COST RECOVERY PROGRAM FUND

13 (a) There is created the Climate Superfund Cost Recovery Program Fund to  
14 be administered by the Secretary of Natural Resources to provide funding for  
15 climate change adaptation projects in the State. The Fund shall consist of:

16 (1) cost recovery payments distributed to the Fund under section 598 of  
17 this title;

18 (2) monies from time to time appropriated to the Fund by the General  
19 Assembly; and

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1           (3) other gifts, donations, or other monies received from any source,  
2           public or private, dedicated for deposit into the Fund and approved by the  
3           Secretary of Administration.

4           (b) The Fund may be used only:

5           (1) to pay:

6           (A) qualified expenditures for climate change adaptation projects  
7           identified by the Agency in the Strategy; and

8           (B) reasonable administrative expenses of the Program; and

9           (2) to implement climate adaptation action identified in the State Hazard  
10          Mitigation Plan.

11          (c) Notwithstanding any contrary provisions of 32 V.S.A. chapter 7,  
12          subchapter 5, unexpended balances and interest earned by the Fund shall be  
13          retained in the Fund from year to year.

14          § 599a. REPORTS; RULEMAKING

15          (a) On or before January 15, 2025, the Agency, in consultation with the  
16          State Treasurer, shall submit a report to the General Assembly detailing the  
17          feasibility and progress of carrying out the requirements of this chapter,  
18          including any recommendations for improving the administration of the  
19          Program.

20          (b) The Agency shall adopt rules necessary to implement the requirements  
21          of this chapter, including:

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1           (1) adopting methodologies using the best available science and publicly  
2           available data to identify responsible parties and determine their applicable  
3           share of covered greenhouse gas emissions;

4           (2) requirements for registering entities that are responsible parties and  
5           issuing notices of cost recovery demands under the Program; and

6           (3) the Resilience Implementation Strategy, which shall include:

7           (A) practices utilizing nature-based solutions intended to stabilize  
8           floodplains, riparian zones, lake shoreland, wetlands, and similar lands;

9           (B) practices to adapt infrastructure to the impacts of climate change;

10          (C) practices needed to build out early warning mechanisms and  
11          support fast, effective response to climate-related threats;

12          (D) practices that support economic and environmental sustainability  
13          in the face of changing climate conditions; and

14          (E) criteria and procedures for prioritizing climate change adaptation  
15          projects eligible to receive monies from the Climate Superfund Cost Recovery  
16          Program.

17          (c) In adopting the Strategy, the Agency shall:

18               (1) consult with the Environmental Justice Advisory Council;

19               (2) in consultation with other State agencies and departments, including  
20               the Department of Public Safety’s Division of Vermont Emergency  
21               Management, assess the adaptation needs and vulnerabilities of various areas

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1 vital to the State’s economy, normal functioning, and the health and well-being  
2 of Vermonters;

3 (3) identify major potential, proposed, and ongoing climate change  
4 adaptation projects throughout the State;

5 (4) identify opportunities for alignment with existing federal, State,  
6 and local funding streams;

7 (5) consult with stakeholders, including local governments, businesses,  
8 environmental advocates, relevant subject area experts, and representatives of  
9 environmental justice focus populations;

10 (6) consider components of the Vermont Climate Action Plan required  
11 under section 592 of this title that are related to adaptation or resilience, as  
12 defined in section 590 of this title; and

13 (7) conduct public engagement in areas and communities that have the  
14 most significant exposure to the impacts of climate change, including  
15 disadvantaged, low-income, and rural communities and areas.

16 (d) Nothing in this section shall be construed to limit the existing authority  
17 of a State agency, department, or entity to regulate greenhouse gas emissions  
18 or establish strategies or adopt rules to mitigate climate risk and build  
19 resilience to climate change.

20 § 599b. CLIMATE CHANGE COST RECOVERY PROGRAM AUDIT

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1        Once every five years, the State Auditor shall evaluate the operation and  
2        effectiveness of the Climate Superfund Cost Recovery Program. The Auditor  
3        shall make recommendations to the Agency on ways to increase program  
4        efficacy and cost-effectiveness. The Auditor shall submit the results of the  
5        audit to the Senate Committees on Natural Resources and Energy and on  
6        Judiciary and the House Committees on Environment and Energy and on  
7        Judiciary.

8        § 599c. STATE TREASURER REPORT ON THE COST TO VERMONT OF

9                COVERED GREENHOUSE GAS EMISSIONS

10        On or before January 15, 2026, the State Treasurer, after consultation with  
11        the Interagency Advisory Board to the Climate Action Office, and with any  
12        other person or entity whom the State Treasurer decides to consult for the  
13        purpose of obtaining and utilizing credible data or methodologies that the State  
14        Treasurer determines may aid the State Treasurer in making the assessments  
15        and estimates required by this section, shall submit to the Senate Committees  
16        on Appropriations, on Finance, on Agriculture, and on Natural Resources and  
17        Energy and the House Committees on Appropriations; on Ways and Means; on  
18        Agriculture, Food Resiliency, and Forestry; and on Environment and Energy  
19        an assessment of the cost to the State of Vermont and its residents of the  
20        emission of covered greenhouse gases for the period that began on January 1,  
21        1995 and ended on December 31, 2024. The assessment shall include:

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1           (1) a summary of the various cost-driving effects of covered greenhouse  
2           gas emissions on the State of Vermont, including effects on public health,  
3           natural resources, biodiversity, agriculture, economic development, flood  
4           preparedness and safety, housing, and any other effect that the State Treasurer,  
5           in consultation with the Climate Action Office, determines is relevant;

6           (2) a categorized calculation of the costs that have been incurred and are  
7           projected to be incurred in the future within the State of Vermont of each of the  
8           effects identified under subdivision (1) of this section; and

9           (3) a categorized calculation of the costs that have been incurred and are  
10          projected to be incurred in the future within the State of Vermont to abate the  
11          effects of covered greenhouse gas emissions from between January 1, 1995  
12          and December 31, 2024 on the State of Vermont and its residents.

13          Sec. 3. IMPLEMENTATION

14          (a) On or before July 1, 2025, the Agency of Natural Resources pursuant to  
15          3 V.S.A. § 837 shall file with the Interagency Committee on Administrative  
16          Rules the proposed rule for the adoption of the Resilience Implementation  
17          Strategy required pursuant to 10 V.S.A § 599a(b)(3). On or before January 1,  
18          2026, the Agency of Natural Resources shall adopt the final rule establishing  
19          the Resilience Implementation Strategy required pursuant to 10 V.S.A  
20          § 599a(b)(3).



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1        (b) On or before July 1, 2026, the Agency of Natural Resources pursuant to  
2        3 V.S.A. § 837 shall file with the Interagency Committee on Administrative  
3        Rules the proposed rules required pursuant to 10 V.S.A. § 599a(b)(1) and  
4        (b)(2). On or before January 1, 2027, the Agency of Natural Resources shall  
5        adopt the final rule rules required pursuant to 10 V.S.A. § 599a(b)(1) and  
6        (b)(2).

7        Sec. 4. APPROPRIATIONS

8        (a) The sum of \$300,000.00 is appropriated from the General Fund to the  
9        Agency of Natural Resources in fiscal year 2025 for the purpose of  
10       implementing the requirements of this act, including for personal services for  
11       the position created pursuant to Sec. 5 of this act; costs associated with  
12       providing administrative, technical, and legal support in carrying out the  
13       requirements of this act and the Program; hiring consultants and experts; and  
14       for other necessary costs and expenses.

15       (b) The sum of \$300,000.00 is appropriated from the General Fund to the  
16       Office of the State Treasurer in fiscal year 2025 for the purposes of hiring  
17       consultants or third party services to assist in the completion of the assessment  
18       required by 10 V.S.A. § 599c of the cost to the State of Vermont and its  
19       residents of the emission of covered greenhouse gases. Notwithstanding the  
20       authorized uses of the Climate Superfund Cost Recovery Program Fund  
21       pursuant to 10 V.S.A. § 599(b), the first \$300,000.00 deposited into the

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1 Climate Superfund Cost Recovery Program Fund shall be used to reimburse  
2 the General Fund for the funds appropriated to the Office of the State Treasurer  
3 under this section.

4 Sec. 5. AGENCY OF NATURAL RESOURCES; POSITIONS

5 One three-year limited service position is created in the Agency of Natural  
6 Resources for the purpose of implementing this act.

7 Sec. 6. 10 V.S.A. § 8003(a) is amended to read:

8 8003. APPLICABILITY

9 (a) The Secretary may take action under this chapter to enforce the  
10 following statutes and rules, permits, assurances, or orders implementing the  
11 following statutes, and the Board may take such action with respect to  
12 subdivision (10) of this subsection:

13 \* \* \*

14 (31) 10 V.S.A. chapter 124, relating to the trade in covered animal parts  
15 or products; ~~and~~

16 (32) 10 V.S.A. chapter 164B, relating to collection and management of  
17 covered household hazardous products; and

18 (33) 10 V.S.A. chapter 24A relating to the Climate Superfund Cost  
19 Recovery Program.

20 Sec. 7. EFFECTIVE DATE

21 This act shall take effect on July 1, 2024.

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1

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7 (Committee vote: \_\_\_\_\_)

8

\_\_\_\_\_

9

Senator \_\_\_\_\_

10

FOR THE COMMITTEE

**S.259 Timeline**

<b>Dates</b> (on or before)	<b>Section</b>	<b>Action</b>
January 15, 2025	10 V.S.A. § 599a	ANR, in consultation with State Treasurer, submits a report to the General Assembly detailing the feasibility and progress of carrying out the Climate Superfund Cost Recovery Program.
July 1, 2025	10 V.S.A § 599a(b)(3) Sec. 3(a)	ANR files with ICAR the proposed rule for the adoption of the Resilience Implementation Strategy.
January 1, 2026,	10 V.S.A § 599a(b)(3) Sec. 3(a)	ANR shall adopt the final rule establishing the Resilience Implementation Strategy.
January 15, 2026	10 V.S.A. § 599c	The State Treasurer, after consultation with the Interagency Advisory Board to the Climate Action Office and others submits to the General Assembly an assessment of the cost to the State of Vermont and its residents of the emission of covered greenhouse gases for the period that began on January 1, 1995 and ended on December 31, 2024.
July 1, 2026	10 V.S.A. § 599a(b)(1) and (b)(2). Sec. 3(b)	ANR files with ICAR the proposed rules adopting methodologies to identify responsible parties, determine their share of covered greenhouse gas emissions, register responsible parties, and issuing notices of cost recovery demands.
January 1, 2027	10 V.S.A. § 599a(b)(1) and (b)(2).	ANR shall adopt the final rules adopting methodologies to identify responsible parties, determine their share of covered greenhouse gas emissions, register responsible parties, and issuing notices of cost recovery demands.
6 months after final ANR rulemaking under § 599a(b)(2)	10 V.S.A. § 598(f)	ANR issues the cost recovery demands
6 months after cost recovery demand issued	10 V.S.A. § 598(g)	Cost Recovery Payments Due

**From:** Gendron, Maggie  
**Sent:** Thursday, March 14, 2024 12:14 PM  
**To:** Moore, Julie; O'Toole, Megan; Stevens, Rachel  
**Subject:** Fwd: S.259 Redraft and Timelines  
**Attachments:** GENERAL-#375320-v1-S.259 Senate Judiciary Committee Amendment.DOCX; GENERAL-#375325-v1-S.259 Timeline.DOCX

FYsA. Megan, I talked to Julie and she still harbors the same concerns and caution - but we don't want to get in the way of Sears right now. It will have to go to the House. Maggie

---

**From:** Michael O'Grady <MOGrady@leg.state.vt.us>  
**Sent:** Thursday, March 14, 2024 11:51:32 AM  
**To:** Anthony Iarrapino <anthony@ilovt.net>; O'Toole, Megan <Megan.OToole@vermont.gov>; Gendron, Maggie <Maggie.Gendron@vermont.gov>; Doyon, Ashlynn <Ashlynn.Doyon@vermont.gov>; Ben Edgerly Walsh <bwalsh@vpirg.org>  
**Subject:** S.259 Redraft and Timelines

**EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.**

Hello Everyone

Attached is the unedited redraft of S.259, including its formatting as a committee amendment. Please look over and let me know if you would like changes.

Also attached is a table of the timeline.

Thanks

Mike

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1 TO THE HONORABLE SENATE:

2 The Committee on Judiciary to which was referred Senate Bill No. entitled  
3 “An act relating to climate change cost recovery” respectfully reports that it  
4 has considered the same and recommends that the bill be amended by striking  
5 out all after the enacting clause and inserting in lieu thereof the following:

6 Sec. 1. SHORT TITLE

7 This act may be cited as the “Climate Superfund Act.”

8 Sec. 2. 10 V.S.A. chapter 24A is added to read:

9 CHAPTER 24A. CLIMATE SUPERFUND COST RECOVERY PROGRAM

10 § 596. DEFINITIONS

11 As used in this chapter:

12 (1) “Agency” means the Agency of Natural Resources.

13 (2) “Climate change adaptation project” means a project designed to  
14 respond to, avoid, moderate, repair, or adapt to negative impacts caused by  
15 climate change and to assist human and natural communities, households, and  
16 businesses in preparing for future climate-change-driven disruptions. Climate  
17 change adaptation projects include implementing nature-based solutions and  
18 flood protections; home buyouts; upgrading stormwater drainage systems;  
19 making defensive upgrades to roads, bridges, railroads, and transit systems;  
20 preparing for and recovering from extreme weather events; undertaking  
21 preventive health care programs and providing medical care to treat illness or

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1 injury caused by the effects of climate change; relocating, elevating, or  
2 retrofitting sewage treatment plants and other infrastructure vulnerable to  
3 flooding; installing energy efficient cooling systems and other weatherization  
4 and energy efficiency upgrades and retrofits in public and private buildings,  
5 including schools and public housing, designed to reduce the public health  
6 effects of more frequent heat waves and forest fire smoke; upgrading parts of  
7 the electrical grid to increase stability and resilience, including supporting the  
8 creation of self-sufficient microgrids; and responding to toxic algae blooms,  
9 loss of agricultural topsoil, crop loss, and other climate-driven ecosystem  
10 threats to forests, farms, fisheries, and food systems.

11 (3) “Climate Superfund Cost Recovery Program” means the program  
12 established by this chapter.

13 (4) “Coal” means bituminous coal, anthracite coal, and lignite.

14 (5)(A) “Controlled group” means two or more entities treated as a single  
15 employer under:

16 (i) 26 U.S.C. § 52(a) or (b), without regard to 26 U.S.C.  
17 § 1563(b)(2)(C); or

18 (ii) 26 U.S.C. § 414(m) or (o).

19 (B) For purposes of this chapter, entities in a controlled group are  
20 treated as a single entity for purposes of meeting the definition of responsible

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1 party and are jointly and severally liable for payment of any cost recovery  
2 demand owed by any entity in the controlled group.

3 (6) “Cost recovery demand” means a charge asserted against a  
4 responsible party for cost recovery payments under the Program for payment to  
5 the Fund.

6 (7) “Covered greenhouse gas emissions” means the total quantity of  
7 greenhouse gases released into the atmosphere during the covered period,  
8 expressed in metric tons of carbon dioxide equivalent, resulting from the use of  
9 fossil fuels extracted or refined by an entity.

10 (8) “Covered period” means the period that began on January 1, 1995  
11 and ended on December 31, 2024.

12 (9) “Crude oil” means oil or petroleum of any kind and in any form,  
13 including bitumen, oil sands, heavy oil, conventional and unconventional oil,  
14 shale oil, natural gas liquids, condensates, and related fossil fuels.

15 (10) “Entity” means any individual, trustee, agent, partnership,  
16 association, corporation, company, municipality, political subdivision, or other  
17 legal organization, including a foreign nation, that holds or held an ownership  
18 interest in a fossil fuel business during the covered period.

19 (11) “Environmental justice focus population” has the same meaning as  
20 in 3 V.S.A. § 6002.

21 (12) “Fossil fuel” means coal, petroleum products, and fuel gases.



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1           (13) “Fossil fuel business” means a business engaging in the extraction  
2           of fossil fuels or the refining of petroleum products.

3           (14) “Fuel gases” or “fuel gas” means:

4           (A) methane;

5           (B) natural gas;

6           (C) liquified natural gas; and

7           (D) manufactured fuel gases.

8           (15) “Fund” means the Climate Superfund Cost Recovery Program Fund  
9           established pursuant to section 599 of this title.

10           (16) “Greenhouse gas” has the same meaning as in section 552 of this  
11           title.

12           (17) “Nature-based solutions” means projects that utilize or mimic  
13           nature or natural processes and functions and that may also offer  
14           environmental, economic, and social benefits while increasing resilience.  
15           Nature-based solutions include both green and natural infrastructure.

16           (18) “Notice of cost recovery demand” means the written  
17           communication from the Agency informing a responsible party of the amount  
18           of the cost recovery demand payable to the Fund.

19           (19) “Petroleum product” means any product refined or re-refined from:

20           (A) synthetic or crude oil; or

21           (B) crude oil extracted from natural gas liquids or other sources.

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1           (20) “Program” means the Climate Superfund Cost Recovery Program  
2           established under this chapter.

3           (21) “Qualifying expenditure” means an authorized payment from the  
4           Fund to pay reasonable expenses associated with the administration of the  
5           Fund and the Program and as part of the support of a climate change adaptation  
6           project, including its operation, monitoring, and maintenance.

7           (22) “Responsible party” means any entity or a successor in interest to  
8           an entity that during any part of the covered period was engaged in the trade or  
9           business of extracting fossil fuel or refining crude oil and is determined by the  
10           Agency attributable to for more than one billion metric tons of covered  
11           greenhouse gas emissions during the covered period. The term responsible  
12           party does not include any person who lacks sufficient connection with the  
13           State to satisfy the nexus requirements of the U.S. Constitution.

14           (23) “Strategy” means the Resilience Implementation Strategy adopted  
15           by the Agency.

16           § 597. THE CLIMATE SUPERFUND COST RECOVERY PROGRAM

17           There is hereby established the Climate Superfund Cost Recovery Program  
18           administered by the Climate Action Office of the Agency of Natural  
19           Resources. The purposes of the Program shall be all of the following:

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1           (1) to secure compensatory payments from responsible parties based on  
2           a standard of strict liability to provide a source of revenue for climate change  
3           adaptation projects within the State;

4           (2) to determine proportional liability of responsible parties;

5           (3) to impose cost recovery demands on responsible parties and issue  
6           notices of cost recovery demands;

7           (4) to accept and collect payment from responsible parties;

8           (5) to develop, adopt, implement, and update the Strategy that will  
9           identify and prioritize climate change adaptation projects; and

10          (6) to disperse funds to implement climate change adaptation projects  
11          identified in the Strategy.

12          § 598. LIABILITY OF RESPONSIBLE PARTIES

13          (a)(1) A responsible party shall be strictly liable for a share of the costs of  
14          climate change adaptation projects and all qualifying expenditures supported  
15          by the Fund.

16          (2) For purposes of this section, entities in a controlled group:

17               (A) shall be treated by the Agency as a single entity for the purposes  
18               of identifying responsible parties; and

19               (B) are jointly and severally liable for payment of any cost recovery  
20               demand owed by any entity in the controlled group.

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1        (b) With respect to each responsible party, the cost recovery demand shall  
2        be equal to an amount that bears the same ratio to the cost to the State of  
3        Vermont and its residents, as calculated by the State Treasurer pursuant to  
4        section 599c of this title, from the emission of covered greenhouse gases  
5        during the covered period as the responsible party's applicable share of  
6        covered greenhouse gas emissions bears to the aggregate applicable shares of  
7        covered greenhouse gas emissions resulting from the use of fossil fuels  
8        extracted or refined during the covered period.

9        (c) If a responsible party owns a minority interest of 10 percent or more in  
10       another entity, the responsible party's applicable share of covered greenhouse  
11       gas emissions shall be increased by the applicable share of covered greenhouse  
12       gas emissions for the entity in which the responsible party holds a minority  
13       interest multiplied by the percentage of the minority interest held by the  
14       responsible party.

15       (d) The Agency shall use the U.S. Environmental Protection Agency's  
16       Emissions Factors for Greenhouse Gas Inventories as applied to the best  
17       publicly available fossil fuel volume data for the purpose of determining the  
18       amount of covered greenhouse gas emissions attributable to any entity from the  
19       fossil fuels attributable to the entity.

20       (e) The Agency may adjust the cost recovery demand amount of a  
21       responsible party who refined petroleum products or who is a successor in

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1 interest to an entity that refines petroleum products if the responsible party  
2 establishes to the satisfaction of the Agency that:

3 (1) a portion of the cost recovery demand amount was attributable to the  
4 refining of crude oil extracted by another responsible party; and

5 (2) the crude oil extracted by the other entity was accounted for when  
6 the Agency determined the cost recovery demand amount for the other entity  
7 of a successor in interest of the other entity.

8 (f) The Agency shall issue the cost recovery demands required under this  
9 section not later than six months following the adoption of the rules required  
10 under subdivision 599a(b)(2) of this title.

11 (g)(1) Except as provided in subdivision (2) of this subsection, a  
12 responsible party shall pay the cost recovery demand amount in full not later  
13 than six months following the Secretary's issuance of the cost recovery  
14 demand.

15 (2)(A) A responsible party may elect to pay the cost recovery demand  
16 amount in nine annual installments in accordance with this subdivision (2).

17 (B) The first installment shall be paid not later than six months  
18 following the Secretary's issuance of the cost recovery demand and shall be  
19 equal to 20 percent of the total cost recovery demand amount.

20 (C) Each subsequent installment shall be paid one year from the  
21 initial payment each subsequent year and shall be equal to 10 percent of the

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1 total cost recovery demand amount. The Secretary, at the Secretary's  
2 discretion, may adjust the amount of a subsequent installment payment to  
3 reflect increases or decreases in the Consumer Price Index.

4 (D)(i) The unpaid balance of all remaining installments shall become  
5 due immediately if:

6 (I) the responsible party fails to pay any installment in a timely  
7 manner, as specified in Agency rules;

8 (II) except as provided in subdivision (ii) of this subdivision  
9 (g)(2)(D), there is a liquidation or sale of substantially all the assets of the  
10 responsible party; or

11 (III) the responsible party ceases to do business.

12 (ii) In the case of a sale of substantially all the assets of a  
13 responsible party, the remaining installments shall not become due  
14 immediately if the buyer enters into an agreement with the Agency under  
15 which the buyer assumes liability for the remaining installments due under this  
16 subdivision (2) in the same manner as if the buyer were the responsible party.

17 (h) The Agency shall deposit cost recovery payments collected under this  
18 chapter to the Climate Superfund Cost Recovery Program Fund established  
19 under section 599 of this title.

20 (i) A responsible party aggrieved by the issuance of a notice of cost  
21 recovery demand shall exhaust administrative remedies by filing a request for

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1 reconsideration with the Secretary within 15 days following issuance of the  
2 notice of cost recovery demand. A request for reconsideration shall state the  
3 grounds for the request and include supporting documentation. The Secretary  
4 shall notify the responsible party of the final decision by issuing a subsequent  
5 notice of cost recovery demand. A responsible party aggrieved by the issuance  
6 of a final notice of cost recovery demand may bring an action pursuant to Rule  
7 74 of the Vermont Rules of Civil Procedure in the Civil Division of the  
8 Superior Court of Washington County.

9 (j) Nothing in this section shall be construed to supersede or diminish in  
10 any way existing remedies available to a person of the State at common law or  
11 under statute.

12 § 599. CLIMATE SUPERFUND COST RECOVERY PROGRAM FUND

13 (a) There is created the Climate Superfund Cost Recovery Program Fund to  
14 be administered by the Secretary of Natural Resources to provide funding for  
15 climate change adaptation projects in the State. The Fund shall consist of:

16 (1) cost recovery payments distributed to the Fund under section 598 of  
17 this title;

18 (2) monies from time to time appropriated to the Fund by the General  
19 Assembly; and

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1           (3) other gifts, donations, or other monies received from any source,  
2           public or private, dedicated for deposit into the Fund and approved by the  
3           Secretary of Administration.

4           (b) The Fund may be used only:

5           (1) to pay:

6           (A) qualified expenditures for climate change adaptation projects  
7           identified by the Agency in the Strategy; and

8           (B) reasonable administrative expenses of the Program; and

9           (2) to implement climate adaptation action identified in the State Hazard  
10          Mitigation Plan.

11          (c) Notwithstanding any contrary provisions of 32 V.S.A. chapter 7,  
12          subchapter 5, unexpended balances and interest earned by the Fund shall be  
13          retained in the Fund from year to year.

14          § 599a. REPORTS; RULEMAKING

15          (a) On or before January 15, 2025, the Agency, in consultation with the  
16          State Treasurer, shall submit a report to the General Assembly detailing the  
17          feasibility and progress of carrying out the requirements of this chapter,  
18          including any recommendations for improving the administration of the  
19          Program.

20          (b) The Agency shall adopt rules necessary to implement the requirements  
21          of this chapter, including:



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1           (1) adopting methodologies using the best available science and publicly  
2           available data to identify responsible parties and determine their applicable  
3           share of covered greenhouse gas emissions;

4           (2) requirements for registering entities that are responsible parties and  
5           issuing notices of cost recovery demands under the Program; and

6           (3) the Resilience Implementation Strategy, which shall include:

7           (A) practices utilizing nature-based solutions intended to stabilize  
8           floodplains, riparian zones, lake shoreland, wetlands, and similar lands;

9           (B) practices to adapt infrastructure to the impacts of climate change;

10          (C) practices needed to build out early warning mechanisms and  
11          support fast, effective response to climate-related threats;

12          (D) practices that support economic and environmental sustainability  
13          in the face of changing climate conditions; and

14          (E) criteria and procedures for prioritizing climate change adaptation  
15          projects eligible to receive monies from the Climate Superfund Cost Recovery  
16          Program.

17          (c) In adopting the Strategy, the Agency shall:

18               (1) consult with the Environmental Justice Advisory Council;

19               (2) in consultation with other State agencies and departments, including  
20               the Department of Public Safety's Division of Vermont Emergency  
21               Management, assess the adaptation needs and vulnerabilities of various areas

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1 vital to the State’s economy, normal functioning, and the health and well-being  
2 of Vermonters;

3 (3) identify major potential, proposed, and ongoing climate change  
4 adaptation projects throughout the State;

5 (4) identify opportunities for alignment with existing federal, State,  
6 and local funding streams;

7 (5) consult with stakeholders, including local governments, businesses,  
8 environmental advocates, relevant subject area experts, and representatives of  
9 environmental justice focus populations;

10 (6) consider components of the Vermont Climate Action Plan required  
11 under section 592 of this title that are related to adaptation or resilience, as  
12 defined in section 590 of this title; and

13 (7) conduct public engagement in areas and communities that have the  
14 most significant exposure to the impacts of climate change, including  
15 disadvantaged, low-income, and rural communities and areas.

16 (d) Nothing in this section shall be construed to limit the existing authority  
17 of a State agency, department, or entity to regulate greenhouse gas emissions  
18 or establish strategies or adopt rules to mitigate climate risk and build  
19 resilience to climate change.

20 § 599b. CLIMATE CHANGE COST RECOVERY PROGRAM AUDIT

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1       Once every five years, the State Auditor shall evaluate the operation and  
2       effectiveness of the Climate Superfund Cost Recovery Program. The Auditor  
3       shall make recommendations to the Agency on ways to increase program  
4       efficacy and cost-effectiveness. The Auditor shall submit the results of the  
5       audit to the Senate Committees on Natural Resources and Energy and on  
6       Judiciary and the House Committees on Environment and Energy and on  
7       Judiciary.

8       § 599c. STATE TREASURER REPORT ON THE COST TO VERMONT OF  
9       COVERED GREENHOUSE GAS EMISSIONS

10       On or before January 15, 2026, the State Treasurer, after consultation with  
11       the Interagency Advisory Board to the Climate Action Office, and with any  
12       other person or entity whom the State Treasurer decides to consult for the  
13       purpose of obtaining and utilizing credible data or methodologies that the State  
14       Treasurer determines may aid the State Treasurer in making the assessments  
15       and estimates required by this section, shall submit to the Senate Committees  
16       on Appropriations, on Finance, on Agriculture, and on Natural Resources and  
17       Energy and the House Committees on Appropriations; on Ways and Means; on  
18       Agriculture, Food Resiliency, and Forestry; and on Environment and Energy  
19       an assessment of the cost to the State of Vermont and its residents of the  
20       emission of covered greenhouse gases for the period that began on January 1,  
21       1995 and ended on December 31, 2024. The assessment shall include:

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1           (1) a summary of the various cost-driving effects of covered greenhouse  
2           gas emissions on the State of Vermont, including effects on public health,  
3           natural resources, biodiversity, agriculture, economic development, flood  
4           preparedness and safety, housing, and any other effect that the State Treasurer,  
5           in consultation with the Climate Action Office, determines is relevant;

6           (2) a categorized calculation of the costs that have been incurred and are  
7           projected to be incurred in the future within the State of Vermont of each of the  
8           effects identified under subdivision (1) of this section; and

9           (3) a categorized calculation of the costs that have been incurred and are  
10          projected to be incurred in the future within the State of Vermont to abate the  
11          effects of covered greenhouse gas emissions from between January 1, 1995  
12          and December 31, 2024 on the State of Vermont and its residents.

13          Sec. 3. IMPLEMENTATION

14          (a) On or before July 1, 2025, the Agency of Natural Resources pursuant to  
15          3 V.S.A. § 837 shall file with the Interagency Committee on Administrative  
16          Rules the proposed rule for the adoption of the Resilience Implementation  
17          Strategy required pursuant to 10 V.S.A § 599a(b)(3). On or before January 1,  
18          2026, the Agency of Natural Resources shall adopt the final rule establishing  
19          the Resilience Implementation Strategy required pursuant to 10 V.S.A  
20          § 599a(b)(3).

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1        (b) On or before July 1, 2026, the Agency of Natural Resources pursuant to  
2        3 V.S.A. § 837 shall file with the Interagency Committee on Administrative  
3        Rules the proposed rules required pursuant to 10 V.S.A. § 599a(b)(1) and  
4        (b)(2). On or before January 1, 2027, the Agency of Natural Resources shall  
5        adopt the final rule rules required pursuant to 10 V.S.A. § 599a(b)(1) and  
6        (b)(2).

7        Sec. 4. APPROPRIATIONS

8        (a) The sum of \$300,000.00 is appropriated from the General Fund to the  
9        Agency of Natural Resources in fiscal year 2025 for the purpose of  
10       implementing the requirements of this act, including for personal services for  
11       the position created pursuant to Sec. 5 of this act; costs associated with  
12       providing administrative, technical, and legal support in carrying out the  
13       requirements of this act and the Program; hiring consultants and experts; and  
14       for other necessary costs and expenses.

15       (b) The sum of \$300,000.00 is appropriated from the General Fund to the  
16       Office of the State Treasurer in fiscal year 2025 for the purposes of hiring  
17       consultants or third party services to assist in the completion of the assessment  
18       required by 10 V.S.A. § 599c of the cost to the State of Vermont and its  
19       residents of the emission of covered greenhouse gases. Notwithstanding the  
20       authorized uses of the Climate Superfund Cost Recovery Program Fund  
21       pursuant to 10 V.S.A. § 599(b), the first \$300,000.00 deposited into the

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1 Climate Superfund Cost Recovery Program Fund shall be used to reimburse  
2 the General Fund for the funds appropriated to the Office of the State Treasurer  
3 under this section.

4 Sec. 5. AGENCY OF NATURAL RESOURCES; POSITIONS

5 One three-year limited service position is created in the Agency of Natural  
6 Resources for the purpose of implementing this act.

7 Sec. 6. 10 V.S.A. § 8003(a) is amended to read:

8 8003. APPLICABILITY

9 (a) The Secretary may take action under this chapter to enforce the  
10 following statutes and rules, permits, assurances, or orders implementing the  
11 following statutes, and the Board may take such action with respect to  
12 subdivision (10) of this subsection:

13 \* \* \*

14 (31) 10 V.S.A. chapter 124, relating to the trade in covered animal parts  
15 or products; ~~and~~

16 (32) 10 V.S.A. chapter 164B, relating to collection and management of  
17 covered household hazardous products; and

18 (33) 10 V.S.A. chapter 24A relating to the Climate Superfund Cost  
19 Recovery Program.

20 Sec. 7. EFFECTIVE DATE

21 This act shall take effect on July 1, 2024.

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7 (Committee vote: \_\_\_\_\_)

8

9

10

\_\_\_\_\_

Senator \_\_\_\_\_

FOR THE COMMITTEE

**S.259 Timeline**

<b>Dates</b> (on or before)	<b>Section</b>	<b>Action</b>
January 15, 2025	10 V.S.A. § 599a	ANR, in consultation with State Treasurer, submits a report to the General Assembly detailing the feasibility and progress of carrying out the Climate Superfund Cost Recovery Program.
July 1, 2025	10 V.S.A § 599a(b)(3) Sec. 3(a)	ANR files with ICAR the proposed rule for the adoption of the Resilience Implementation Strategy.
January 1, 2026,	10 V.S.A § 599a(b)(3) Sec. 3(a)	ANR shall adopt the final rule establishing the Resilience Implementation Strategy.
January 15, 2026	10 V.S.A. § 599c	The State Treasurer, after consultation with the Interagency Advisory Board to the Climate Action Office and others submits to the General Assembly an assessment of the cost to the State of Vermont and its residents of the emission of covered greenhouse gases for the period that began on January 1, 1995 and ended on December 31, 2024.
July 1, 2026	10 V.S.A. § 599a(b)(1) and (b)(2). Sec. 3(b)	ANR files with ICAR the proposed rules adopting methodologies to identify responsible parties, determine their share of covered greenhouse gas emissions, register responsible parties, and issuing notices of cost recovery demands.
January 1, 2027	10 V.S.A. § 599a(b)(1) and (b)(2).	ANR shall adopt the final rules adopting methodologies to identify responsible parties, determine their share of covered greenhouse gas emissions, register responsible parties, and issuing notices of cost recovery demands.
6 months after final ANR rulemaking under § 599a(b)(2)	10 V.S.A. § 598(f)	ANR issues the cost recovery demands
6 months after cost recovery demand issued	10 V.S.A. § 598(g)	Cost Recovery Payments Due



**From:** Michael O'Grady <MOGrady@leg.state.vt.us>  
**Sent:** Friday, March 15, 2024 8:13 AM  
**To:** Anthony Iarrapino; Ben Edgerly Walsh; Doyon, Ashlynn; O'Toole, Megan; Gendron, Maggie  
**Subject:** S.259  
**Attachments:** GENERAL-#375320-v1-S\_259\_Senate\_Judiciary\_Committee\_Amendment.pdf

**EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.**

FYI

Attached is the document that will be provided to Senate Judiciary today. It was proofed last night by our editors. Only minor formatting/style changes.

Mike O'Grady

1 TO THE HONORABLE SENATE:

2 The Committee on Judiciary to which was referred Senate Bill No. 259  
3 entitled “An act relating to climate change cost recovery” respectfully reports  
4 that it has considered the same and recommends that the bill be amended by  
5 striking out all after the enacting clause and inserting in lieu thereof the  
6 following:

7 Sec. 1. SHORT TITLE

8 This act may be cited as the “Climate Superfund Act.”

9 Sec. 2. 10 V.S.A. chapter 24A is added to read:

10 CHAPTER 24A. CLIMATE SUPERFUND COST RECOVERY PROGRAM

11 § 596. DEFINITIONS

12 As used in this chapter:

13 (1) “Agency” means the Agency of Natural Resources.

14 (2) “Climate change adaptation project” means a project designed to  
15 respond to, avoid, moderate, repair, or adapt to negative impacts caused by  
16 climate change and to assist human and natural communities, households, and  
17 businesses in preparing for future climate-change-driven disruptions. Climate  
18 change adaptation projects include implementing nature-based solutions and  
19 flood protections; home buyouts; upgrading stormwater drainage systems;  
20 making defensive upgrades to roads, bridges, railroads, and transit systems;  
21 preparing for and recovering from extreme weather events; undertaking

1 preventive health care programs and providing medical care to treat illness or  
2 injury caused by the effects of climate change; relocating, elevating, or  
3 retrofitting sewage treatment plants and other infrastructure vulnerable to  
4 flooding; installing energy efficient cooling systems and other weatherization  
5 and energy efficiency upgrades and retrofits in public and private buildings,  
6 including schools and public housing, designed to reduce the public health  
7 effects of more frequent heat waves and forest fire smoke; upgrading parts of  
8 the electrical grid to increase stability and resilience, including supporting the  
9 creation of self-sufficient microgrids; and responding to toxic algae blooms,  
10 loss of agricultural topsoil, crop loss, and other climate-driven ecosystem  
11 threats to forests, farms, fisheries, and food systems.

12 (3) “Climate Superfund Cost Recovery Program” means the program  
13 established by this chapter.

14 (4) “Coal” means bituminous coal, anthracite coal, and lignite.

15 (5)(A) “Controlled group” means two or more entities treated as a single  
16 employer under:

17 (i) 26 U.S.C. § 52(a) or (b), without regard to 26 U.S.C.  
18 § 1563(b)(2)(C); or

19 (ii) 26 U.S.C. § 414(m) or (o).

20 (B) For purposes of this chapter, entities in a controlled group are  
21 treated as a single entity for purposes of meeting the definition of responsible

1 party and are jointly and severally liable for payment of any cost recovery  
2 demand owed by any entity in the controlled group.

3 (6) “Cost recovery demand” means a charge asserted against a  
4 responsible party for cost recovery payments under the Program for payment to  
5 the Fund.

6 (7) “Covered greenhouse gas emissions” means the total quantity of  
7 greenhouse gases released into the atmosphere during the covered period,  
8 expressed in metric tons of carbon dioxide equivalent, resulting from the use of  
9 fossil fuels extracted or refined by an entity.

10 (8) “Covered period” means the period that began on January 1, 1995  
11 and ended on December 31, 2024.

12 (9) “Crude oil” means oil or petroleum of any kind and in any form,  
13 including bitumen, oil sands, heavy oil, conventional and unconventional oil,  
14 shale oil, natural gas liquids, condensates, and related fossil fuels.

15 (10) “Entity” means any individual, trustee, agent, partnership,  
16 association, corporation, company, municipality, political subdivision, or other  
17 legal organization, including a foreign nation, that holds or held an ownership  
18 interest in a fossil fuel business during the covered period.

19 (11) “Environmental justice focus population” has the same meaning as  
20 in 3 V.S.A. § 6002.

21 (12) “Fossil fuel” means coal, petroleum products, and fuel gases.

1           (13) “Fossil fuel business” means a business engaging in the extraction  
2           of fossil fuels or the refining of petroleum products.

3           (14) “Fuel gases” or “fuel gas” means:

4                 (A) methane;

5                 (B) natural gas;

6                 (C) liquified natural gas; and

7                 (D) manufactured fuel gases.

8           (15) “Fund” means the Climate Superfund Cost Recovery Program Fund  
9           established pursuant to section 599 of this title.

10           (16) “Greenhouse gas” has the same meaning as in section 552 of this  
11           title.

12           (17) “Nature-based solutions” means projects that utilize or mimic  
13           nature or natural processes and functions and that may also offer  
14           environmental, economic, and social benefits while increasing resilience.  
15           Nature-based solutions include both green and natural infrastructure.

16           (18) “Notice of cost recovery demand” means the written  
17           communication from the Agency informing a responsible party of the amount  
18           of the cost recovery demand payable to the Fund.

19           (19) “Petroleum product” means any product refined or re-refined from:

20                 (A) synthetic or crude oil; or

21                 (B) crude oil extracted from natural gas liquids or other sources.

1           (20) “Program” means the Climate Superfund Cost Recovery Program  
2           established under this chapter.

3           (21) “Qualifying expenditure” means an authorized payment from the  
4           Fund to pay reasonable expenses associated with the administration of the  
5           Fund and the Program and as part of the support of a climate change adaptation  
6           project, including its operation, monitoring, and maintenance.

7           (22) “Responsible party” means any entity or a successor in interest to  
8           an entity that during any part of the covered period was engaged in the trade or  
9           business of extracting fossil fuel or refining crude oil and is determined by the  
10           Agency attributable to for more than one billion metric tons of covered  
11           greenhouse gas emissions during the covered period. The term responsible  
12           party does not include any person who lacks sufficient connection with the  
13           State to satisfy the nexus requirements of the U.S. Constitution.

14           (23) “Strategy” means the Resilience Implementation Strategy adopted  
15           by the Agency.

16           § 597. THE CLIMATE SUPERFUND COST RECOVERY PROGRAM

17           There is hereby established the Climate Superfund Cost Recovery Program  
18           administered by the Climate Action Office of the Agency of Natural  
19           Resources. The purposes of the Program shall be all of the following:

1           (1) to secure compensatory payments from responsible parties based on  
2           a standard of strict liability to provide a source of revenue for climate change  
3           adaptation projects within the State;

4           (2) to determine proportional liability of responsible parties;

5           (3) to impose cost recovery demands on responsible parties and issue  
6           notices of cost recovery demands;

7           (4) to accept and collect payment from responsible parties;

8           (5) to develop, adopt, implement, and update the Strategy that will  
9           identify and prioritize climate change adaptation projects; and

10           (6) to disperse funds to implement climate change adaptation projects  
11           identified in the Strategy.

12           § 598. LIABILITY OF RESPONSIBLE PARTIES

13           (a)(1) A responsible party shall be strictly liable for a share of the costs of  
14           climate change adaptation projects and all qualifying expenditures supported  
15           by the Fund.

16           (2) For purposes of this section, entities in a controlled group:

17           (A) shall be treated by the Agency as a single entity for the purposes  
18           of identifying responsible parties; and

19           (B) are jointly and severally liable for payment of any cost recovery  
20           demand owed by any entity in the controlled group.

1        (b) With respect to each responsible party, the cost recovery demand shall  
2        be equal to an amount that bears the same ratio to the cost to the State of  
3        Vermont and its residents, as calculated by the State Treasurer pursuant to  
4        section 599c of this title, from the emission of covered greenhouse gases  
5        during the covered period as the responsible party's applicable share of  
6        covered greenhouse gas emissions bears to the aggregate applicable shares of  
7        covered greenhouse gas emissions resulting from the use of fossil fuels  
8        extracted or refined during the covered period.

9        (c) If a responsible party owns a minority interest of 10 percent or more in  
10       another entity, the responsible party's applicable share of covered greenhouse  
11       gas emissions shall be increased by the applicable share of covered greenhouse  
12       gas emissions for the entity in which the responsible party holds a minority  
13       interest multiplied by the percentage of the minority interest held by the  
14       responsible party.

15       (d) The Agency shall use the U.S. Environmental Protection Agency's  
16       Emissions Factors for Greenhouse Gas Inventories as applied to the best  
17       publicly available fossil fuel volume data for the purpose of determining the  
18       amount of covered greenhouse gas emissions attributable to any entity from the  
19       fossil fuels attributable to the entity.

20       (e) The Agency may adjust the cost recovery demand amount of a  
21       responsible party who refined petroleum products or who is a successor in



1 interest to an entity that refines petroleum products if the responsible party  
2 establishes to the satisfaction of the Agency that:

3 (1) a portion of the cost recovery demand amount was attributable to the  
4 refining of crude oil extracted by another responsible party; and

5 (2) the crude oil extracted by the other entity was accounted for when  
6 the Agency determined the cost recovery demand amount for the other entity  
7 of a successor in interest of the other entity.

8 (f) The Agency shall issue the cost recovery demands required under this  
9 section not later than six months following the adoption of the rules required  
10 under subdivision 599a(b)(2) of this title.

11 (g)(1) Except as provided in subdivision (2) of this subsection, a  
12 responsible party shall pay the cost recovery demand amount in full not later  
13 than six months following the Secretary's issuance of the cost recovery  
14 demand.

15 (2)(A) A responsible party may elect to pay the cost recovery demand  
16 amount in nine annual installments in accordance with this subdivision (2).

17 (B) The first installment shall be paid not later than six months  
18 following the Secretary's issuance of the cost recovery demand and shall be  
19 equal to 20 percent of the total cost recovery demand amount.

20 (C) Each subsequent installment shall be paid one year from the  
21 initial payment each subsequent year and shall be equal to 10 percent of the

1 total cost recovery demand amount. The Secretary, at the Secretary's  
2 discretion, may adjust the amount of a subsequent installment payment to  
3 reflect increases or decreases in the Consumer Price Index.

4 (D)(i) The unpaid balance of all remaining installments shall become  
5 due immediately if:

6 (I) the responsible party fails to pay any installment in a timely  
7 manner, as specified in Agency rules;

8 (II) except as provided in subdivision (ii) of this subdivision  
9 (g)(2)(D), there is a liquidation or sale of substantially all the assets of the  
10 responsible party; or

11 (III) the responsible party ceases to do business.

12 (ii) In the case of a sale of substantially all the assets of a  
13 responsible party, the remaining installments shall not become due  
14 immediately if the buyer enters into an agreement with the Agency under  
15 which the buyer assumes liability for the remaining installments due under this  
16 subdivision (2) in the same manner as if the buyer were the responsible party.

17 (h) The Agency shall deposit cost recovery payments collected under this  
18 chapter to the Climate Superfund Cost Recovery Program Fund established  
19 under section 599 of this title.

20 (i) A responsible party aggrieved by the issuance of a notice of cost  
21 recovery demand shall exhaust administrative remedies by filing a request for

1 reconsideration with the Secretary within 15 days following issuance of the  
2 notice of cost recovery demand. A request for reconsideration shall state the  
3 grounds for the request and include supporting documentation. The Secretary  
4 shall notify the responsible party of the final decision by issuing a subsequent  
5 notice of cost recovery demand. A responsible party aggrieved by the issuance  
6 of a final notice of cost recovery demand may bring an action pursuant to Rule  
7 74 of the Vermont Rules of Civil Procedure in the Civil Division of the  
8 Superior Court of Washington County.

9 (j) Nothing in this section shall be construed to supersede or diminish in  
10 any way existing remedies available to a person of the State at common law or  
11 under statute.

12 § 599. CLIMATE SUPERFUND COST RECOVERY PROGRAM FUND

13 (a) There is created the Climate Superfund Cost Recovery Program Fund to  
14 be administered by the Secretary of Natural Resources to provide funding for  
15 climate change adaptation projects in the State. The Fund shall consist of:

16 (1) cost recovery payments distributed to the Fund under section 598 of  
17 this title;

18 (2) monies from time to time appropriated to the Fund by the General  
19 Assembly; and

1           (3) other gifts, donations, or other monies received from any source,  
2           public or private, dedicated for deposit into the Fund and approved by the  
3           Secretary of Administration.

4           (b) The Fund may be used only:

5               (1) to pay:

6                   (A) qualified expenditures for climate change adaptation projects  
7                   identified by the Agency in the Strategy; and

8                   (B) reasonable administrative expenses of the Program; and

9               (2) to implement climate adaptation action identified in the State Hazard  
10           Mitigation Plan.

11           (c) Notwithstanding any contrary provisions of 32 V.S.A. chapter 7,  
12           subchapter 5, unexpended balances and interest earned by the Fund shall be  
13           retained in the Fund from year to year.

14           § 599a. REPORTS; RULEMAKING

15           (a) On or before January 15, 2025, the Agency, in consultation with the  
16           State Treasurer, shall submit a report to the General Assembly detailing the  
17           feasibility and progress of carrying out the requirements of this chapter,  
18           including any recommendations for improving the administration of the  
19           Program.

20           (b) The Agency shall adopt rules necessary to implement the requirements  
21           of this chapter, including:

1           (1) adopting methodologies using the best available science and publicly  
2           available data to identify responsible parties and determine their applicable  
3           share of covered greenhouse gas emissions;

4           (2) requirements for registering entities that are responsible parties and  
5           issuing notices of cost recovery demands under the Program; and

6           (3) the Resilience Implementation Strategy, which shall include:

7                 (A) practices utilizing nature-based solutions intended to stabilize  
8                 floodplains, riparian zones, lake shoreland, wetlands, and similar lands;

9                 (B) practices to adapt infrastructure to the impacts of climate change;

10                (C) practices needed to build out early warning mechanisms and  
11                support fast, effective response to climate-related threats;

12                (D) practices that support economic and environmental sustainability  
13                in the face of changing climate conditions; and

14                (E) criteria and procedures for prioritizing climate change adaptation  
15                projects eligible to receive monies from the Climate Superfund Cost Recovery  
16                Program.

17           (c) In adopting the Strategy, the Agency shall:

18                 (1) consult with the Environmental Justice Advisory Council;

19                 (2) in consultation with other State agencies and departments, including  
20                 the Department of Public Safety's Division of Vermont Emergency  
21                 Management, assess the adaptation needs and vulnerabilities of various areas

1 vital to the State's economy, normal functioning, and the health and well-being  
2 of Vermonters;

3 (3) identify major potential, proposed, and ongoing climate change  
4 adaptation projects throughout the State;

5 (4) identify opportunities for alignment with existing federal, State,  
6 and local funding streams;

7 (5) consult with stakeholders, including local governments, businesses,  
8 environmental advocates, relevant subject area experts, and representatives of  
9 environmental justice focus populations;

10 (6) consider components of the Vermont Climate Action Plan required  
11 under section 592 of this title that are related to adaptation or resilience, as  
12 defined in section 590 of this title; and

13 (7) conduct public engagement in areas and communities that have the  
14 most significant exposure to the impacts of climate change, including  
15 disadvantaged, low-income, and rural communities and areas.

16 (d) Nothing in this section shall be construed to limit the existing authority  
17 of a State agency, department, or entity to regulate greenhouse gas emissions  
18 or establish strategies or adopt rules to mitigate climate risk and build  
19 resilience to climate change.

20 § 599b. CLIMATE CHANGE COST RECOVERY PROGRAM AUDIT

1       Once every five years, the State Auditor shall evaluate the operation and  
2       effectiveness of the Climate Superfund Cost Recovery Program. The Auditor  
3       shall make recommendations to the Agency on ways to increase program  
4       efficacy and cost-effectiveness. The Auditor shall submit the results of the  
5       audit to the Senate Committees on Natural Resources and Energy and on  
6       Judiciary and the House Committees on Environment and Energy and on  
7       Judiciary.

8       § 599c. STATE TREASURER REPORT ON THE COST TO VERMONT OF  
9       COVERED GREENHOUSE GAS EMISSIONS

10       On or before January 15, 2026, the State Treasurer, after consultation with  
11       the Interagency Advisory Board to the Climate Action Office, and with any  
12       other person or entity whom the State Treasurer decides to consult for the  
13       purpose of obtaining and utilizing credible data or methodologies that the State  
14       Treasurer determines may aid the State Treasurer in making the assessments  
15       and estimates required by this section, shall submit to the Senate Committees  
16       on Appropriations, on Finance, on Agriculture, and on Natural Resources and  
17       Energy and the House Committees on Appropriations; on Ways and Means; on  
18       Agriculture, Food Resiliency, and Forestry; and on Environment and Energy  
19       an assessment of the cost to the State of Vermont and its residents of the  
20       emission of covered greenhouse gases for the period that began on January 1,  
21       1995 and ended on December 31, 2024. The assessment shall include:

1           (1) a summary of the various cost-driving effects of covered greenhouse  
2           gas emissions on the State of Vermont, including effects on public health,  
3           natural resources, biodiversity, agriculture, economic development, flood  
4           preparedness and safety, housing, and any other effect that the State Treasurer,  
5           in consultation with the Climate Action Office, determines is relevant;

6           (2) a categorized calculation of the costs that have been incurred and are  
7           projected to be incurred in the future within the State of Vermont of each of the  
8           effects identified under subdivision (1) of this section; and

9           (3) a categorized calculation of the costs that have been incurred and are  
10          projected to be incurred in the future within the State of Vermont to abate the  
11          effects of covered greenhouse gas emissions from between January 1, 1995  
12          and December 31, 2024 on the State of Vermont and its residents.

### 13       Sec. 3. IMPLEMENTATION

14          (a) On or before July 1, 2025, the Agency of Natural Resources pursuant to  
15          3 V.S.A. § 837 shall file with the Interagency Committee on Administrative  
16          Rules the proposed rule for the adoption of the Resilience Implementation  
17          Strategy required pursuant to 10 V.S.A § 599a(b)(3). On or before January 1,  
18          2026, the Agency of Natural Resources shall adopt the final rule establishing  
19          the Resilience Implementation Strategy required pursuant to 10 V.S.A  
20          § 599a(b)(3).



1        (b) On or before July 1, 2026, the Agency of Natural Resources pursuant to  
2        3 V.S.A. § 837 shall file with the Interagency Committee on Administrative  
3        Rules the proposed rules required pursuant to 10 V.S.A. § 599a(b)(1) and  
4        (b)(2). On or before January 1, 2027, the Agency of Natural Resources shall  
5        adopt the final rule rules required pursuant to 10 V.S.A. § 599a(b)(1) and  
6        (b)(2).

7        Sec. 4. APPROPRIATIONS

8        (a) The sum of \$300,000.00 is appropriated from the General Fund to the  
9        Agency of Natural Resources in fiscal year 2025 for the purpose of  
10       implementing the requirements of this act, including for personal services for  
11       the position created pursuant to Sec. 5 of this act; costs associated with  
12       providing administrative, technical, and legal support in carrying out the  
13       requirements of this act and the Program; hiring consultants and experts; and  
14       for other necessary costs and expenses.

15       (b) The sum of \$300,000.00 is appropriated from the General Fund to the  
16       Office of the State Treasurer in fiscal year 2025 for the purposes of hiring  
17       consultants or third-party services to assist in the completion of the assessment  
18       required by 10 V.S.A. § 599c of the cost to the State of Vermont and its  
19       residents of the emission of covered greenhouse gases. Notwithstanding the  
20       authorized uses of the Climate Superfund Cost Recovery Program Fund  
21       pursuant to 10 V.S.A. § 599(b), the first \$300,000.00 deposited into the

1 Climate Superfund Cost Recovery Program Fund shall be used to reimburse  
2 the General Fund for the funds appropriated to the Office of the State Treasurer  
3 under this section.

4 Sec. 5. AGENCY OF NATURAL RESOURCES; POSITION

5 One three-year limited service position is created in the Agency of Natural  
6 Resources for the purpose of implementing this act.

7 Sec. 6. 10 V.S.A. § 8003(a) is amended to read:

8 8003. APPLICABILITY

9 (a) The Secretary may take action under this chapter to enforce the  
10 following statutes and rules, permits, assurances, or orders implementing the  
11 following statutes, and the Board may take such action with respect to  
12 subdivision (10) of this subsection:

13 \* \* \*

14 (31) 10 V.S.A. chapter 124, relating to the trade in covered animal parts  
15 or products; ~~and~~

16 (32) 10 V.S.A. chapter 164B, relating to collection and management of  
17 covered household hazardous products; and

18 (33) 10 V.S.A. chapter 24A relating to the Climate Superfund Cost  
19 Recovery Program.

20 Sec. 7. EFFECTIVE DATE

21 This act shall take effect on July 1, 2024.

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7 (Committee vote: \_\_\_\_\_)

8

9

10

\_\_\_\_\_

Senator \_\_\_\_\_

FOR THE COMMITTEE

**From:** Ramirez-Richer, Emma  
**Sent:** Thursday, March 21, 2024 1:56 PM  
**To:** ANR  
**Subject:** ANR weekly news links 3.21.24  
**Attachments:** Shotgun Conservationist Event (1).pdf

**Notes:**

- One more reminder to look in your Outlook calendar for an invite to the Thursday, March 28 talk with Brant MacDuff, author of The Shotgun Conservationist. He's coming to speak to ANR about the role of hunting to conservation and all of our role in making sure we keep Vermont wild and beautiful for generations to come. Please see more details in the attached invitation! (The talk will take place in person in the Catamount room at National Life in Montpelier but you can also join remotely the day of at this link here: [Click here to join the meeting](#))

**This week in the Secretary's office:**

- It's crossover week for money bills in the State House. All bills with appropriations attached have to be voted off the floor of their respective chambers before the end of the day on Friday this week (March 22). Otherwise, they will have to wait to be taken up next year. You can read below about the progression of some ANR-related bills' status as we reach this important date.
- On Monday, Secretary Moore is traveled to the Essex Complex for the annual ANR Secretary's office visit. This was the fourth of six regional office visits she intends to make to ANR's outposts around Vermont. The goal is for the Secretary to answer any questions, hear concerns, as well as catch up and chat. Topics discussed could include priorities this legislative session, proposed FY2025 budget (including the Salisbury fish hatchery proposed closure), questions and concerns about budget constraints, and Department activity at the Essex campus post COVID.

**News:**

- Vermont Is the Latest State Where Animal-Rights Activists Could Upend Hunting and Trapping by Joining the Wildlife Board ([Outdoor Life](#))
- Mapping tool gives Vermont ecologists a high-resolution view of wildlife habitats ([My Champlain Valley](#))
- Looking to catch the eclipse from a Vermont state park? Here's where to go. ([Burlington Free Press](#))
- Vt. officials to bring in mobile cell towers for eclipse ([WCAX](#))
- Wildlife Watch: Animal behavior and the total solar eclipse ([WCAX](#))
- Poll shows strong support for bill protecting pollinators ([My Champlain Valley](#))
- Experts eye tick population ahead of spring ([WCAX](#))
- Vermont Fish and Wildlife rescue bear cub in Bristol ([WPTZ](#))
- Birding becomes an unexpected balm for the soul in UVM professor's new book ([Vermont Public](#))
- More sugar makers could soon manage their forests with birds in mind ([Vermont Public](#))
- Gov. Phil Scott kicks off maple season at Buck Family Maple Farm ([WPTZ](#))
- Gov. Phil Scott attends tree tapping event to symbolize the start of maple season ([My Champlain Valley](#))
- Vermont maple sugar-makers prepare for up-and-down season ([WCAX](#))

- With spring officially here, Vermonters reflect on mild and erratic winter ([Vermont Public](#))
- Vermont's backroads remain mired in mud ([WCAX](#))
- Housing projects get millions as Vermont congressional delegation announces earmarks ([Vermont Public](#))
- Bill that would make Vermont the first state to have a 'Climate Superfund' takes a key step forward ([Vermont Public](#))
- \$74 million in congressional earmarks headed to Vt. communities ([WCAX](#))
- Flood disclosure legislation meets support in Vermont House ([Vermont Public](#))
- Vermont Senate advances flood safety bill ([WCAX](#))
- Barre, Montpelier city leaders ask the legislature for millions to elevate flood prone homes ([WPTZ](#))
- Will lawmakers bail out Central Vermont flood victims? ([WCAX](#))
- Final Reading: Barre and Montpelier leaders ask Vermont lawmakers for funds for flood-damaged homes ([VTDigger](#))
- Vt. House gives preliminary approval to major renewable energy bill ([WCAX](#))
- Renewable Energy Standard update requires 100% renewable sources sooner ([WPTZ](#))
- New analysis suggests lower price tag for changes to Vermont's renewable energy law ([VTDigger](#))
- House Speaker pushes back on Gov. Scott's claim that Vermont lawmakers are stalling housing bills ([My Champlain Valley](#))
- Kids pitch bear's head tooth as Vermont's state mushroom ([Charlotte News](#))
- Mayor announces progress on Burlington net zero energy goals ([WCAX](#))
- Few people have made their way to state's last-minute temporary shelters ([Vermont Public](#))
- Nobody Stayed at State Emergency Shelter; Homeless Advocates Scramble to Extend Motel Stays ([Montpelier Bridge](#))
- Another Round of Motel Evictions Sparks Confusion, Frustration and a Rush to Erect Temporary Shelters ([Seven Days](#))
- Bloomer building shelter sees little use as shelter ([Rutland Herald](#))
- Neighbors take Putney project protest to Vt. Supreme Court ([The Commons](#))
- Slate Ridge owner arrested following scuffle with authorities ([WCAX](#))

#### Opinion:

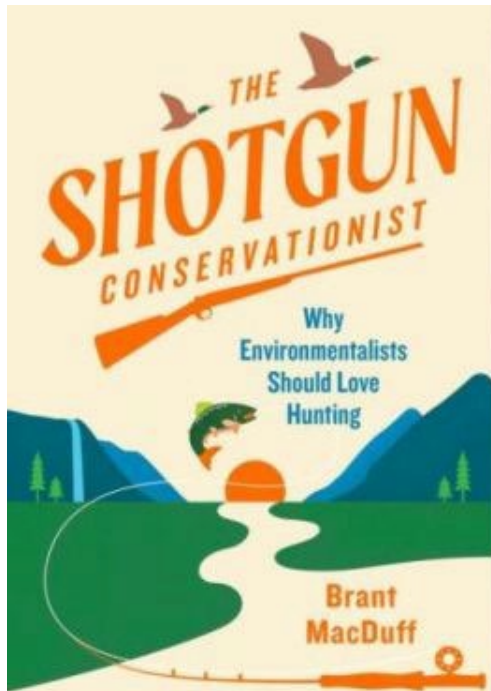
- Paul F. Noel: Common sense and S.258 ([VTDigger](#))
- Barbie Alsop: A response to Paul F. Noel's commentary on S.258 ([VTDigger](#))
- Josie Daigle: Vermont should be a leader on conservation ([VTDigger](#))
- Linda Andrews: S.258 is a much-needed change to VF&W board ([Addison Independent](#))

#### Press Releases:

- Vermont County Forester Receives National Award ([FPR](#))
- Hammond Cove Shooting Range Will Open April 1 ([FWD](#))

**Emma Ramirez-Richer** | Executive Assistant (she/her)  
[Vermont Agency of Natural Resources](#) Secretary's Office  
1 National Life Drive, Davis 2, Montpelier, VT 05620  
802-828-0316 (o) | 802-261-5920 (c) | [emma.ramirez-richer@vermont.gov](mailto:emma.ramirez-richer@vermont.gov)

Help raise money for Vermonters impacted by flood damage and show your Vermont pride with *Vermont Strong* and *Tough Too* license plates and socks. [Click here to purchase your Vermont Strong gear](#) or visit [DMV.Vermont.gov/VermontStrong23](https://DMV.Vermont.gov/VermontStrong23). Impacted Vermonters can find resources and referrals by visiting [Vermont.Gov/Flood](https://Vermont.Gov/Flood).



**When:** Thursday, March 28 from 10am – 11:30am

**Who:** [Brant MacDuff](#), author, taxidermist, conservationist, historian, and self-taught new-adult hunter.

**Where:** The Catamount Room or virtually.

**Description:** Brant MacDuff, author of [The Shotgun Conservationist: Why Environmentalists Should Love Hunting](#) is coming to Vermont to speak to ANR about conservation and all of our role in making sure we keep Vermont wild and beautiful for generations to come. Brant will talk about the role of hunting to conservation, take questions, and facilitate a discussion about what we do and why our Departments need to work together on our shared mission to respect, protect, and enjoy. This discussion will be especially insightful for those of us who do not hunt.

If you would like a copy of the Shotgun Conservationist, copies may be available to borrow from the Hunter Education Program (contact [Nicole.Meier@vermont.gov](mailto:Nicole.Meier@vermont.gov) for more information)! Book summary:

**“At the intersection of hunting and conservation, a man shares his personal journey from staunch anti-hunter to compassionate, ethical hunter, weaving together a larger history of humans, animals, the environment, and our food systems.**

Picture a hunter. Who comes to mind? Millionaire playboys or big truck owning folks? Maybe so, but there’s more to it. Because if you love nature, value sustainability, abhor the pollution and inhumanity of factory farms, you could be a hunter in the making. And if you’ve never even considered hunting, The Shotgun Conservationist reveals all the reasons you should. Brant MacDuff makes us rethink who hunts and why. Growing up an animal lover with no hunting

background, MacDuff himself would seem an unlikely advocate. Yet a lifelong love of the outdoors and a restless curiosity compelled him to investigate a simple question: is hunting conservation? So convinced, he consistently holds a hunting license in multiple states and gives lectures on the positive impact hunting has on conservation efforts nationwide and around the world.

MacDuff tells the story of how he became a hunter and the colorful characters, big personalities, and firsthand research that helped change his mind. His journey led to a deeper understanding of how hunting protects public lands, supports sustainable ecosystems, encourages biodiversity, and can help bridge social and political divides. Along the way, he introduces us to a new generation of hunters, different from timeworn stereotypes and preconceptions. And who better than MacDuff? A trans man living in Brooklyn, he defies expectations of who hunts and invites people of all backgrounds into the field.

Whether or not you decide to take up hunting, *The Shotgun Conservationist* provides a new perspective and appreciation for those who do.”



**From:** Barney, Cole  
**Sent:** Monday, March 25, 2024 9:41 AM  
**To:** EXE; EXE - Cabinet  
**Cc:** EXE - Interns  
**Subject:** News Clips 03.25.24  
**Attachments:** News Clips 03.25.24.docx

#### Today's Articles

- Scott administration shuts down its four temporary homeless shelters – Vermont Public – Carly Berlin
- Florida administrator tapped as Vt. education secretary – WCAX – Calvin Cutler
- Vermont House passes new Renewable Energy Standard, bill has its opponents – Times Argus – Keith Whitcomb, Jr.
- Gov. Scott appoints Florida official as Vermont Education Secretary – Bennington Banner
- Judge rules in state's favor, denying injunction in motel housing case – Vermont Public – Carly Berlin
- Vermont on track to pass Data Privacy Act – WCAX
- Armory won't be used as a shelter starting April 1 – Waterbury RoundAbout – Lisa Scagliotti
- Florida School Administrator Appointed Vermont's Next Education Secretary – Seven Days – Alison Novak
- Capitol Recap: Which climate and environment bills made the crossover deadline? – Vermont Public
- Vt. officials shut down emergency shelters – WCAX – Connor Ullathrone
- Scott names new secretary of education – Times Argus – Sophia Buckley-Clement
- A Debate About the Cost Is Dogging a Renewable Energy Bill – Seven Days – Kevin McCallum
- Gov. Phil Scott's pick for new education secretary comes from Florida – Vermont Public – Lola Duffort
- Overnight shelter available in Burlington on Cherry Street – WCAX
- 1-on-1: Meet Vermont's new secretary of education – WPTZ – Jack Thurston
- Vermont House passes a bill to restrict a pesticide that is toxic to bees – AP
- New bill aims to increase access to cancer screenings – WCAX
- Burlington temporary shelter site open through the weekend – My Champlain Valley
- Calm restored in Pawlet after Banyai arrest – Bennington Banner – Michael Albans
- Vermont lawmakers consider taxing streaming services to help fund community access TV stations – Vermont Public – Howard Weiss-Tisman
- Waterbury charter bill clears legislative hurdles – Waterbury RoundAbout – Lisa Scagliotti
- Central Vermont Medical Center employees continue fight for union contract – WCAX – Sophia Thomas
- VT house votes to end sale of flavored tobacco products – The Eagle Times

- Brattleboro Representative Town Meeting prioritizes climate resiliency, human services – Brattleboro Reformer – Chris Mays
- Capitol Beat: Sanders and AOC reintroduce Green New Deal – Times Argus
- Sen. Sanders pushes for the right to earn paid time off – WCAX
- Local water infrastructure projects land federal funding – Waterbury RoundAbout – Lisa Scagliotti
- Gov. Phil Scott appoints new commissioner of Department of Disabilities, Aging and Independent Living – VT Digger – Peter D’Auria
- Phil Scott picks Florida schools administrator to serve as new education secretary – VT Digger – Ethan Weinstein
- Vermont Senate approves bill that would shift authority over state’s wildlife management – VT Digger – Emma Cotton
- State reopens emergency homeless shelter in Burlington – VT Digger – Natalie Williams
- House bill would limit compensation for Vermont sheriffs who lose police certification – VT Digger – Shaun Robinson
- Final Reading: House bills now carry \$100 million-plus in new wealth and corporate taxes – VT Digger

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Help raise money for Vermonters impacted by flood damage and show your Vermont pride with *Vermont Strong* and *Tough Too* license plates and socks. [Click here to purchase your Vermont Strong gear](#) or visit [DMV.Vermont.gov/VermontStrong23](http://DMV.Vermont.gov/VermontStrong23).

Impacted Vermonters can find resources and referrals by visiting [Vermont.Gov/Flood](http://Vermont.Gov/Flood).

## Governor's Daily News Clips

**Monday, March 25, 2024**

### Scott administration shuts down its four temporary homeless shelters – Vermont Public – Carly Berlin

State officials have closed down four mass temporary homeless shelters as of 7 a.m. this morning, according to Nya Pike, a spokesperson for the Department for Children and Families.

Gov. Phil Scott's administration scrambled to assemble the four shelters [as hundreds of people lost their eligibility](#) for state-subsidized rooms through Vermont's motel housing program last week. On March 15, people who received a voucher through the program's winter-weather eligibility needed to prove they had a qualifying vulnerability in order to hang onto their rooms for a few more months.

Few people ousted from the motels made their way to the state's temporary shelters, [particularly during their first few days of operation last weekend](#).

Throughout the past week, however, turnout at the National-Guard-staffed shelters ticked up – most notably in Burlington. The number of people staying at the temporary shelter downtown increased considerably after the city's winter warming shelter closed for the season on Monday. During its last night of operation on Thursday, nearly 40 people stayed at the shelter on Cherry Street, according to Pike.

On Wednesday, Burlington Mayor Miro Weinberger [called for the state to continue operating the temporary shelter](#) beyond March 22. Weinberger emphasized that the temporary accommodations at the site failed to provide basic resources. But he said that given the lack of other shelter options available in town – and increases in unsheltered homelessness after previous rounds of motel program evictions – “it would be a policy failure, it would be a moral failure, it would be an economic failure for the state to go forward with their plan to close the Cherry Street shelter on Friday.”

A winter storm approaching Vermont [has triggered the state's night-by-night Adverse Weather Conditions policy](#) for Friday and Saturday statewide. Yet the availability of motel and hotel rooms varies considerably across the state. According to a [state memo](#), in Chittenden County, fewer than five rooms are estimated to be available today.

### Florida administrator tapped as Vt. education secretary – WCAX – Calvin Cutler

Governor Phil Scott Friday announced his appointment of Zoie Saunders to serve as Vermont's next education secretary.

Saunders comes to Vermont from Florida, where she served as chief strategy and innovation officer for the Broward County Public Schools, the sixth largest school district in the country.

“I am a passionate believer in the power of education to uplift and nurture students to reach their fullest potential,” Saunders said at her Statehouse introduction Friday.

Prior to her current job, Saunders served as the City of Fort Lauderdale’s first chief education officer. She also worked for Charter Schools USA, which manages publicly funded schools that operate independently of school districts and their curriculums. “There are some programs that will help students thrive and there may be a learning pathway, which could be helpful in helping students get a jump start on their careers,” Saunders said.

Top lawmakers expect a learning curve to Vermont’s complex public funding and tuitioning system, adding they’re cautious of her approach to education. “When we look at the way Florida operates its schools and the way Vermont operates its schools, they are very different models,” said House Committee on Education Chair Rep. Peter Conlon, D-Cornwall. He says public school funding remains their priority instead of private school choice.

Vermont-NEA officials say Saunders’ background with charter schools also gives them pause. “Vermont public school students and educators need a strong advocate at the Agency of Education to ensure that programs, services, and resources remain in place to meet the needs of our children and youth,” they said.

Saunders comes to the job during a fraught time for education financing in The Green Mountains. [Voters earlier this month rejected an unprecedented one-third of school budgets for those districts that voted on Town Meeting Day.](#) Education spending is up \$230 million statewide and property taxes are forecasted to increase by an average of 19% percent. That comes despite falling student enrollment and stagnant academic performance.

As lawmakers try to raise revenue to soften the blow, the governor and some lawmakers have said the state needs to address painful education finance reform realities, including renewing school consolidation efforts from where Act 46 left off.

“These are conversations that need to take place in coordination with all of the stakeholders and local towns to understand what are the challenge,” Saunders said.

“This is going to take all of us working together to do something about the system we have in place today,” Gov. Scott added.

Vermont public school students and educators need a strong advocate at the Agency of Education to ensure that programs, services, and resources remain in place to meet the needs of our children and youth.

Saunders replaces Interim Secretary Heather Bouchey, who has served in that role since the departure of Dan French last April. She says she will hold a statewide listening tour to understand the needs of every community leading up to her start date on April 15th.

## Vermont House passes new Renewable Energy Standard, bill has its opponents – Times Argus – Keith Whitcomb, Jr.

The House of Representatives has passed a bill updating Vermont's Renewable Energy Standard.

It heads to the Senate. Republican Gov. Phil Scott has been critical of the bill.

The "Renewable Energy Standard" took effect in 2015. Updates to it were passed by the House on Thursday, according to a joint news release from several organizations who supported it.

"Vermonters have made clear over and over again that addressing the climate crisis must be a priority, and that the status quo is simply unacceptable," stated Ben Edgerly Walsh, climate and energy program director for Vermont Public Interest Research Group. "The incredibly strong vote for this bill is yet another sign that Vermont legislators have heard that message loud and clear. We deeply appreciate all the hard work Vermont representatives have done to make this bill a reality."

According to the joint release, the bill, H.289 — if passed into law — would increase the amount of renewable energy sources the state's utilities must build from 10% to 20%. This is on top of other increases, and a requirement that utilities offer 100% renewable energy to customers by 2030.

The bill holds that new biomass energy wouldn't count towards the Renewable Energy Standard, nor would newly flooded lands owned by Hydro Quebec. It also allows smaller utilities more options when it comes to meeting energy goals.

"(Vermont Natural Resources Council) deeply appreciates the leadership of House members who voted today to ensure that Vermont curates the most clean grid possible, as more Vermonters lean into electricity for heating, transportation and power needs," stated Johanna Miller, energy and climate program director at Vermont Natural Resources Council. "On the heels of yet another record-breaking warm year, this foundation is essential to ensure Vermont does its part to cut planet-warming pollution while also saving Vermonters significantly over time with far more efficient energy resources."

Among the bill's most ardent critics is the governor. Scott criticized it Wednesday at a news conference alongside June Tierney, commissioner of the Department of Public Service.

Scott claims his administration's proposal to cut greenhouse gas emissions is better than the Legislature's because it achieves the same goals sooner but at a lower cost.

"The department's path would move all Vermont utilities to 100% energy that is free of carbon emissions by 2030, but to-date the department's proposal has been set aside in favor of H.289," said Tierney.

Tierney said she acknowledges the work done by House committees that voted on the bill, and the work done by the Joint Fiscal Office, but the Department of Public Service spent 18 months speaking with Vermonters about renewable energy and affordability.

“As we consider the cost of updating the Renewable Energy Standard in 2024, we need to keep in mind that these costs would come on top of the costs Vermonters are already paying for the existing Renewable Energy Standard that became law in 2015,” Tierney said. “In this year’s annual energy report, the Public Service Department reported that the cost of the 2015 standard for just one year, 2022, were approximately \$15 million and that the net present value of the future cost for just the 2015 standard will fall in the range of \$107 million to \$280 million over the next 10 years.”

Much of the added cost, she maintains, could come from expenses associated with electric infrastructure.

“The department’s proposal will also result in building significant, and necessary, in-state renewables when and where they are needed to optimize the significant grid investment Vermonters have already made while leaving resources to support other resilience and decarbonization initiatives and the extensive organizational needs of the emerging modern grid,” said Tierney.

House Minority Leader Pattie McCoy, R-Poultney, said Friday she was disappointed to see the House pass the bill. She said she’s not sure how the Senate will handle it, but she said she hopes the other chamber will look it over thoroughly.

“In the end, it’s going to cost ratepayers more money, bottom line,” said McCoy, adding that the costs passed on to electric ratepayers will be on top of an increase in Department of Motor Vehicle fees and, come July 1, a new payroll tax to fund child care.

### **Gov. Scott appoints Florida official as Vermont Education Secretary – Bennington Banner**

Gov. Phil Scott announced Friday his appointment of Zoie Saunders to serve as Vermont’s next education secretary.

Saunders is an education leader with broad strategic and operational experience driving school improvement, increasing student outcomes and enrollment, closing service gaps, and optimizing school support services, the administration said in a release.

Currently, Saunders works as the chief strategy and innovation officer for Broward County Public Schools, the sixth largest school district in the country. In this role, she is responsible for aligning resources, maximizing facility usage, strengthening partnerships, and enhancing support services for 230 schools serving over 200,000 students. Using a collaborative approach, Saunders has led discussions with community stakeholders to develop the goals and criteria for redefining the future of education in the county from an equity lens.

“I have always believed that, given our enormous investment and commitment, Vermont is capable of having the best education system in the country, serving students from cradle to career,” said Scott in the release. “Vermont’s education system is at a turning point, and it will take all of us – teachers, parents, administrators, school staff, community leaders, and more – to work together to ensure we reach our full potential. Zoie’s exemplary resume, fresh perspective

and impactful experience as a public school leader will be invaluable as we move forward. She has demonstrated a deep commitment to the success of students and the communities that schools serve. She will be a huge asset as we move forward, and I look forward to working with her and welcoming her and her family to Vermont.”

“I have devoted my career to expanding educational opportunities for underserved communities and believe in the power of education to drive positive community change and economic prosperity,” said Saunders. “It is my honor to serve as the secretary of Education in a state with a strong tradition of prioritizing education and the needs of children. With leadership experience across multiple states and a background in community development, I understand that local context matters and commit to collaborating with Vermonters to advance the State’s education goals. On a personal level, I am a mom of two school-aged children and will work hard to advocate for policies that prepare students for success in school and life.”

For five years prior to her current role, Saunders served as the City of Fort Lauderdale’s first chief education officer. In this role, she designed and led a new division to enhance educational opportunities for 180,000 residents. She expanded workforce training programs by launching the Avionics Systems Technician Program, designing a public works training-to-employment pipeline, and increasing college accessibility for historically underserved communities. To address learning loss resulting from the COVID-19 pandemic, Saunders extended afterschool and summer enrichment programs for 2,000 low-income children, resulting in improved literacy and skill development. Under her leadership, the city earned recognition for innovation in education and workforce development from Broward County Public Schools, the state of Florida, National League of Cities, and the U.S. Department of Labor.

Previously, she was the vice president of strategy for Charter Schools USA. In this role, she oversaw enterprise-wide strategic planning, school improvement, accreditation, a \$20 million grant portfolio, and operational improvements for 84 schools across seven states, serving 70,000 students. She successfully led cross-functional initiatives that resulted in 100 percent school grade improvement among target schools and a 475 percent increase in the proportion of schools meeting enrollment targets. To scale effective planning, she worked with principals and classroom teachers to develop a school improvement platform that enabled integrated goal setting, progress monitoring and predictive analytics.

As a research fellow at Vanderbilt University, Saunders consulted on Nashville Promise Neighborhood, an education reform initiative designed to break the intergenerational cycle of poverty through a continuum of family-centered services. Early in her career, she held nonprofit leadership roles at HospiceCare of Southeast Florida and Children’s Diagnostic & Treatment Center where she expanded access to pediatric health care and wrap-around services.

Saunders has conducted research on effective human service delivery, cross-sector collaboration, parent education programs, community change and social/emotional learning curriculum. She earned her undergraduate degree from Harvard University and Master of Education from Vanderbilt University.

Saunders replaces Interim Secretary Heather Bouchey, who will help with the leadership transition and serve as deputy secretary.

“I want to thank Heather for her tremendous work leading the Agency, and for her commitment to our state, its students, educators and communities,” said Scott. “Her energy and passion have made her a valuable member of my Cabinet and she has been a tremendous teammate and leader.”

Saunders will assume the role effective April 15.

### **Judge rules in state’s favor, denying injunction in motel housing case – Vermont Public – Carly Berlin**

A Vermont Superior Court judge has denied a preliminary injunction that Vermont Legal Aid sought in an effort to keep people sheltered through the state’s motel housing program until officials screened them for continued eligibility.

The [10-page decision](#), issued by Chittenden County Superior Court Judge Helen Toor on Friday, concludes that the Department for Children and Families did not violate [a recent change in law](#) surrounding the motel program when it moved forward with [exiting hundreds of unhoused Vermonters from motels last week](#).

On March 15, people who received a voucher through the program’s winter-weather policy needed to prove they had a qualifying vulnerability in order to hang onto their rooms for a few more months.

[Vermont Legal Aid attorneys argued](#) that the state did not adequately screen motel program participants to see if they fell into that category before ending their vouchers last week, and therefore ran afoul of a recently-passed law that says state officials “shall ensure” that those individuals get emergency housing through June 30.

But Toor, in her decision, wrote that DCF’s approach “was one possible interpretation of the law as written.”

If the Legislature had intended that motel program participants remain in their rooms while being assessed for additional qualifying criteria, “they could have so specified,” the judge wrote.

If the Legislature had intended that motel program participants remain in their rooms while being assessed for additional qualifying criteria, “they could have so specified,” the judge wrote.

Lawmakers’ language was not so clear-cut. Toor pointed to wording in the law that stipulates that the state “shall, when available, prioritize temporary emergency housing at housing or shelter placements other than licensed hotels or motels.”

That meant DCF had discretion in how it sought to provide shelter, and it “decided to use its usual process of requiring people to re-up when their authorizations ended,” Toor wrote, “rather than keeping everyone where they were while assessing their qualifications for a different category of housing approval.”



In a statement, Sandra Paritz, a Legal Aid attorney representing a group of unhoused individuals and homeless services organizations in the case, called the decision “terrible news for the hundreds of people experiencing homelessness in Vermont including people with disabilities, families with children, people who are elderly, and people who are low-income and unable to find housing.”

Attorneys for the state offered several lines of defense at a Thursday afternoon court hearing. In addition to noting that motel program participants typically have to call the state in order to secure their ongoing eligibility — not the other way around — they argued that the Department for Children and Families had little time to react to the legislative changes in eligibility for the program. The attorneys noted, too, that DCF provided notices about the updates to participants — and it set up [mass temporary shelters for people exiting the motels](#), an unusual move.

Earlier in the week, [Toor issued a temporary restraining order](#) in the same case, allowing three individuals who had lost their motel vouchers last week — two of whom spent the weekend sleeping outside, according to Legal Aid — to remain sheltered through the program.

At one point during Thursday’s hearing questions arose about finding one of those plaintiffs who had been unsheltered. “We’ve tried to reach him or find him, but he’s somewhere, we think, out in the snow,” said Legal Aid attorney Maryellen Griffin.

The Legal Aid attorneys had hoped Toor would extend an injunction to all motel program participants who had been exited. While the question of how to find them remained, the attorneys told VTDigger/Vermont Public after Thursday’s hearing that this weekend’s winter storm presented a sort of opportunity. The weather [has triggered the state’s night-by-night Adverse Weather Conditions policy](#) for Friday and Saturday statewide; if people who left the motels last week came back, the state could then screen them to see if they are eligible for an extension.

Toor ruled that the other plaintiffs in the case — several homeless service provider organizations, who argued that they needed to “divert resources away” from their regular duties because of the state’s failure to ensure motel-based shelter for their clients — did not themselves suffer irreparable harm because of the state’s actions.

“They are no doubt frustrated, overworked due to this chaotic situation, anxious about their clients, and having to set aside other tasks to try to house those vulnerable individuals recently shut out of motels, but the evidence does not suggest that these factors meet the test for irreparable harm to the organizations,” Toor wrote.

At the close of her decision, Toor took the liberty to call out the lack of a comprehensive approach to addressing homelessness in Vermont.

“It appears to the court, however, that the current approach to homelessness in Vermont is an overly complicated bureaucratic and financial maze,” she wrote. “The sort of chaos created here by the last-minute legislative changes — for all of the plaintiffs and other motel residents, but also for hardworking DCF staff — cannot be the best way to manage the problem.”

Parties on both sides of this case, Toor wrote, “could work together to design a big-picture approach to the problem rather than continuing to cobble together short-term solutions while in crisis mode.”

### Vermont on track to pass Data Privacy Act – WCAX

A new bill would give Vermonters the right to delete data.

The Vermont Data Privacy Act would let people access, correct, and even delete information that businesses have about them.

It also lets people opt out of their data being used for targeted advertising and data sales and increases consent requirements about collecting sensitive data such as health information.

The bill passed the House unanimously, putting Vermont on track to be the 15th state to pass consumer data protection laws of this kind.

### Armory won’t be used as a shelter starting April 1 – Waterbury RoundAbout – Lisa Scagliotti

Work has been underway at the former Vermont National Guard armory in Waterbury as the state of Vermont prepares it to be repurposed, but it’s unclear when it may be put into use and whether it will be used as a homeless shelter anytime soon.

“The [Waterbury] armory is still under consideration as part of the overall shelter planning,” said Chris Winters, commissioner of the Vermont Department for Children and Families. “But we’re not planning to use it as a shelter on April 1.”

In an interview with Waterbury Roundabout last week, Winters said the building is ready to be used, but because of steps the legislature and administration have taken in the past several weeks, the initial plans that he described to the community in January and February have changed.

“We wanted to be careful. We were looking at the armory for April,” he said. “The legislature changed the law.”

Winters visited Waterbury for public meetings twice in recent weeks to share evolving details and answer questions about the state’s plans to accommodate hundreds of unhoused Vermonters and how Waterbury might fit into those plans.

In late January, the facility at the end of Armory Drive that the National Guard decommissioned in late 2022 was floated as a likely temporary 40-bed shelter to be opened by April 1. People living temporarily in hotels and motels paid for by the state would be in need of new places to stay when that program was to end, state officials said.

That announcement caught local officials by surprise and generated great public interest that included two Select Board meetings held at the Main Street fire station to accommodate the turnout. Town officials and community members asked many questions about operational details, logistics, public safety, and services for those who would use the shelter. Winters and staff from his department said a key piece would be finding an operator who would run the facility. As of last week, Winters said an operator was still not selected.

The immediate need for the Waterbury shelter space was somewhat relieved by the fiscal year 2024 budget adjustment bill that the legislature passed and Gov. Phil Scott signed earlier this month. It contained funding to continue the state's program to pay for motel and hotel rooms for hundreds of unhoused Vermonters through June 30, Winters said.

That didn't slow down work that had already begun to ready the building for use by April 1. The decision to include the armory in the state's shelter plans set the state's Buildings and General Services Department in motion to get contractors on site immediately. Residents along Armory Drive have seen much activity at the site in February and March.

Waterbury's Municipal Manager Tom Leitz in updating the Select Board last week explained that work over the past two months has included installing a new sewer line, electrical service, a fire sprinkler system and temporary walls. Leitz said he has been in communication with Winters who is navigating a complex state response to the homeless crisis that is evolving daily as decisions are being made in Montpelier.

"The homeless program is in a state of flux, to put it mildly," Leitz told the Select Board. "There might be a need for an emergency shelter there at some point."

### **Town permit question**

One issue to be addressed and resolved is whether the state needs a town permit to operate a shelter at the armory. Town Zoning Administrator Mike Bishop in early February wrote to state Buildings and General Services Commissioner Jennifer Fitch that a change of use permit was needed. An assistant attorney general responded disagreeing with that opinion and a requesting an appeal to the town Development Review Board.

The review board's next meeting is April 3. Leitz said the state request would likely be on the agenda. The board would not be discussing the permit itself, just whether it is needed as the zoning administrator recommends.

Leitz called the state's appeal in the matter "not a great introduction to a community" as it puts the state and town at odds. "I would be tickled pink if they'd withdraw that and simply apply for a permit," he told the Select Board.

Meanwhile, daily changes in the state's program just in the past week have involved multiple new shelters that have opened around the state with [some closing soon afterward for lack of use](#), changes to eligibility requirements for people in the hotel-motel program, and new policies being announced while it's unclear whether the individuals affected are aware of the latest information.

Waterbury Select Board members last week expressed frustration with trying to follow the latest information and wondering where the Waterbury shelter might fit into the state's plans. Leitz said he is not certain as to what to expect next, either. "It would not shock me if the armory was not used as a homeless shelter," he told the group.

Meanwhile, state Rep. Theresa Wood, D-Waterbury, who chairs the House Human Services Committee in the legislature, is involved in the ongoing discussions around the state's homeless shelter program. Her committee is presently looking at several bills that would lay out plans for the months ahead funded by the fiscal year 2025 budget that begins July 1.

She said it's her understanding that the state still plans to use the Waterbury armory, but she agreed that it's unclear specifically when and how it will fit into the overall plan. "As it stands right now, there will be a planned transition of folks out of hotels over three months starting in July, ending in September," she said on Saturday.

Acknowledging the local permitting issue that needs to be resolved, Wood added, "It would not surprise me to see [the state] use the armory as part of their planned transition between July and December, pending the appeal process, etc. of course."

Winters' view seemed to align with Wood's perspective. He said he anticipates that the hotel-motel program will be full to its capacity "for the foreseeable future." But as that program phases out this summer, the state will need other options. "We need other forms of shelter. We also need to think about what happens July 1 and next winter," he said. "[Waterbury] is still under consideration for overall strategy and shelter planning."

Winters concluded by saying he hopes measures making their way through the legislature to spur new affordable housing win approval this session. Ultimately, unhoused Vermonters need permanent homes to transition to from shelter accommodations, he said.

Meanwhile, the postponement means the state will have more time to "engage with the town" on the Waterbury shelter plans, Winters said, emphasizing that the armory will likely come into play at some point. "I'm happy to come to another forum," he said.

### **Florida School Administrator Appointed Vermont's Next Education Secretary – Seven Days – Alison Novak**

Zoie Saunders, a public school administrator from Florida, has been tapped as Vermont's next secretary of education, Gov. Phil Scott said on Friday. The appointment comes nearly a year after Dan French left the position.

At a press conference on Friday, Scott said Saunders, a mother of two school-age children, was "a problem solver, leader and innovator who has been laser-focused on improving outcomes for kids."

"Zoie's fresh approach and perspective and experience working with schools, communities and all their stakeholders ... will be incredibly valuable" as the state works to improve schools, he

said.

Saunders, a 2005 Harvard University graduate with a master's degree in education from Vanderbilt University, will begin on April 15. Interim education secretary Heather Bouchey will stay on as a deputy, Scott's office said.

Saunders currently serves as the chief strategy and innovation officer for Broward County Public Schools, the sixth-largest school district in the country with more than 200,000 students. She has held that position for less than three months, according to her [LinkedIn profile](#).

Before that, Saunders spent five years as chief education officer in her hometown of Fort Lauderdale. She also served for almost seven years as an administrator for Charter Schools USA, a for-profit education management organization that runs 87 schools in seven states, including 61 in Florida.

Vermont does not have any charter schools, but the model has come under fire in other states for siphoning money out of the public school system.

In a statement following the announcement, Don Tinney, president of the Vermont-NEA teachers' union, said Saunders' background with charter schools "gives us pause."

Despite that, he said, "I look forward to meeting with [her] next week and to working together to promote, protect and strengthen public education in Vermont."

For the past 11 months, Bouchey has served as interim secretary of education. During that time, school leaders and legislators have [spoken candidly](#) about the lack of leadership, vision and expertise within the Agency of Education and the lengthy search process for a new education leader.

Schools in Vermont are at a major inflection point, with aging school buildings in need of billions of dollars of repair, soaring education costs and a complex funding system that many feel is irrevocably broken.

In remarks on Friday, Saunders said her goal was to make Vermont "a national model — producing the best educational outcomes in the United States, from cradle to career."

She said she would work hard to understand "the local issues and educational priorities" in the state. To that end, she said she would begin her tenure with a 90-day "listening and learning tour" of Vermont's towns to understand what community members see as the strengths and challenges of the current system.

Asked what role the state should take in closing schools amid a shrinking student population, Saunders said "community context really matters, and these are conversations that really need to take place in coordination with all the stakeholders across the state and within local towns to really understand what are the challenges of what may be driving the declining enrollment."

Improving outcomes for students "needs to be the north star" for conversations around the the education system's affordability issues, Saunders added.

In an article on Friday announcing Saunders' departure from her Florida job, the [South Florida Sun-Sentinel reported](#) that she had been hired in December to lead an effort to close or find new uses for Broward County public schools amid declining enrollment, an initiative called "Redefining Our Schools."

Pressed on whether she thinks families should have more choice when it comes to sending their children to independent schools in light of her charter school background, Saunders noted her experience "advocating for improvements within the traditional public school system."

"Ultimately, the purpose of education is to help every child meet their fullest potential," she said. "It's really about figuring out what is the right fit, and we need to ... work very collaboratively with the Agency of Education, with our superintendents, principals, classroom teachers and parents, to identify what solutions are really going to help drive things forward and advance the goals of the education system."

Vermont Democratic Party chair David Glidden said in a press release on Friday that he had "grave concerns" about Saunders' appointment.

"It appears that her only education experience has been as an executive in a for-profit charter school company in Florida, a state that leads the country in gutting their public schools to enrich private businesses," Glidden wrote. "Vermont's public schools are at a transition point, and I sincerely hope that Saunders' appointment isn't an indication that Phil Scott plans to take a page from Florida and harm our public schools."

### **Capitol Recap: Which climate and environment bills made the crossover deadline? – Vermont Public**

Friday is the final deadline for "crossover" — when bills have to be voted out of committee if they are going to make it to the end of the session. There are some exceptions, but by and large, it's a time when we start to get a clearer sense for what is going to make it to the finish line at the end of the session, and what policies are going to get left behind.

*Vermont Public's All Things Considered Host Mary Williams Engisch spoke with climate and environment reporter Abagael Giles about which climate and environment bills made the cut. This interview was produced for the ear. We highly recommend listening to the audio. We've also provided a transcript, which has been edited for length and clarity.*

**Mary Williams Engisch: OK, Abagael, so what are the big issues and tensions in the Statehouse this year?**

**Abagael Giles:** Flooding is front and center — both finding the money to help communities and individuals who are still struggling after July and December storms and planning for the next one.

And that also means climate change is front and center. Lawmakers are weighing some policies that would put Vermont out ahead of the rest of the country on a few issues this year.

As you've heard our colleagues report, [the budget is tighter than it has been](#), pandemic-era spending is running out and lawmakers are trying to decide which new programs they'll continue to support.

And interestingly, in our Statehouse, a lot of the debate over what to do about climate seems to revolve around this question of: do we invest our limited resources in fighting climate change — in helping Vermonters use less fossil fuels, or do we put as much as we can towards adapting and planning for a warmer climate? Or is there a middle ground there?

**Mary Williams Engisch: OK, definitely some tension there. What were some of the big bills you're following this year?**

**Abagael Giles:** I'll start with the one that probably drew the most controversy this week — that's the [bill that would make Vermont utilities source 100% of their power from renewables](#) by 2035, with some on an earlier timeline.

The bill also doubles the amount of new in-state renewable power they have to buy. And creates a new requirement for new regional renewables.

That bill did make the crossover deadline.

There is a big range in what people estimate it would cost.

Some environmental groups and renewable developers say less than \$200 million over the next decade — the Scott administration doubled down on their view that it's much higher than that. And the Joint Fiscal Office says probably between \$150 million and \$450 million.

The big unknown here is transmission upgrades.

According to [Vermont's] grid operator (VELCO), we're going to have to do a lot of them no matter what.

And you're really seeing Republicans here say Vermont is doing enough in this space already, that we shouldn't pay to reduce emissions regionally.

Democrats say: it's all one climate, and since new renewables reduce our dependence on fossil fuels, this is about a bigger future and not getting left behind.

**Mary Williams Engisch: OK, so that's to lower our emissions. Abagael, talk about adapting to climate change.**

**Abagael Giles:** The big [policy here is called the Flood Safety Act](#). That passed the Senate this week. It had bipartisan support.

This bill would create a statewide program to restrict new development in river corridors. It would also beef up protections for wetlands in the state, and beef up regulatory oversight of dams.

Republicans and several Democrats said this should really go hand in hand with efforts to make it easier to build more housing in places that are not flood prone, because there are a lot of people who are still displaced.

So lawmakers were really again wrestling with these big questions about the future. That one's headed to the House next.

**Mary Williams Engisch:** And wasn't there a bill about collecting funds back? The Climate Superfund Act?

**Abagael Giles:** Yes! As of the time we're taping, this one just narrowly made the crossover deadline.

It's modeled after the federal Superfund program. Essentially, big companies that refine and extract fossil fuels would have to pay for a share of the damage brought to Vermont by climate change — and what it costs us to adapt.

That share would be based on how much they contributed to global emissions, which caused climate change.

New York and Massachusetts have similar bills, but Vermont would potentially be the first state in the country to do this.

Gov. Phil Scott says he wouldn't sign this right now — he does not want Vermont to lead first on this issue. He says he's worried about the cost of litigation. Oil companies don't part with their money readily.

But the bill passed out of the Senate judiciary committee with a unanimous vote and bipartisan support.

Its proponents say that absent a federal climate Superfund, this is really the best way to make sure that Vermont taxpayers aren't the ones footing what, by best estimates, is going to be billions and billions of dollars for a problem these companies have known their products were causing for decades.

**Mary Williams Engisch:** And also, chemical contaminants. That was front and center too this year, right?

**Abagael Giles:** Yeah, lawmakers in the House also voted this week to advance a [bill that would ban seeds coated with neonicotinoid pesticides](#) in Vermont by 2027. New York state also has a ban on this timeline.



These are pesticides that have been proven to be toxic to bees and pollinators. Right now, most of the corn and soy seeds in Vermont are coated with these chemicals.

Lawmakers on the House committee that deals with agriculture looked at a [Cornell literature review which examined more than a thousand studies that confirmed coated seeds](#) are harmful to pollinators like bees, and don't provide an economic benefit to farmers.

Democrats and environmental advocates applauded this moving with strong support to the Senate, but Republicans again expressed concern about Vermont leading the way on this effort.

And there's a bill from last year that is expected to come up after crossover in the House committee that deals with health care. It would ban PFAS or so-called "forever chemicals" in things like makeup and menstrual products, as well as clothes and turf.

### **Mary Williams Engisch: Wasn't there a bill that made controversial changes to the Fish and Wildlife Board?**

**Abagael Giles:** Yes — this was a big one. And the Senate voted 21-8 to give preliminary approval to that [policy](#) Friday.

It has proven one of the more controversial bills of the session. It proposed a requirement that the Fish and Wildlife Board, which writes regulations for hunting, trapping and fishing in Vermont, be equal parts people who hunt, trap or fish and those who do not.

This was very controversial — the final bill was softened in an amendment this week and this requirement was removed, but it does call for the board to represent "balanced viewpoints."

The original bill included a 50-foot setback for traps from public trails. That got scrapped this week, but a ban on hunting coyotes with hounds did stay.

The final bill also does take away the rulemaking power of the Fish and Wildlife Board. If the bill is successful, that would be done by the Department of Fish and Wildlife.

### **Vt. officials shut down emergency shelters – WCAX – Connor Ullathrone**

The four state-run emergency shelters that opened across Vermont last week are now closed.

Officials set up the shelters last week in state-owned buildings in Burlington, Berlin, Brattleboro, and Rutland following the seasonal end of DCF's wintertime adverse weather policy that threatened to kick upwards of 500 people out of the hotel-motel program.

The Scott administration moved fast to set up the shelters. The Burlington shelter saw the most use with about 40 people at its peak this week. In Rutland, the city pushed back saying the ASA Bloomer Building was not zoned for that purpose. City officials sent a letter to state leaders saying they could impose a fine of up to \$200 a day.

“We’re gonna need temporary shelters in Rutland. Where those are and how they get turned up is really important. Doing something so last minute, you know, luckily we had the space, luckily there weren’t that many people that had to use it. But being able to have last-minute overnight shelters with space available is something we need to do and we need to plan for,” said Rutland Mayor Mike Doenges.

The Rutland shelter saw a peak of only five people.

### Scott names new secretary of education – Times Argus – Sophia Buckley-Clement

After more than a year since the departure of the last permanent secretary of education, Gov. Phil Scott has named a Florida schools administrator as the successor to current Interim Secretary Heather Bouchey.

Zoie Saunders said at a Friday morning news conference that she has a background in public school governance and executive strategy experience focused on driving academic improvement in multiple states.

She most recently served as chief strategy and innovation officer for Florida’s Broward County Public Schools, which is the sixth-largest school district in the country and serves more than 200,000 students.

Saunders, who will relocate to Vermont with her husband and two school-aged children. She will begin in her new role on April 15.

“It’s no secret (that) our education system is at a critical stage. We have big, big challenges. But I also believe we have many opportunities, and I know Zoie will be able to help us navigate both,” the governor said.

State Board of Education Chair Jennifer Samuelson said the board was impressed with Saunders’ extensive experience with the public school system, her skills in collaboration, her strategic ability to leverage resources and her track record in government and educational policy.

Scott has faced criticism for the time it has taken to name a new secretary, having waited some three months after former secretary Dan French’s departure to launch a candidate search, according to a July 26 letter from Scott to Samuelson.

“This is a process that should take time. This is an important position. To be honest, I felt we were in pretty good hands with Secretary Bouchey and so that took some of the pressure off. But as well, we had a flood in between (that) took our attention away from some of those day-to-day activities,” Scott said.

Saunders assumes the new position at a critical time for Vermont’s education system, following the historic failure of roughly one third of school budgets on Town Meeting Day.

She said that Vermont faces the same issues of declining enrollment, aging facilities and fewer resources that are evident across the nation.

“We can look to other strategies that have been deployed across the country that have been effective as a way to begin the conversation and explore their potential value they could add here,” she said.

Scott noted that it will take the collaboration of all Vermonters to fix some of the breaks in Vermont’s education and education funding systems.

“I would hope that we wouldn’t expect Zoie to come in and magically fix everything. It’s going to take all of us,” he said.

Saunders said she plans to spend her first 90 days in office getting out in the community on a listening tour to learn more about Vermont’s educational priorities.

“In my experience, I’ve done a lot of work in different communities, people on the ground really have a pulse on what’s working and what’s not working. This is the opportunity to be solution-oriented and have those really important conversations as we explore new ideas and think about what the future of education looks like in Vermont,” she said.

### **A Debate About the Cost Is Dogging a Renewable Energy Bill – Seven Days – Kevin McCallum**

Accelerating Vermont’s transition to cleaner electricity is going to be costly — on that, most can agree.

Less certain is how much it will cost if utilities are required to sell only renewable electricity by 2035. That’s the goal of [H.289, a bill](#) that raises the state’s renewable energy requirements. Cost estimates have ranged from as little as \$150 million to as high as \$1 billion.

The uncertainty about the bill’s true impact on ratepayers is fueling a political firefight in Montpelier and is likely to spark another veto battle between Gov. Phil Scott and lawmakers.

The House of Representatives gave final approval to the bill on Thursday, following an earlier 99-39 vote. The measure now heads to the Senate, where it is also expected to receive strong support.

Lawmakers argued that the bill would ensure the state supports the expansion of new renewable energy and reduces its reliance on electricity made from fossil fuels in New England.

“Vermont isn’t too small to feel the brunt of climate change,” Rep. Kari Dolan (D-Waitsfield) said. “And we are not too small to take on some responsibility and do our part to address the rate of greenhouse gas emissions we release into the atmosphere.”

The state’s existing renewable energy standard requires utilities to get 75 percent of their power

from renewable sources by 2032. The bill would increase that to 100 percent by 2035. Utilities would also have to get 20 percent of that power from local sources, double the amount in the existing law.

The complex bill also requires some of the energy to come from new renewable projects in New England — but not from large hydro or new, inefficient biomass plants.

Several Republicans argued that the bill would unfairly burden ratepayers at a time they can least afford it, especially in light of other less expensive energy options put forward by Gov. Scott's administration.

"H.289 represents another initiative that will unduly penalize Vermont ratepayers under the guise of meeting climate change goals," Rep. Gina Galfetti (R-Barre Town) said.

Gov. Scott argued that the bill would increase costs on ratepayers at a time when they are struggling with so many other cost pressures, including a new \$100 million payroll tax for childcare and property taxes set to soar an estimated 18 percent.

"While we share the goal of using more renewable energy and reducing emissions, it doesn't mean there's an open checkbook," Scott said on Wednesday during his weekly press conference.

The Department of Public Service initially pegged the cost of the bill at about \$1 billion, with about \$500 million in new power costs and \$500 million in grid upgrades needed to safely move that power around. But the department was forced to walk back those numbers after admitting errors in its initial calculations of the new power costs.

Peter Sterling, executive director of Renewable Energy Vermont, said the cost confusion has been exacerbated by the "very imprecise models" the Department of Public Service used that "exaggerated the cost of H.289."

The Joint Fiscal Office, which analyzes the cost of proposed legislation, relied on the Public Service Department's \$1 billion estimate in its initial bill analysis.

But it later revised that estimate downward to \$150 million to \$450 million. The office estimates \$150 million to \$250 million in higher power costs and zero to \$200 million for transmission costs.

That would amount to an increase in customers' power bills of between 4 percent and 7 percent by 2035, or \$4 to \$16 per month for an average household, according to the JFO analysis.

There are enough unknowns, however — about future changes in electricity demand and the way renewables will be integrated into the New England grid — that financial analysts warned of "considerable uncertainty regarding the overall cost" of the bill.

June Tierney, commissioner of the Department of Public Service, said there was a cheaper option. She noted that her department spent 18 months talking to Vermonters about their energy priorities and coming up with a plan that accomplished similar goals for an estimated \$110

million, far less than the likely cost of H.289.

The lower cost is what Vermonters said they wanted, she said, and what will encourage homeowners and drivers to truly reduce their carbon footprints by switching to electric heat pumps and electric vehicles.

“We need to keep the rates of renewable energy as low as we can so folks won’t shy away from switching to electricity,” she said.

While some lawmakers remained troubled by even the revised cost estimates, others downplayed them.

Rep. Mark Mihaly (D-East Calais) said the rate increases amounted to a “rounding error” compared to the \$1 billion the state spends annually on electricity. While there are upfront costs associated with switching to electric heat and transportation options, he noted, studies have shown that people save money in the long run, reducing carbon emissions and keeping their money local.

Others, such as Annette Smith, executive director of Vermonters for a Clean Environment, have called such estimates exaggerated and the emission reductions miniscule.

"Fiscal responsibility, or the lack of it, by House leadership and members is causing tremendous financial harm to Vermonters," Smith said.

To those who argued that Vermont is too small to do much good in the fight to slow climate change, Mihaly called that a cop-out.

He asked colleagues to recall the 1870 painting that hangs in the Statehouse, depicting Vermonters during the Civil War fighting with valor at the Battle of Cedar Creek in Virginia, and to ask themselves what might have become of the nation if states such as Vermont had sat out the fight against slavery.

“They chose to lead on slavery and, so far, we have chosen to lead on carbon,” he said. “Let’s continue that effort to reduce carbon emissions. Not only will it save Vermonters money, it’s the right thing to do for us and for the nation.”

### **Gov. Phil Scott's pick for new education secretary comes from Florida – Vermont Public – Lola Duffort**

Zoie Saunders, a former charter school executive from Florida, is Gov. Phil Scott’s pick to be Vermont’s next secretary of education. The Republican governor unveiled the newest member of his cabinet at a Statehouse press conference Friday.

She will come to Vermont from Broward County Public Schools, the sixth-largest public school system in the country, where she currently serves as chief strategy and innovation officer. She

has been in that role for just three months, according to her LinkedIn profile. Before that, she spent nearly five years as the chief education officer for the city of Fort Lauderdale, and over six years as an executive at Charter Schools USA.

“She’s a problem solver, leader and innovator who’s been laser focused on improving outcomes for kids. That’s where our focus needs to be,” Scott said.

Saunders will replace Interim Education Secretary Heather Bouchey, who has been serving in her role for nearly a year. Formerly the agency’s deputy secretary, Bouchey took over on an acting basis when Dan French, the previous secretary, [stepped down nearly a year ago](#).

The new secretary’s start date is April 15. She will assume her role at a high-stakes juncture in Vermont’s pre-K-12 education system. Thanks in part to historic cash infusion from the federal government, a long-running debate about rising costs and dwindling enrollments in the state’s schools was largely put on pause during the pandemic years. But that federal cash is now gone, and with property taxes at one point estimated to climb an average of 20% next year to pay for schools, voters rejected [nearly a third](#) of school budgets this Town Meeting Day.

Schools, meanwhile, face other acute challenges too, including [crumbling facilities](#), crippling workforce shortages and growing demand for mental health and social service supports on campus.

No important reforms are expected this year, but lawmakers have made clear they believe they have [a mandate for change](#). Committees have begun having wide-ranging conversations about how Vermont funds, governs, and operates its schools, in hopes of laying the groundwork for a major overhaul in the next legislative biennium.

“It’s no secret our education system is at a critical stage. We have big, big challenges, but also believe we have many opportunities. And I know Zoie will be able to help us navigate both,” Scott said.

In brief remarks at Friday’s press conference, Saunders said she was “energized and motivated by the governor’s bold vision to make the state of Vermont a national model.” And she said it was her “honor” to take a job leading schools “in a state with such a strong tradition and history of prioritizing education and the needs of children.”

Vermont is one of the top spenders on preK-12 education in the country. And that’s a good thing, Saunders said.

“It shows the investment that you all place on education,” she said. “In Florida, it’s one of the lowest per pupil reimbursement rates for students. So that does present different challenges.”

The secretary will be paid about \$168,000 a year, according to the job posting for the position, and oversee about 150 employees at the Agency of Education.

While the education secretary is a member of the governor’s cabinet, the job is unlike most other top-level positions in the executive branch. The secretary is broadly responsible for ensuring that Vermont’s school-aged children have access to an equitable and high-quality education, but their

actual power is highly constrained by the state's tradition of local control. Vermont's \$2.2 billion education fund may represent roughly a quarter of the state budget, but most decisions about how and where that money is spent are left to local school boards.

Saunders said she plans to go on a "listening and learning" tour during her first three months on the job to understand what Vermonters see as strengths and challenges in their schools.

In Broward County, Saunders was a key player in a [district-led effort to close under-enrolled schools](#). Asked what role she believed the state should play in deciding whether to close schools amid declining enrollment, Saunders replied that "community context really matters."

"These are conversations that really need to take place in coordination with all the stakeholders across the state and within local towns to really understand what are the challenges that may be driving the declining enrollment," she said.

Her appointment must be confirmed by the Senate, although the chamber rarely objects to gubernatorial appointees. Democratic Sen. Brian Campion, who chairs the Senate Education committee, met briefly with Saunders on Friday and said she had struck him as "smart" and "excited to get started." He was particularly impressed, he added, with her experience expanding career and technical education.

Charter schools have been criticized for siphoning students and funding away from public schools. And Saunders' years working at Charter Schools USA, a for-profit charter school company with over 90 schools across the southeastern U.S., raised certain eyebrows at the Statehouse. But most who expressed reservations also emphasized they wanted to give the new secretary the benefit of the doubt.

"Her background is definitely probably foreign to those of us working in education in Vermont," said Rep. Peter Conlon, who chairs the House Committee on Education. "She comes from a charter school background and a large city background, and things are very different here. And sort of marrying those two experiences is going to be interesting."

While her tenure at the charter school company "could be seen by many as a signal to the direction the governor may want to go," Conlon also said he did not want to rush to judgment.

"I think that she has great capacity to listen and learn and bring people together in a way that we definitely need," he added.

Vermont-NEA president Don Tinney said in a statement that while Saunders' background in charter schools gave the union "pause," he looked forward to "working together to promote, protect and strengthen public education in Vermont."

"Vermont public school students and educators need a strong advocate at the Agency of Education to ensure that programs, services, and resources remain in place to meet the needs of our children and youth," he continued.

The Vermont Democratic Party was less diplomatic. In a statement, VDP chair David Glidden said he had "grave concerns" about Saunders' background working for a charter school company

in Florida, "a state that leads the country in gutting their public schools to enrich private businesses."

The Agency of Education lost roughly a fourth of its staff [in the wake of the Great Recession](#), and its loss of capacity has long worried local school officials, who rely on the state for technical assistance and data that is key to the local budget-development process. And in recent years, they have grown increasingly frustrated — and vocal — about an agency they say is [failing to perform basic tasks](#).

With the cost of education dominating debate at the Statehouse, lawmakers have also seized on the length of time it has taken to replace French to drive home their argument that Scott has been absent from a difficult discussion.

After French stepped down, [Scott waited until late July](#) to ask the State Board of Education to initiate their search. The state board ultimately received 19 applicants for the job, and [forwarded their finalists to Scott's office](#) in mid-November. Scott said Friday that the summer's flooding delayed the hiring process, and that he also did not want to rush a selection for such an important position.

"The good news is we're here today. And we've got a great candidate that came forth," he said.

### **Overnight shelter available in Burlington on Cherry Street – WCAX**

Location : 108 Cherry Street in Burlington. Hours : 7:00pm to 7:00am

The office of Mayor Miro Weinberger has announced that the state-run temporary emergency shelter will be open and accepting guests tonight Saturday, March 23 and tomorrow Sunday, March 24. Vermonters in need of shelter are advised to head to Cherry Street, or call 2-1-1 for assistance.

"The shelter is being operated with support from the Vermont Agency of Human Services and CVOEO." - Samantha Sheehan, Communications Director, Office of Mayor Miro Weinberger.

### **1-on-1: Meet Vermont's new secretary of education – WPTZ – Jack Thurston**

Gov. Phil Scott, R-Vermont, has announced the next leader for the Vermont Agency of Education. Zoie Saunders will start serving as the agency secretary on April 15.

"I am energized and motivated by the governor's bold vision to make the state of Vermont a national model, producing the best educational outcomes in the United States from cradle to career," Saunders said during a March 22 press conference when her appointment was announced.



Gov. Scott chose Saunders from a list of names provided to him by the Vermont State Board of Education, a spokesperson for the governor said. Saunders must be confirmed by the Vermont Senate, but may start working ahead of that confirmation vote, the spokesperson explained.

Saunders, her husband, and two children will move to Vermont from Florida, but told NBC5 News she has been visiting the Green Mountain State for years. She has an aunt and sister in Vermont, she said.

The incoming education secretary most recently worked for Broward County Public Schools in Florida, serving more than 200,000 students. Her areas of focus included developing workforce training programs, addressing COVID-19 learning loss, and efforts to improve outcomes for kids from historically underserved communities, Saunders said in a one-on-one interview with NBC5 In Depth.

When asked by NBC5 News in the one-on-one interview, Saunders revealed she attended private schools growing up, but that her children are having a very positive experience in public schools. She also discussed her views on technical education and on Florida's past controversial measures to try to limit classroom discussion of issues such as gender identity and homosexuality.

Watch the video above for the full interview that aired Sunday on NBC5 In Depth.

Before her job with Broward County, Saunders was a strategist for the Florida-based Charter Schools USA, which raised eyebrows for the Vermont NEA.

"While her years working on behalf of charter schools gives us pause, I look forward to meeting with incoming Secretary of Education Zoie Saunders next week and to working together to promote, protect and strengthen public education in Vermont," said Don Tinney, the president of the union representing Vermont educators. "Vermont public school students and educators need a strong advocate at the Agency of Education to ensure that programs, services, and resources remain in place to meet the needs of our children and youth. Personally, I appreciated the working relationship we had with Secretary French and Secretary Bouchey and hope that the new Secretary of Education will maintain that open line of communication."

Saunders replaces Dan French as secretary of the Vermont Agency of Education. French stepped down from the position in 2023 for a role with the Council of Chief State School Officers.

During the search for a permanent leader for the Vermont Agency of Education, Heather Bouchey served as interim secretary. She will help with the leadership transition and serve as deputy secretary moving forward, according to the office of Gov. Scott.

"I want to thank Heather for her tremendous work leading the agency, and for her commitment to our state, its students, educators and communities," Scott said in a written statement. "Her energy and passion have made her a valuable member of my cabinet and she has been a tremendous teammate and leader."

### **Vermont House passes a bill to restrict a pesticide that is toxic to bees – AP**

Vermont's House of Representatives on Friday passed a bill to severely restrict a type of pesticide that's toxic to bees and other pollinators.

The bill will now go to the Senate. Representatives said Vermont was home to more than 300 native bee species and thousands of pollinator species, but many were in decline and some had disappeared altogether. Pollinators perform a vital role in allowing crops to grow.

The bill bans most uses of neonicotinoids — commonly called neonics — as well as the sale and distribution of seeds coated in the substance which are used to grow soybeans and cereal grains. The pesticides are neurotoxins and are the most widely used class of insecticides in the world, the House said.

Vermont's move comes after [New York Governor Kathy Hochul](#) in December signed what she described as a nation-leading bill to severely limit the use neonics in New York.

In Vermont, the Conservation Law Foundation testified that just one teaspoon of the pesticide was enough to kill more than 1 billion honeybees.

Resident Kevin Mack was among those supporting the bill.

“Corn is the most widely used application for neonicotinoids and any steps to reduce use in Vermont's working agricultural lands would make a tremendous difference and greatly reduce the negative impacts to birds, pollinators, water quality and nontarget species,” he said in written testimony.

Some farmers and commercial groups opposed the legislation.

“We believe the bill will lead to indiscriminate limits on access to a wide range of consumer products, which will harm Vermont's residents and restrict their ability to protect their homes and outdoor perimeters with safe and affordable products used against a variety of pests of public health concern,” wrote Michelle Lopez Kopa from the Household & Commercial Products Association.

### **New bill aims to increase access to cancer screenings – WCAX**

Vermont law and the Affordable Care Act ensure Vermonters have access to preventative screenings for breast cancer.

Historically, when mammogram results come back inconclusive, patients could expect to write a check for any follow-ups.

A new bill that just passed the Vermont House would include more follow-up screening coverage - even if the first test is inconclusive.

Another bill in the house would lower the age for free colorectal cancer screenings from 50 to 45.

### **Burlington temporary shelter site open through the weekend – My Champlain Valley**

The state-run temporary emergency shelter in Burlington will be open through the weekend.

In a Saturday afternoon email, officials with Mayor Miro Weinberger's office wrote that the [Cherry Street shelter](#) is accepting guests from 7:00 p.m. to 7:00 a.m. both Saturday night and Sunday night. It's one of four emergency shelters statewide that were set up as stopgap measures eight days ago after hundreds of Vermonters' emergency housing vouchers for hotels and motels expired.

All four temporary shelters closed Friday morning; the Burlington location is the only one that has been re-opened. The other three sites were in Berlin, Brattleboro and Rutland. As of Saturday night, Gov. Phil Scott's office had not replied to an inquiry made Friday night via email about the status of those sites.

### **Calm restored in Pawlet after Banyai arrest – Bennington Banner – Michael Albans**

A relative calm seemed to settle on the small town of Pawlet the day after one of their most infamous neighbors was safely locked behind bars after years of litigation, threats, harassment, and bad feelings on both sides.

"I'm feeling very relieved right now," said Mandy Hulette, Deer Flats Farm owner in West Pawlet, on whose original farmland Daniel Banyai's Slate Ridge property now sits. "We were starting to think this would never be resolved."

Daniel Banyai, 50, was in the passenger seat of a 2022 Dodge Ram pickup truck pulled over Wednesday afternoon on Route 133 outside the Town of Pawlet by Constable Thomas Covino for a speeding violation. Covino immediately recognized Banyai sitting in the passenger seat and attempted to arrest him on an outstanding warrant stemming from a years-long legal battle with the Town over an illegal military-style firearms training facility.

Banyai resisted, scuffled with Covino, was pepper-sprayed, and put in handcuffs nearly three months after his arrest warrant on contempt of court was issued. Banyai, who was considered on the lam from authorities, came back to Vermont in an attempt to visit the property on Briar Hill Road. He was arrested Wednesday and arraigned Thursday on an aggravated assault charge stemming from the scuffle with Covino. Banyai is currently held without bail on his previously issued outstanding warrant. A \$15,000 bail was set in the separate assault case.

Hulette, whose family farm dates back over two generations, spoke with the Banner about the long, rocky road they've been on ever since Banyai created the shooting facility on former farm

property and the hope that life gets back to the peaceful way it was before 2016 when all this began.

“This has been a nightmare headache for our family,” Hulette said. “We are hoping it’s finally over.”

A group of West Pawlet neighbors, including the Hulette family, have objected to Banyai running an unpermitted shooting range and firearm training facility.

The neighbors, some of whom have spoken on the record and others only on background, said they feared for their safety. They also said they lost the peaceful nature of their neighborhood that, at the height of the shooting facility, sounded like a war zone on weekends.

Many of the neighbors claimed that they were threatened by Banyai and had to endure Banyai posting personal information on the Internet in retaliation for their efforts to fight Slate Ridge through the town’s zoning procedures and courts.

Many said they kept firearms handy at all times and were no longer convinced that calling the police could help. The Hulette family filed for orders of protection against Banyai, with Banyai filing orders of protection against them. Accusations and rumors flew on both sides, including a conspiracy view that Slate Ridge was a fringe, right-wing white nationalist training facility.

In response to the rumors, the Vermont Legislature passed a bill signed by Gov. Phil Scott banning military-type training facilities statewide.

Legal action in the Banyai case went back and forth, with Banyai appearing at town meetings and aggressively confronting town officials and neighbors. After years of litigation, an Environmental Court judge decided the case in favor of the town. After several attempts to bring the property into compliance with town zoning regulations, an inspection was conducted in late 2023, seemingly without any conclusion. An arrest warrant was issued to Banyai for contempt of court after failure to comply with court orders to remove facilities on his property not in compliance and pay over \$100,000 in accumulated fines. Two Vermont Supreme Court decisions later, Banyai went on the run. He was finally arrested on Wednesday.

Merrill Bent, Pawlet town attorney, updated Pawlet’s immediate plans.

“The Town is finalizing plans to complete the work necessary to bring the property back into compliance with zoning regulations, after which the Town will promptly notify the Court that the work is completed.”

“I’m happy our town constable made the arrest,” Hulette said. “The State Police have said they were up there, but I never saw them make a real attempt to make an arrest. Tom (Covino) is our hero. He got the job done.

“It’s actually been really nice lately,” Hulette added. “He (Banyai) was very obnoxious when he was here, so it’s been nice and quiet, peaceful here like it had been before. I’m glad he’s finally behind bars. He’s skirted the system for so long. He’s a loose cannon. The time that we’ve spent

thinking about him, talking about him, and concerned about not ever knowing what he's going to do, it's been a big waste of our life.

"I finally feel like we are on the right track and that there's some light at the end of this tunnel. I'm feeling really good today...all of us are."

Others indeed shared that feeling in town.

"It appears that this is coming to an end, and rightly so," said Steve Fuentes, as he walked his dogs outside Mach's Market in the center of Pawlet. "I understand his case for using his land as he wishes, but clearly, you have to work with your community to determine what is and is not appropriate. Having a militia-style gun range is not compatible with people who live nearby.

"It seems part of that right-wing methodology – that push, push, push. The only thing that matters is your individual rights. This is a community and I think the community is now a better place. I still think he's a threat if he gets out, and I'm not sure if this is the end, but clearly, he's been held accountable by the law. That's the right thing."

### Vermont lawmakers consider taxing streaming services to help fund community access TV stations – Vermont Public – Howard Weiss-Tisman

Vermont's [community access television stations](#) are facing a fiscal crisis, and lawmakers are trying to figure out a funding stream to support their work.

The Senate Finance Committee is considering a bill, [S.181](#), which would set up a new fee on streaming services such as Netflix and Disney+.

If the bill passes as written, then streaming companies would have to pay an assessment equal to 5% of their gross revenue derived from their business in Vermont.

The new tax is expected to bring in between [\\$6 million and \\$7.6 million, according to the Joint Fiscal Office](#).

Most of that money would go into a fund that would support grants for the 24 Public, Educational and Governmental — or PEG — TV providers across the state.

The stations have traditionally received funding from cable companies, which are required to fund the stations as a part of their state permits.

That funding currently makes up about 90% of the revenue coming into the PEG stations.

But as consumers "cut the cable cord," [leaving cable companies behind as they access more of their entertainment over streaming services](#), that funding stream is drying up.

As the funding gap has continued to grow, the stations have received \$2.4 million in federal COVID relief money, as well as general funds, since 2020.

But Lauren-Glenn Davitian, the public policy director for CCTV Center for Media and Democracy, said the stations are asking lawmakers to address the issue during this session.

“We’re seeing the decline in cable revenue. It’s real. It’s affecting the community media centers,” Davitian said. “The Legislature has helped us with one-time support, but I think that we’re all pretty aligned in finding a long-term solution so that we’re not continuously going back for one-time support.”

While cable subscriptions are expected to remain flat over the next six years, the costs of operating the PEG stations will go up, according to a recent report from the [Vermont Access Network](#), the advocacy group that represents the stations.

By 2030, Vermont’s stations could face a [\\$4.6 million revenue gap, according to the report](#).

The Senate Finance Committee heard from a number of streaming service lobbyists that opposed the new tax.

“New fees would drive up streaming costs for Vermont households,” according to the group Streaming Innovation Alliance, which represents the streaming services Netflix, Paramount+ and Max, among others.

“Imposing franchise fees on streaming would be especially regressive and harmful to people and communities least able to afford them,” the [national advocacy group wrote in a letter to the Senate Finance Committee](#).

The bill is now in the Senate Committee on Appropriations.

### **Waterbury charter bill clears legislative hurdles – Waterbury RoundAbout – Lisa Scagliotti**

The bill creating a charter for the town of Waterbury which would allow for local option taxes cleared its final legislative hurdle this week and is headed to Gov. Phil Scott for a signature.

[The bill H.801](#), sponsored by Waterbury’s two Democratic members of the House, state Reps. Tom Stevens and Theresa Wood, passed the Senate on Thursday.

The bill would create a simple charter for the town addressing two issues: local option sales taxes and streamlining the municipal hiring process.

The measure would allow Waterbury to join 23 other municipalities around Vermont that levy local option sales taxes. It would add 1% to current state retail sales (6%), rooms and meals (9%), and alcoholic beverage (10%) purchases.

The local taxes would not apply to motor vehicle purchases, most clothing, groceries and medicine. The tax would apply to internet purchases, cannabis sales, and short-term rentals in Waterbury such as AirBnB reservations.

Voters in Waterbury in a special vote in December approved creating the charter measures.

Municipal Manager Tom Leitz told the Waterbury Select Board this week that the state Tax Department advised that if the charter was signed into law by the end of March, which is the end of the first quarter of the year, it could be implemented by the third quarter which begins July 1. If the governor's signature on the bill comes in April, the new taxes would likely go into effect in the third quarter which starts Oct. 1, Leitz explained.

The schedule is faster than anticipated, Leitz said, noting that he originally expected the new taxes would not be put in place until early 2025. The town budget that voters approved on Town Meeting Day does not anticipate new revenue from the local option taxes in 2024. Leitz on Friday said that if it works out to begin this year, he would propose using new revenue for gravel road upkeep and repairs.

Town officials have conservatively estimated that the additional tax revenue would be \$650,000 per year. Municipalities receive two-thirds of local sales tax revenue generated. The remainder goes to the state for its Payment In Lieu of Taxes program which pays cities and towns where state property – buildings and land – are located. Waterbury benefits from that program as well given state property such as the State Office Complex, state parks and forest lands in town. Waterbury in 2023 received \$400,000 from the state PILOT payment. Adding new tax revenue from Waterbury's local tax would increase the funding for all municipalities receiving PILOT payments.

The charter's other provision would give the municipal manager the main responsibility for hiring, appointing, disciplining and removing town employees. It allows the manager to authorize department heads to handle those tasks as well, and it specifies that the select board should approve department head choices. Some positions in town government currently fall under state statute in the absence of a local charter and require multi-step processes for hiring that involve volunteer committees.

### **Central Vermont Medical Center employees continue fight for union contract – WCAX – Sophia Thomas**

Central Vermont Medical Center employees and community members rallied in Barre on Sunday in support of a new union contract.

Susan Becker has spent over a third of her life as a nurse educator at CVMC in Berlin. She says she loved it – at first.

“The last four years have been really difficult with COVID and retaining health care workers and ensuring that we're providing the best care we can for our members of the community,” Becker reflected.

In August, Becker and more than 500 other CVMC nurses and technicians won their union election, forming Central Vermont Healthcare United. Seven months later, they're still negotiating a new contract with the administration.

Dozens of CVMC employees, community members and UVM Medical Center support staff, who [unionized in January](#), gathered at Barre's City Hall Park to push for an agreement with CVMC. They say the medical center is understaffed and workers are nearing burnout. They're asking CVMC to improve staff training, invest in better supplies and equipment and increase pay.

"To have wages that are competitive with the surrounding areas so that people will feel more invited to come to this area to work and stay to raise families," explained Sheila Avila, a CVMC surgical technologist.

CVMC says they're on their tenth bargaining session with union members. In an email statement to WCAX, they wrote, "We are grateful for the respectful tone that has characterized these negotiations. We remain committed to achieving a fair and equitable contract that continues to support CVMC's mission."

Becker says there have been a few snags in the negotiation process, but it's taken on a more positive tone in recent sessions. She says the CVMC community wants what's best for everyone.

"I believe that it'll bring strength and unity to all the staff and to our community members that we serve," Becker said of an agreement.

Bargaining continues on April 4. Union members say they hope to reach an agreement soon and see similar changes in health care replicated across the state.

### **VT house votes to end sale of flavored tobacco products – The Eagle Times**

On Friday, the Vermont House of Representatives passed S.18, a bill to end the sale of flavored tobacco products, with a vote of 83 to 53.

"After five years of working to pass this bill, we are incredibly proud this legislation is moving forward in Vermont. Thank you to the House leaders for all their work and attention to this bill, and for prioritizing the health and welfare of Vermont kids. We firmly believe this bill will save lives and reduce health inequities. We look forward to it becoming law," the Flavors Hook Kids Vermont Campaign said in a statement.

S.18 will end retail selling all flavored e-cigarettes, e-liquids, and oral nicotine pouches. The bill would also end the sale of all menthol-flavored tobacco products including cigarettes, cigars, pipe tobacco, and smokeless tobacco. Retailers in Vermont will not be allowed to sell prohibited products after Jan. 1, 2026. The bill would also direct the Office of the Attorney General to report on how Vermont may legally restrict advertising and regulate labels for e-cigarettes and other vaping-related products.

Youth ages 12-17 are the highest users of flavored tobacco products, according to the 2023 National Youth Tobacco Survey. Lawmakers spoke on the House floor about the extensive testimony from medical professionals, educators, parents, and members of the BIPOC community in support of the bill.



The bill will now return to the Vermont Senate, which passed S.18 in 2023 with a voice vote.

### **Brattleboro Representative Town Meeting prioritizes climate resiliency, human services – Brattleboro Reformer – Chris Mays**

Representative Town Meeting members beefed up the budget for climate resiliency and hope to provide more funds to human service organizations next year.

In a 65-41 vote at the annual meeting Saturday, the body added \$70,000 to the approximately \$22.9 million budget presented by the Select Board. Django Grace of District 9 proposed the change in hopes of the Select Board putting the money into the town's Global Warming Solutions Fund.

Each year, \$70,000 is allocated to the fund. Grace and others called for an additional \$70,000.

"Supporting these projects is how we put a dent into these emissions," Grace said. "It's proven itself as something that's really beneficial for our community."

In support of the motion, Isaac Evans-Frantz of District 7 stressed the importance of "mitigating harm that comes to the community."

"This is a drop in the bucket and we need to do more as a community to face the crisis that we're in," Sonia Silbert of District 9 said.

Other RTM members had reservations about spending more.

"I have never voted against a budget before but I'm going to vote against this budget today," Kate O'Connor of District 9 said, calling salary increases for department heads "out of touch."

Department heads are getting raises ranging from 7.6 percent to 16.7 percent after a review of wages in nearby communities, O'Connor said. She spoke about the need to think about the tax impact on more vulnerable community members, whose salaries or benefits aren't growing as large.

Board Chairman Ian Goodnow said the salary increases are "less than one-half of 1 percent of the budget" and involve creating equity between departments, as the town's four union agreements had been approved this year with 4 percent increases in cost of living adjustments and new responsibilities have been given to some staff members.

"This really should have been done sooner," Goodnow said. "We have been deferring this issue, and we are now catching up and making sure we have competitive salaries for our department heads to make sure they don't leave."

Bob Oeser of District 9 unsuccessfully proposed reducing the budget by \$2 million, closer to the current fiscal year's level, and letting "the Select Board decide how that gets allocated."

Concerned over what he believes to be unsustainable spending, Steve Heim of District 9 questioned "how hard are we really trying to keep these taxes down?"

Before the budget was increased, the spending plan represented an increase of 4.3 percent over the current year.

After lengthy debate earlier in the meeting, nearly \$269,000 from unassigned fund balance or surplus was dedicated to capital road projects and paving. Select Board member Elizabeth McLoughlin said the work is on "a timed and scheduled basis. This is a little extra push."

Voting against the article, Spoon Agave of District 8 recommended the board propose exactly where the money is going in the future. Public Works Director Dan Tyler said projects will involve connecting streets and sidewalks, and coordinating with the state on paving.

"There's a long list of projects we're looking at," Tyler said. "We need to wait to see if this budget passes before we can finalize this list."

An amendment by Kevin O'Brien of District 9 to move the surplus funds into the town's Global Warming Solutions Fund instead was deemed not germane by Town Moderator David Gartenstein since it was not properly warned to the public. Oscar Heller of District D9 appealed the decision but the ruling was sustained in a vote by the body.

George Carvill of District 7 unsuccessfully proposed reducing the figure to \$135,000, cutting the amount in half in anticipation of having conversations with the Select Board about how the body might want the money spent.

Excluded this year were articles asking for funding for Southeastern Vermont Economic Development Strategies and the community marketing initiative by Downtown Brattleboro Alliance and the Brattleboro Area Chamber of Commerce. The groups are now receiving money through the town's Revolving Loan Fund, which is made up of money originating from federal grants and can be tapped by the Select Board for housing or economic development projects.

Goodnow said the DBA asked the board to help fund a new position to access resources and develop strategies. To cover two years of the pilot program, the time frame described as being long enough to make a good assessment on its effectiveness, the board decided to provide \$160,000 to the group.

"We now have no say on how that money is spent," Abby Mnookin of District 8 said. "I'm really disappointed that we are here as elected members of the body to represent the town and our input is being diminished."

Approved were articles allowing the town raise and appropriate nearly \$131,700 to pay off debt for water/sewer improvements at Mountain Park Home and \$80,000 for the DBA's annual budget/work plan. These expenses are paid via special assessments to property owners in the districts.

About \$367,810 is heading to 38 human service organizations. Approved by the body, the figure was determined by the RTM Human Services Review Committee after receiving applications

from local organization and staying within 2 percent of the overall town budget as directed by the body last year.

Discussion for setting the limit this year started at 1.4 percent, a default number developed in an earlier year, and landed on 2 percent. Committee member Sarah Turbow of District 9 proposed the 2 percent, noting it had been approved last year but funding requests "did not reach that ceiling threshold."

"I believe there continue to be huge needs for human services in our community that are not yet being met and want to have the opportunity to expand those services if needed," Turbow said.

Zeke King of District 9 unsuccessfully proposed going with 2.3 percent, suggesting more organizations could be included if additional funding is available. With only a small bump, Select Board member Daniel Quipp questioned how big of an impact the money would truly have.

Compensation for the Select Board will remain at \$10,000 for the chairperson and \$8,000 for other members. Confirmed and ratified were the appointments of Town Clerk Hilary Francis, Town Treasurer Kim Frost and Town Attorney Bob Fisher.

In a 96-1 vote, a ballot article passed to construct a secondary water storage tank at Pleasant Valley Water Treatment Facility for about \$1.62 million. The town has to obtain a bond in order for the town to be eligible for a 0 percent interest loan and 50 percent subsidy offered by the Drinking Water State Revolving Loan Fund. Only the utility ratepayers will be responsible for repayment of the debt.

Under other business where non-binding actions are taken, a resolution was overwhelmingly approved that calls for Rep. Becca Balint, D-Vt, to support the U.S. halting arms sales to Israel until a permanent ceasefire is achieved in Gaza. Evans-Frantz, one of the authors, expressed concern about the humanitarian toll of the war.

"Earlier this month, our U.S. senators from Vermont, along with other senators, wrote to President Biden urging him to enforce US law, which prohibits the interference with humanitarian assistance," Evans-Frantz said. "U.N. experts said in February that arms exports to Israel must stop immediately."

Elected office holders "have an obligation to speak up in the face of war crimes that the U.S. is funding," Evans-Frantz said, adding that Balint "has rightly called for a ceasefire in Gaza. To avoid the perception of complicity, she must commit to opposing any additional funds for weapons for the genocidal war in Gaza."

Rick Morton of District 7 said there had been a ceasefire up until Oct. 6, the day before Hamas attacked Israel.

"I stand with Israel," Morton said. "I think we should. People should have a right to protect themselves if they're forced to."

Tim Wessel of District 9 suggested the resolution "only benefitted one party and one party only, and that's Hamas. Hamas is a terrorist organization that rapes, that kills, that illegally entered a sovereign state and truly tore the heart out of an ally of the United States historically and they are fighting, in my belief, pure evil."

Oeser said the war is now leading to famine and needs to end. King called the events in Gaza "troubling."

A resolution passed that expresses support for the Legislature to provide information about commissioning rank choice elections by the end of the next biennium.

"At a minimum this would make us a good role model ... to try to spur a more democratic voting process in elections," said Fric Spruyt of District 9, whose original motion had involved instituting rank choice elections by the end of the next biennium.

Also approved was a resolution asking the Select Board to consider offering free lunch and virtual attendance at RTM in an effort to spark better attendance. These recommendations had been made by a committee that explored the issue.

Saturday's meeting went from 8:30 a.m. to just before 4 p.m.

### **Capitol Beat: Sanders and AOC reintroduce Green New Deal – Times Argus**

U.S. Sen. Bernie Sanders and U.S. Rep. Alexandria Ocasio-Cortez, a New York Democrat, reintroduced legislation that would take on the affordable housing crisis and the existential threat of climate change. U.S. Sen. Peter Welch is among nearly 60 lawmakers in the House and Senate joining as co-sponsors.

The Green New Deal for Public Housing Act invests up to \$234 billion over 10 years to transition the entire public housing stock in the United States into zero-carbon, highly energy-efficient homes — dramatically improving living conditions for nearly 2 million people in public housing across the country. The legislation also creates up to 280,000 good-paying, union jobs per year, while reducing annual carbon emissions by roughly 5.7 million metric tons — the equivalent of taking more than 1.26 million vehicles off the road.

"In these difficult times, we must move forward boldly to address the systemic and existential crises facing us today and that includes urgently combating climate change and making sure every American has a safe and decent place to call home," Sanders stated in a news release. "It is unacceptable that, on a single given night in America, over 650,000 people are homeless. It is unacceptable that, in the richest country in the history of the world, people are choosing between paying rent and putting food on the table. It is unacceptable that our nation's public housing is in a state of chronic disrepair and energy inefficiency after generations of government neglect. It is unacceptable that we have not done more to transform our energy systems, our communities, and our infrastructure away from fossils fuels and toward renewable energy."

According to the news release, the nation faces a deepening climate and housing crisis, including a \$70 billion maintenance backlog. Residents of public housing often suffer worse health outcomes due to mold infestations, lead contamination, poor indoor air quality, and unsafe temperatures. Low-income households on average spend 8.6% of their total income on energy costs compared to 3% for other households — often forcing the choice between paying energy bills or other essential expenses like food, medicine and child care, the release states.

Additionally, about 11.3 million American households are severely cost-burdened from paying more than 50% of their income on housing. “Alarming, there are currently no states in the country where a full-time worker earning the federal minimum wage can afford a modest two-bedroom apartment,” the release states.

### **Anti-trans bills**

U.S. Rep. Becca Balint called out hateful anti-trans bills in the House Judiciary Committee.

“So here we are, spending time, one again, using our valuable time to pick on a class of people in this country. I believe I’m the only person on this committee who represents the LGBTQ community. ... I have to tell you, I’ve been absolutely stunned by the amount of time and energy that we have spent in this Congress talking about trans kids, their parents, gay Americans, that somehow my community is the source of all that is wrong in this country.”

Balint noted: “This is about basic humanity. This is about dignity. And it is no secret, if you are paying attention, that my colleagues on the other side of the aisle have decided that this congressional term would be about bringing up the issue of trans kids and their families and gay Americans relentlessly. Amendments and bills and riders constantly, as if we have nothing better to do than to demonize our fellow citizens. Because that’s what we’re talking about here. It’s about constantly trying to get Americans to hate one another. It is about dehumanizing children.”

She condemned some members of the committee for their intolerance.

“This is not how we should be spending our time. We should be spending our time uplifting Americans, alleviating suffering, letting Americans know that we believe in them and we support them and not this. This fear mongering, this constant fear mongering in this Congress. People who just want to live their lives and the families who love them,” she said.

### **Jobless rate**

The state’s jobless rate remained unchanged, at 2.3%, according to data released by the Vermont Department of Labor on Friday.

The comparable U.S. rate in February was 3.9%, an increase of two-tenths of one percentage point from the revised January estimate.

The civilian labor force participation rate was 65.3% in February, an increase of two-tenths of one percentage point from the prior month’s revised estimate.

According to Labor Commissioner Michael Harrington: “February’s data marks the 40th consecutive month of growth in the labor force, with current estimates showing that Vermont’s labor force has reached its highest level since 2018. This increase is not limited to a specific cohort; instead, it reflects a widespread rise across many different demographic populations. However, even with this news, skilled workers remain in high demand across the state, with many employers citing Vermont’s workforce shortage as the number one challenge they face.”

### **Flood Safety Act**

The Vermont Senate this week voted in bipartisan support of S.213, the Flood Safety Act.

The vote was 24-4-2.

The bill takes steps to reduce flood risk across Vermont, at a critical time when flood-related disasters are becoming more frequent and more severe.

Following the devastating floods of 2023, and in recognition that Vermont averages nearly two major flooding disasters annually, Vermont lawmakers are advancing policies to improve our collective flood resilience. These policies will improve public safety, reduce damages and the mounting costs associated with flood recovery, better support our municipalities and our residents, improve water quality, support biodiversity, and protect recreational opportunities, according to a news release.

“After living through catastrophic flooding in my community last summer, as so many other Vermonters did, I’m grateful the Senate has advanced a critical policy to reduce future flood risks in our communities,” said Lauren Hierl, executive director of Vermont Conservation Voters. “This bill will better regulate development in river corridors and wetlands, and address dam safety, which will make our watersheds more resilient to flooding and other climate disasters.”

“With more frequent flooding events on the horizon, I’m proud to advance S.213 which will help Vermont build climate resilience and reduce flood-related damages in Vermont’s communities,” said Senator President Pro Tempore Philip Baruth. “As Vermont continues to rebuild and recover from the devastating floods of 2023, we must do everything in our power to rebuild smarter and stronger with resilience against future flooding events at the forefront.”

Data released by Vermont Emergency Management indicate that 2023 flooding events caused damage to over 4,000 homes and 800 businesses and led to over \$200 million in damage to public infrastructure.

### **Fighting scams**

Peter Welch and U.S. Sen. Tammy Baldwin, a Wisconsin Democrat, introduced the Tax Relief for Victims of Crimes, Scams, and Disasters Act, legislation to give relief to those who have been victims of fraud, scams, thefts, accidents and other personal casualty losses.

According to a news release, the legislation reinstates the tax deduction for personal casualty and theft losses that were stripped away by the 2017 Cuts and Jobs Act, forcing victims of scams,

robberies, storms, and fires to pay taxes on stolen assets, further wiping out their hard-earned savings and financial security.

“It’s outrageous that folks scammed out of their life’s savings are hit with large tax bills. It’s even more outrageous that Republicans decided to get rid of this crucial tax benefit for scam victims, just to turn around and give the ultra-wealthy and big corporations more tax breaks,” said Welch.

### **Pollinator protection**

The Vermont House of Representatives this week endorsed legislation designed to protect bees and other pollinators in the state from toxic neonicotinoid pesticides, known commonly as neonics.

The vote in the House was 112-29.

H.706 has four main components: It prohibits the use of field crop seeds (corn, soy, wheat and cereal) treated with neonicotinoids; it restricts outdoor uses of neonicotinoids that are harmful to pollinators; it requires best management practices for allowed neonicotinoid uses; and it incorporates neonicotinoid-treated seeds into the regulatory framework that already applies to other neonicotinoids.

“I want to be clear, bees and other pollinators in Vermont are in steep decline. Neonic pesticide exposure is a key reason behind this decline, and neonics actually provide no clear benefit to most farmers that use them,” said Bianca Braman, vice president of the Vermont Beekeepers Association board of directors. “Vermont’s beekeepers play a vital role in our state’s agricultural economy and food security. As farmers, we’re asking the state to phase out the unnecessary use of a chemical that’s threatening to wipe out our small but critically important livestock.”

The legislation must still receive final approval from the House, and then is expected to be taken up by the Senate, according to a news release.

### **Flavored tobacco products**

The Legislature this week gave final approval to legislation that cracks down on the sale of flavored tobacco products, including all flavored e-cigarettes and menthol-flavored tobacco products.

According to Vermont Flavors Hook Kids Campaign, “We applaud the Legislature for siding with kids over Big Tobacco and taking action to stop the tobacco industry from addicting another generation of kids with flavored products. We urge Governor Phil Scott to sign this bill into law and leave a legacy of better health for Vermonters for generations to come. Polling shows this legislation has strong public support.”

The legislation will end the sale of all flavored e-cigarettes, which have fueled a crisis of youth nicotine addiction. According to the release, in Vermont, 16.1% of high school students use e-cigarettes, and research shows that about 90% of youth e-cigarette users nationwide use flavored products. The legislation will also end the sale of all menthol-flavored tobacco products, which

the tobacco industry has used to target kids, Black Americans, the LGBTQ+ community and other communities, contributing to significant health disparities, the release states.

### **DAIL appointee**

Gov. Phil Scott this week announced the appointment of Dr. Jill Bowen as commissioner of the Department of Disabilities, Aging and Independent Living within the Agency of Human Services.

Bowen comes to Vermont from Philadelphia, where she has served as commissioner of the Department of Behavioral Health and Intellectual Disability Services for more than three years. During her tenure with DBHIDS, she led a multi-division department focused on health and wellness for those with intellectual disabilities, mental health, and substance use disorders. She also focused on supports for those impacted by healthcare disparities, trauma and those requiring integrated, cross-sector supports.

Prior to her work in Philadelphia, Bowen held positions in New York City, including as senior adviser for mental health with the Office of the Mayor, chief transformation officer for NYC Health + Hospitals, and as associate executive director for organizational innovation and excellence at Kings County Hospital Center.

Bowen is co-editor and co-author of the first book exclusively devoted to mental health and lean health care, Lean Behavioral Health. She has taught at academic institutions, presented at professional conferences and co-authored several articles over the years. She hosts a podcast: "Community Conversations with Dr. Jill Bowen."

### **State's attorney named**

The governor also announced that he has appointed Bram Kranichfeld as permanent state's attorney for Franklin County.

Scott named him interim state's attorney in September, following the previous state's attorney's resignation.

The appointment was effective last week for the term ending January 2027.

Kranichfeld previously served as chief of the criminal division of the Vermont Attorney General's Office from 2018 to 2019. Prior to that, he served in the Chittenden County State's Attorney's Office from 2007 to 2012 as a deputy state's attorney, and from 2015 to 2017 as the chief deputy. He was executive director of the Department of State's Attorneys and Sheriffs from 2013 to 2014. He serves as Priest-in-Charge at All Saints & St. Paul's Episcopal Churches.

Kranichfeld has been a member of the Vermont Bar since May 2007. He received a bachelor's degree at the University of Chicago and his law degree at Cornell Law School in 2004.

### **County forester honored**



Ethan Tapper, the Chittenden County forester with the Vermont Department of Forests, Parks and Recreation, has been named the American Tree Farm System's 2024 National Tree Farm Inspector of the Year.

The American Tree Farm System comprises a nationwide alliance of 74,000 family forest landowners dedicated to the sustainable management of 19 million acres.

In Vermont, the Tree Farm System is sponsored by the Vermont Woodlands Association with 440 landowners and 133,000 acres enrolled in the program. These landowners, known as "Tree Farmers," commit to managing their forests to prioritize wildlife habitat, clean water, and recreation, while sustainably producing forest products.

"To be named National Tree Farm Inspector of the Year is such an honor," said Tapper in a news release. "I became a Tree Farm Inspector because I wanted to work with Vermont's iconic working forests enrolled as Tree Farms, the amazing landowners and lands stewards that are Tree Farmers, and the incredible community of foresters that serve as inspectors. Being recognized by such an amazing organization at all — let alone nationally — is a dream come true!"

### **Captive insurance**

On March 27, the Vermont Captive Insurance Association will host its biannual "Road Show" educational event at the Hilton Burlington Lake Champlain Hotel in Burlington.

The event, tailored to prospective captive insurance companies, has been hosted in more than 20 cities, including internationally in Mexico City. The format includes two parts, the first being a deep dive into the basics of captive insurance and the benefits of domiciling in Vermont, and the latter featuring three captive owners sharing their formation story.

Captive owners include two Vermont-based organizations, University of Vermont Health Network and employee-owned multinational manufacturing company, Carris Reels, Inc., and one Missouri-based multinational construction company, Alberici Corporation.

Captive insurance is a regulated form of self-insurance that has existed since the 1960s and has been a part of the Vermont insurance industry since 1981, when Vermont passed the Special Insurer Act. Captive insurance companies are formed by individual or groups of companies, nonprofits, and government entities as a form of alternative insurance to better manage their own risk. Many industries commonly utilize captive insurance for lines of insurance coverage such as property, cyber, workers compensation, general liability, products liability, or professional liability.

The March 27 event will take place from 1 to 5:30 p.m. A networking reception is included. The registration fee is \$35 for VCIA members and \$50 for nonmembers. Students are invited to a luncheon prior to the event at no cost. Visit [www.vcia.com](http://www.vcia.com) for more information and to register for the event.

### Sen. Sanders pushes for the right to earn paid time off – WCAX

First a 32-hour work week, now Vermont senator Bernie Sanders is trying to ensure you can take some time off without losing a paycheck.

Sanders introduced legislation that would guarantee workers the right to earn paid vacation.

He said the US is the only major country in the world that doesn't provide this to workers, even though American workers put in longer hours for less pay.

The bill would guarantee at least one hour of paid vacation for every 25 hours worked and ensure full-time employees two weeks of paid vacation in addition to paid sick or family leave.

### Local water infrastructure projects land federal funding – Waterbury RoundAbout – Lisa Scagliotti

In two separate recent announcements, over \$3 million in federal funding is headed to Waterbury for water infrastructure projects that will improve water quality for two mobile home parks.

U.S. Sen. Peter Welch on March 18 announced a \$2.2 million grant to Waterbury to extend a water line from near the town highway garage on Guptil Road westward towards Vermont Rt. 100. The line would run to East Wind Mobile Home Park, connecting the neighborhood and several other residences along the way to the municipal water system.

According to Waterbury Public Works Director Bill Woodruff, the water line extension is about 3,700 feet and it is in the design phase. The neighborhood has 28 homes and its water system has poor quality. The funding would complete the design and engineering and cover some of the construction costs which are not finalized yet, Woodruff said.

Municipal Manager Tom Leitz said that in addition to improving water quality, another benefit to connecting to municipal water is that a presently undeveloped section of the East Wind neighborhood associated with its well location may be able to accommodate several more home sites. That will be determined as the design plans are completed, he said.

The water line extension will also put municipal infrastructure closer to commercial developments along Rt. 100 that may eventually hook up to the system run by the Edward Farrar Utility District, he said.

The East Wind park last year [received a \\$304,000 grant](#) from the state Healthy Homes Initiative program that channeled federal American Rescue Plan Act funding to mobile home infrastructure improvements. That funding was to be used for engineering, permitting and construction related to septic system improvements.

The funding announced recently by Welch's office was part of [nearly \\$30 million designated for 19 Vermont projects](#) chosen through the Congressionally Directed Spending process in the

recently passed federal budget bill. The projects include infrastructure work, economic revitalization, affordable housing and historic preservation.

“Federal funds can help jump-start projects that make a big difference in the community—from improving our water infrastructure systems, to building affordable housing, to making a beloved public library more accessible for everyone,” Welch said in the funding announcement. “I’m thrilled that federal dollars are headed back to Vermont to help strengthen communities across our state.”

Other awards in this round of funding included \$5 million for the Champlain Housing Trust and the Bennington County Industrial Corporation for more than 150 housing units, \$3 million for the Vermont Agency of Transportation for the Central Vermont Transit Operations Facility, \$1.2 million for the Burlington School District to address stormwater on the site of its new high school and more. [See the full list here.](#)

Each member of Congress is allowed to request funding for Congressionally Directed Spending projects in federal appropriations bills. Vermont’s congressional delegation is now accepting requests from state and local government and from Vermont nonprofit organizations for inclusion in legislation for fiscal year 2025 which begins October 1.

### **Kneeland Flats Mobil Home Park also to benefit**

In a separate announcement on March 8 by Gov. Phil Scott and the Agency of Natural Resources, Waterbury’s Kneeland Flats Mobile Home Park was among 46 manufactured housing communities receiving a combined \$15.5 million in grants to upgrade or replace their water systems. The Waterbury park will receive \$1,020,000 million, according to the announcement.

The grants are from two state programs: \$13.3 million in [Healthy Homes Initiative](#) and \$2.2 million in [Three-acre Stormwater Initiative](#) grants.

The funds are intended to be spent on repairing and upgrading inadequate or failing drinking water, stormwater and wastewater systems.

Overall, the improvements funded through the state programs will benefit an estimated 5,608 residents of the communities spread across Vermont’s 14 counties, officials said. Kneeland Flats Park in Waterbury Center has 55 homes.

“These residents will not only gain more reliable access to safe drinking water, but they will also benefit from improved drainage, stormwater, and wastewater systems, protecting both them and the environment,” said Department of Environmental Conservation Commissioner Jason Batchelder.

Funding for the state grant programs comes from the federal American Rescue Plan Act. This brings a total of \$28 million of ARPA funding to 67 manufactured housing communities by the state -- about one-quarter of the state’s mobile home communities, officials said.

The grants may be spent on various stages of projects aimed at improving water infrastructure such as hiring engineering firms to evaluate systems to determine what work is needed, technical and permitting assistance, and actual construction of needed improvements.

For the Kneeland Flats project, the grant is meant to be spent on technical assistance and permitting for a wastewater system, and construction funding for the drinking water system. This latest grant comes in addition to a 2023 grant of \$62,000 that the Kneeland Flats development received from the Healthy Homes Initiative. That funding was intended for permitting and engineering costs for water system upgrades.

[The full list of 2024 grant recipients is posted here.](#) In addition to Kneeland Flats Mobile Home Park in Waterbury, two other Washington County communities were announced as grant recipients: Sandy Pines Mobile Home Park in East Montpelier with \$116,000 for engineering, technical and permitting assistance, and Vermont Mobile Home Park in Waitsfield with just under \$730,000 for construction of a new drinking water system. The Sandy Pines has 56 homes; Vermont has 29 homes.

### **Gov. Phil Scott appoints new commissioner of Department of Disabilities, Aging and Independent Living – VT Digger – Peter D’Auria**

Jill Bowen, a human services commissioner with the city of Philadelphia, will take over Vermont’s Department of Disabilities, Aging and Independent Living, Gov. Phil Scott [announced](#) Thursday.

Bowen has served as the commissioner of Philadelphia’s Department of Behavioral Health and Intellectual disAbility Services for three years, according to the press release. Prior to that post, she was a senior advisor for mental health initiatives in the office of former New York City mayor Bill de Blasio and worked for hospitals in New York City.

Thursday’s announcement also noted Bowen’s training in Lean principles, a framework aimed at improving the efficiency of businesses and organizations.

“I am eager to continue the mission to make Vermont the best place in which to grow old or to live with a disability – with dignity, respect and independence – with full inclusion into the life of the community and wellness for all as our goal,” Bowen said in the press release.

Monica White, who served as the department’s commissioner for roughly three years, stepped down in January. Megan Tierney-Ward, the deputy commissioner, has held the role in an interim capacity since then.

Bowen’s appointment comes as Vermont struggles to care for elderly residents and people with disabilities. The state is facing a chronic shortage of [nurses](#) and [care staff](#), as well as unsustainably low Medicaid reimbursement rates for care.

That has led to empty beds, closures of long-term care facilities and home health agencies in financial distress. It’s also contributed to rising costs and long wait times for care.

Last year, Vermont's state auditor [identified](#) shortcomings in the department's oversight of residential care and assisted living facilities, saying in a [report](#) that the state did not inspect facilities or address problems often or quickly enough.

A spokesperson for Scott did not answer emailed questions from VTDigger Friday afternoon about Bowen's salary or start date.

"Dr. Bowen is a proven administrator and problem solver who will bring valuable experience to the Department," Scott said in the release. "(Agency of Human Services Secretary Jenney) Samuelson and I look forward to welcoming her to the role."

### **Phil Scott picks Florida schools administrator to serve as new education secretary – VT Digger – Ethan Weinstein**

Gov. Phil Scott on Friday named a Florida schools administrator and former Charter Schools USA executive to be the next secretary of the Vermont Agency of Education, almost a year since the state last had a permanent education leader.

Zoie Saunders most recently served as chief strategy and innovation officer for Broward County Public Schools, the sixth largest school district in the country, according to the governor's office.

"I'm energized and motivated by the governor's bold vision to make the state of Vermont a national model, producing the best educational outcomes in the United States," Saunders said at a Friday morning press conference. "I value community input and will work very hard to understand the local issues and educational priorities, so that I may support evidence-based educational strategies that support all Vermonters."

The incoming education secretary will begin work April 15 and said she plans to engage in a "listening and learning tour" within her first 90 days.

"She's a problem solver, leader and innovator who has been laser focused on improving outcomes for kids," Scott said in introducing Saunders.

Scott's pick for the top education job was met with a reserved but hopeful reaction among education leaders and legislators Friday, with most saying they wanted to learn more about the new secretary's approach.

Saunders has made headlines recently as Broward County Public Schools — the district she has helped lead — [considers closing some of its schools](#), a conundrum similarly facing Vermont's education system. She's worked for Broward County only since January, according to her LinkedIn profile.

"One of the things about Vermont, you're one of the top spenders on education, right, and I think that that's a good thing. It shows the investment that you all place on education," Saunders told reporters. "In Florida, (it's) one of the lowest per pupil reimbursement rates for students, so that does present different challenges."

Saunders also fielded questions about her charter school experience, serving as vice president of strategy for Charter Schools USA, a for-profit education management company.

Vermont does not have charter schools, which are generally publicly funded but independently run.

“I do have a background in charter schools, but I also have an equivalent amount of time spent in advocating for improvements within the traditional public school system,” Saunders said. “So, I come with both perspectives, which I think is really valuable.”

Pressed about whether she thought Vermont should add charter schools as an option, Saunders stopped short, saying she wasn’t ready to make a recommendation.

“I know that there’s a lot of different ideas on the table, but it’s really about figuring out what is the right fit,” Saunders said.

Before working in Broward County, Saunders spent about five years as the city of Fort Lauderdale’s chief education officer.

Vermont’s last education secretary, Dan French, [announced his departure last March](#). Heather Bouchey was made interim secretary in his wake. She had also previously served as acting secretary prior to French’s appointment.

The slow process of finding a new leader for Vermont’s public schools [drew broad criticism](#).

Scott [waited more than three months](#) to ask the State Board of Education to begin the secretary search. At one point, the state had spent less than \$500 advertising the search, Seven Days reported, a sum far lower than many districts spend searching for a superintendent, according to the weekly.

Vermont’s public education system is dealing with seismic problems. The state faces declining pre K-12 enrollment, [skyrocketing costs](#) and a [student mental health crisis](#), all factors contributing to a system-wide reckoning.

The new secretary is also stepping into uncharted waters. A [historic proportion of school budgets failed](#) on Town Meeting Day, as voters contemplated — and rejected — spending levels that in many places would have caused double-digit increases in education property taxes.

Nearly all other extended cabinet-level positions in Vermont are simply appointed by the governor. But by statute, the state Board of Education must propose “no fewer than three candidates” for the position to the governor, who then makes the final choice from among the board’s nominees.

### **Education leaders react**

In a joint interview, the executive directors of the Vermont Principals’ Association, Vermont Superintendents Association, and Vermont School Board Association expressed their enthusiasm about working with the new secretary.

The state is looking for a “champion of public education,” Sue Ceglowski, the school board association’s leader, said, adding that Saunders would have a “profound effect” on the delivery of Vermont’s education system and the students and families it serves.

Jeff Francis, who heads up the superintendents’ association, said he would hold off on responding to the governor’s appointment until the incoming secretary meets with all the superintendents, “which presumably she’ll do.”

“We know that things are very dynamic in public education right now, including a desire on the part of superintendents to see stronger leadership (and) collaborative leadership exhibited on the part of the state,” he added.

The governor, in introducing Saunders, said that he hoped the Legislature would pass “really solid structural changes” to Vermont’s education funding formula as soon as this session.

To Francis, that timeline doesn’t leave much room between Saunders’ start date — April 15 — and the end of the legislative session.

Jay Nichols, executive director of the principals’ association, offered congratulations to Saunders, adding, “We look forward to working with her to address the many concerns related to our educational delivery system.”

Of particular concern, he said, is what he called “[draining of education funds to support private and religious entities](#)” that do not all equally support all students.”

Some lawmakers had the chance to meet with Saunders on Friday.

Sen. Brian Campion, D-Bennington, chair of the Senate Education Committee, was enthusiastic about Saunders following a brief afternoon meeting.

“She’s smart, she’s excited, she’s bringing some really good experience to Vermont,” Campion said. “She’s also faced issues of declining enrollment (and) working to improve student outcomes,” he noted, two situations relevant to her new job in Vermont.

“I think she’s very much going to be a hands on secretary of education,” Campion predicted

Saunders also met with Rep. Erin Brady, D-Williston, who serves as the vice chair of the House Education Committee.

“I have been extremely hopeful about this moment, and we have needed strong leadership and engagement from the governor for some time now on education,” Brady said. “We clearly need statewide leadership and vision, that’s been repeated ad nauseum in this committee.”

But Brady acknowledged that she had some concern about Saunders’ history with charter schools.

“I am very hopeful that this choice is not meant to be a signal that the privatization of public education is the path ahead,” she said.



In a written statement, Don Tinney, president of the teachers' union Vermont-NEA, said Saunders' work in charter schools "gives us pause," but that he is excited to collaborate with her.

"Vermont public school students and educators need a strong advocate at the Agency of Education to ensure that programs, services, and resources remain in place to meet the needs of our children and youth," Tinney said.

### **Vermont Senate approves bill that would shift authority over state's wildlife management – VT Digger – Emma Cotton**

In a 21-8 vote on Friday, state senators advanced a controversial bill that would reform Vermont's Fish & Wildlife Board and ban the practice of hunting coyotes with dogs.

Currently, the board votes to approve, deny and change hunting and trapping rules. It is made up of a panel of 14 residents who are appointed by the governor, and those seats have historically been held by people who hunt, fish and trap.

The bill, [S.258](#), would strip the board of its rulemaking authority and instead make it an advisory body to the Vermont Fish & Wildlife Department. While the board could object to proposed hunting, fishing and trapping regulations, the commissioner of the Fish & Wildlife Department would have final authority over those rules under the changes proposed.

In addition, the bill would add two seats to the board — one member who would be appointed by lawmakers in the House, and the other by lawmakers in the Senate.

The idea to change the composition and authority of the board arose from concerns that, although the board currently has authority over regulations that impact all of Vermont's hunted wildlife, it is made up only of hunters, trappers and anglers. Non-hunting Vermonters have not historically been represented on the board.

The bill changes "the composition and appointment process for the Fish and Wildlife board, so that it might begin to include, as it does not now, Vermonters who are part of a 90.1% of the citizenry who do not hold hunting licenses," Sen. Chris Bray, D-Addison, chair of the Senate Committee on Natural Resources and Energy, told lawmakers on the floor.

Originally, the bill had called for members of the board to be evenly split between non-hunters and hunters, and for more members to be appointed by the Legislature, rather than the governor. But Bray proposed an amendment that walked those changes back, and also struck additional regulations related to trapping.

Senate President Pro Tempore Phil Baruth, D/P-Chittenden Central said the amendment was a "compromise," made in response to concerns expressed by other senators, during Friday's debate on the Senate floor.

The amendment takes action while not straying too far in any direction, Baruth said, and was a product of productive discussion among lawmakers.



Members of the Senate Committee on Natural Resources and Energy have been [mulling big changes](#) to fish and wildlife management in Vermont for years, and those conversations have been seen by some advocates in the hunting community as a broader attack on the culture and tradition of hunting in Vermont.

Sen. Russ Ingalls, R-Essex, told lawmakers on the Senate floor that the measure is “the biggest anti-hunting bill that’s ever reached the Senate, in my opinion.”

“If this bill passes, this is the end of hunting as we know it in the state of Vermont,” Ingalls said.

Banning coyote hounding could lead to other hunting bans, on bears, bobcat, foxes and maybe one day, rabbits, according to Ingalls. “That’s the way it’s gonna go,” he said. “It’s death by a thousand cuts.”

Sen. Dick McCormack, D-Windsor, told lawmakers he was “deeply troubled” that “this discussion, in some quarters, has devolved into a culture war.”

“The bill does not disrespect the native Vermont culture. It does not disrespect native Vermonters,” he said, adding that he knows a number of people who were born in Vermont who support the bill.

### **State reopens emergency homeless shelter in Burlington – VT Digger – Natalie Williams**

A temporary emergency shelter in Burlington reopened Friday evening, according to the office of Mayor Miro Weinberger.

After [closing down four emergency shelters Friday morning](#), the state reopened one of them, at 108 Cherry St., around 8:30 that evening. The emergency shelter was scheduled to remain open Saturday and Sunday from 7 p.m. to 7 a.m., according to Weinberger spokesperson Samantha Sheehan, though it was unclear what would happen after that.

Weinberger had called on the state this week to keep the Burlington shelter open. On Thursday night, nearly 40 people stayed at the Cherry Street location.

Last week, Gov. Phil Scott’s administration scrambled to open the four shelters [as hundreds of people lost their eligibility](#) for state-subsidized rooms through Vermont’s motel housing program. As of March 15, people who received a voucher through the program’s winter-weather eligibility guidelines needed to prove they had a qualifying vulnerability to hang onto their rooms for a few more months.

With [at least a foot of snow](#) expected in Burlington and elsewhere in Vermont this weekend, Weinberger’s office urged those in need of shelter in the area to the Cherry Street location or call 211 for assistance.

## House bill would limit compensation for Vermont sheriffs who lose police certification – VT Digger – Shaun Robinson

A bill moving through the Vermont House would reduce the salary that the state pays a county sheriff if that sheriff's police officer certification is permanently revoked — the latest in a slate of legislative efforts to change how county officers do business.

The legislation, [H.585](#), broadly proposes to adjust which state pension plans certain sheriffs and deputy sheriffs are eligible for. It has been approved by three key House committees and is slated for a vote in the full chamber early next week.

But the bill's last section has little to do with pensions: It would reduce the salary that the state pays a sheriff by 30% if their certification has been permanently rescinded by the Vermont Criminal Justice Council. (State law also allows sheriffs [to take in additional compensation](#) from the contracts that they and their departments negotiate.)

There is only one sheriff at the moment to whom this compensation limit would apply: John Grismore of Franklin County, according to Rep. Mike McCarthy, a St. Albans Democrat who chairs the House Government Operations Committee. McCarthy brought the language to his committee, he said, and its other members later approved the full bill unanimously.

Grismore's police certification [was permanently revoked](#) in December after the criminal justice council found he [violated the state's use-of-force policy](#) by kicking a handcuffed and shackled man [in August 2022](#). He faces [an assault charge](#) stemming from that incident, as well as a House inquiry into whether or not he should be impeached.

McCarthy sits on the House panel leading that inquiry, [which may have hit a dead end earlier this year](#), as does Rep. Matt Birong, D-Vergennes, another member of the government operations committee.

McCarthy said in an interview that he thinks a reduced salary is reasonable for a sheriff who is performing fewer duties, typically associated with police, than a certified law enforcement officer can carry out. Grismore now can only serve in an administrative capacity and cannot carry out tasks such as investigating crimes or going out on patrols, [officials have said](#).

State law [currently sets](#) the annual base salary for sheriffs at \$97,754, or \$103,449 for the Chittenden County sheriff.

"If somebody has had their certification revoked, they can't do the whole job. And why would the (state's) general fund support them as much as it supports somebody who is certified, and can do all the duties that we expect a sheriff to do?" McCarthy said.

In an interview Friday afternoon, Grismore said the proposal unfairly singles him out from all of the other county sheriffs and amounts to "discrimination."

"This is just continually perpetuating this harassment narrative," Grismore said. "As a voting member of Franklin County, I am disgusted that that's how (McCarthy) and others like him are spending their time."

H.585 comes as lawmakers have spent well over a year debating proposed reforms to the way county law enforcement officers operate in Vermont, [prompted by a series of scandals](#) involving sheriffs in Franklin, Addison, Bennington and other counties.

Just weeks ago, [senators failed to advance](#) a proposed constitutional amendment that would have set qualifications and removal procedures for elected county officers amid a lobbying push against it by several of the sheriffs themselves. Impeachment — a political process rather than a judicial one — is currently the state’s only recourse while county residents wait for their quadrennial chance to elect a sheriff.

H.585’s proposed salary reduction is not without some precedent. State law already calls for a 10% reduction in the state’s sheriff compensation if the sheriff has not attained the state’s highest level of police officer certification, which is Level 3.

McCarthy noted that Grismore was already subject to this limit before losing his certification, since he was only a Level 2 officer.

And [a fall 2023 report](#) assembled by several law enforcement leaders, including sheriffs, recommended that lawmakers consider enacting “at least” the 30% salary reduction that’s now included in H.585, McCarthy said. The report was commissioned by last year’s [Act 30](#), which created [several new accountability measures](#) for sheriffs.

The language wasn’t included in H.585 when it was introduced earlier this year; rather, the government operations committee tacked it on toward the tail-end of its work on the bill.

The Vermont Sheriffs’ Association, an organization representing the profession, hasn’t had enough time yet to form a stance either for or against the proposal, Lamoille County Sheriff Roger Marcoux, the association’s vice president, said in an interview Friday.

“We haven’t really had a chance to digest it,” Marcoux said. The sheriffs’ association [has called on Grismore to resign](#) his post, though he’s rebuked any such calls.

Marcoux suggested the sheriffs’ association would have opposed earlier language amending H.585 that McCarthy presented earlier to the government operations committee, which called for cutting a decertified sheriff’s annual compensation to just \$1.

He pointed to concerns, raised by attorneys from the Office of Legislative Counsel, that a court could find such an extreme limit unconstitutional. That’s because it could make the job financially unsustainable and amount to a de facto removal from office — when the only method for removal in the constitution is impeachment, the attorneys said.

McCarthy said he thinks the 30% limit amounted to a good compromise.

If H.585 clears the House next week, it would then head to the Senate for further consideration.

## Final Reading: House bills now carry \$100 million-plus in new wealth and corporate taxes – VT Digger

It appears the Legislature and administration's sparring over state spending — and taxing — are coming to a head.

Upon [begrudgingly signing](#) this year's budget adjustment last week, Gov. Phil Scott warned that "there just isn't any money" in state government — or, at least, not enough to fund the Legislature's appetite for spending.

He may be about to see more.

New spending proposals are headed for the House floor next week that would invest in long-term housing programs, expand Medicaid coverage and increase judicial branch staffing. In order to pay for that, the House Ways & Means Committee has added language that would also put significant new taxes on wealthy Vermonters and corporations.

There are at least three bills that include significant new taxes. One, [H.829](#), would [raise funds](#) by creating a new top personal income marginal tax bracket for Vermonters who earn more than \$500,000 in a year, at a rate of 11.75%, and increasing the property transfer tax to 3.25% for property valued over \$600,000. Two other bills, [H.721](#) and [H.880](#), propose [increased corporate taxes](#) and [securities registration fees](#).

In total, the changes would increase tax collections annually to the tune of more than \$100 million, according to the Scott administration. (The majority of that increase would take effect in fiscal year 2026, the Joint Fiscal Office notes show.)

For Scott, raising taxes at all is a nonstarter.

"This is while the projection for property tax increases in FY25 are over \$241 million, and the childcare contribution payroll tax begins in July with a projected revenue estimate of over \$80 million for FY25," Commissioner of Taxes Craig Bolio wrote in a [Thursday letter](#) to lawmakers.

The bill proposing a new tax surcharge on high earners comes on the heels of an open letter signed by 31 wealthy Vermonters this week, including Ben & Jerry's co-founders Ben Cohen and Jerry Greenfield.

"We are willing to pay additional taxes to raise revenue for fundamental government services," they wrote, adding that the state finds itself in an "urgent moment" with "an acute housing crisis, chronic underfunding of state services, and a need for immediate investments in our infrastructure and environmental protection."

Scott acknowledged the letter at his weekly press conference on Wednesday but remained a skeptic given the relatively small number of signatories. In his letter to the committee on Thursday, Bolio took a swipe at House Ways & Means for taking testimony "mainly from advocates and proponents of the new personal income tax bracket, saying that [tax flight of high-income individuals](#) is a myth."

“To be clear, the Administration is not raising questions about this policy as an attempt to shield high-income earners from taxes, or to make a claim that such a tax will result in those taxpayers becoming destitute; they’re going to be fine,” Bolio wrote. “The question is not can they afford it; the question is how does the policy impact the tax base of Vermont?”

By Thursday afternoon, the administration was blasting the committee’s proposals on social media, writing in a post on the governor’s Facebook page, “There they go again. Today, the House Ways & Means Committee just voted to raise another \$100 million in taxes.”

The post did not specify who would pay the brunt of the tax hikes: high earners and corporations.

“State government needs to live within its means, just like Vermont families and small businesses do,” the post added.

Even the state’s Agency of Agriculture jumped in on the social media brouhaha, republishing the governor’s message with the unusually political post, “More taxes proposed from the Vermont House.”

House Ways & Means Chair Emilie Kornheiser, D-Brattleboro, told VTDigger on Friday afternoon that what is important is where those taxes come from: Vermont’s wealthiest.

“At the end of the day, what I believe Vermonters want is for their communities to work — for the roads to be paved, or graded, depending on which kind of road you live on, and for someone to answer the phone when you call to ask a question,” Kornheiser said. “That’s what taxes pay for, and I think most Vermonters know that.

“And so I think when we talk about all taxes in blanket terms as a bad thing, we’re eroding trust in government,” she continued. “And in Vermont, trust in government is trust in our own communities, right?”

— *Sarah Mearhoff*

## IN THE KNOW

A bill moving through the Vermont House would **reduce the salary** that the state pays a county sheriff if that sheriff’s police officer certification is permanently revoked — the latest in a slate of legislative efforts to change how county officers do business.

The legislation, [H.585](#), broadly proposes to adjust which state pension plans certain sheriffs and deputy sheriffs are eligible for. It has been approved by three key House committees and is slated for a vote in the full chamber early next week.

[Read more here.](#)

— *Shaun Robinson*

A Vermont Superior Court judge has denied a preliminary injunction that Vermont Legal Aid sought in an effort to **keep people sheltered** through the state's motel housing program until officials screened them for continued eligibility.

[Read more here.](#)

— *Carly Berlin*

## ON THE MOVE

In a 21-8 vote on Friday, state senators advanced a controversial bill that would **reform Vermont's Fish & Wildlife Board** and ban the practice of hunting coyotes with dogs.

Currently, the board votes to approve, deny and change hunting and trapping rules. It is made up of a panel of 14 residents who are appointed by the governor, and those seats have historically been held by people who hunt, fish and trap.

The bill, [S.258](#), would strip the board of its rulemaking authority and instead make it an advisory body to the Vermont Fish & Wildlife Department.

[Read more here.](#)

— *Emma Cotton*

Meanwhile, the House passed [H.706](#), a bill that would ban corn and soy seeds coated with a type of pesticide that harms pollinators, called **neonicotinoids**, with some exceptions, starting in 2029. A recently passed law in New York is set to install a similar ban on the same date.

— *Emma Cotton*

The House also passed [H.639](#), which combined proposals from several bills related to the disclosure by property owners of **the flood history** of a property up for sale on Friday.

Earlier in the week, the chamber also passed two bills that would **broaden access to cancer screening**. [H.621](#) would require health insurers to cover all breast imaging services, including ultrasound and MRIs as well as mammography.

[H.741](#) would lower the age at which screening for colorectal cancer screening must be offered free of charge for anyone deemed "high risk" to 45. It was championed by Rep. Kate McCann, D-Montpelier, who is a survivor of late-stage colorectal cancer.

"No excuses, folks, get out there and get that colonoscopy! It might just save your life like it did mine," McCann said in a press release Friday from the Office of the Speaker of the House.

— *VTD Editors*

Visit our [2024 Bill tracker](#) for the latest updates on major legislation we are following.

## MARCH MADNESS

When it came time to fill out my March Madness bracket for the Statehouse pool this year, I decided to phone a friend for assistance: my dad.

To get a call from your daughter asking for help on her NCAA bracket is likely every Girl Dad's dream. Getting a call from your reporter daughter asking you to go on the record, however, is probably more of an acquired taste. Lucky for me, Dad Mearhoff was thrilled to hear he'd be making his Final Reading debut.

In crafting our bracket, we attempted to strike a delicate balance of strategy, superstition, '80s and '90s-era sports history, and general vibes/personal preference. One thing about my dad and I: We love an underdog. For some of our picks, we opted to simply will an unlikely win into existence.

"Well, I want them to win," he'd say.

After about a half-hour of fiddling, we settled on our winner, Marquette University.

"Huh," he said when all was said and done, surprised by the outcome he had constructed himself. "Well, should we CHANGE it?" I responded. "No no," he said, digging in his heels. "You just might win."

And if anyone questions our picks, Dad Mearhoff advised: "Don't take shit from anyone. Give it straight back to them. Never let them see you sweat. Dead serious." I assured him that I can hold my own.

— *Sarah Mearhoff*

**From:** Lazorchak, Jane  
**Sent:** Thursday, March 28, 2024 10:11 PM  
**To:** Gendron, Maggie  
**Cc:** Coster, Billy  
**Subject:** CAO weekly

Climate Pollution Reduction Grant Program – Climate Action Office staff completed compiling the multitude of items to submit our \$100 million dollar application to EP today to mitigate climate change causing emissions. The application will represent a diverse suite of measures that are expected to reduce emissions in multiple sectors, while addressing the challenges and harnessing the opportunities of mitigating climate change in a small, rural state like Vermont. Additionally, the Climate Action Office met with the Secretary's office business staff to determine the capacity needs associated with ANR acting as the "fiscal agent" for the grant funding, issuing up to 10 sub-awards to state agency partners and external stakeholders. Staff capacity and an associated budget were agreed to and have been included in the budget to be submitted in the application.

S.259, The Climate Superfund Act – Climate Action Office staff continued to monitor the progress of S.259, which creates a Climate Cost Recovery Program that would be administered by ANR. The Program would include the determination of a cost recovery demand to be issued to each identified responsible party's share of the harm caused by climate change causing emissions in Vermont, the development and implementation of a Resilience Implementation Strategy, and the administration of a Fund (from cost recovery payments) to implement the aforementioned Strategy. Last week the bill made its way through the money committees in the Senate, and is expected to be voted out of the Senate Wednesday. The Senate Appropriations committee added to the bill the ability to pay for the implementation of the Community Resilience and Disaster Mitigation Grant Program, which is currently contemplated in S.310. Climate Action Office staff expects that other climate related recovery bills, or more specifically the funds that are needed to support those bills, will be linked to S.259 when it moves over to the House this week.

Climate Council – A guidance document was finalized by the Steering Committee to share with Subcommittees to formally kick off the development of the update to the Climate Action Plan due 7/1/25. Subcommittees will resume meeting in April in earnest. In addition, youth representatives to subcommittees were approved for four of the five subcommittees of the Vermont Climate Council: Agriculture & Ecosystems, Cross-Sector Mitigation, Rural Resilience & Adaptation, and Just Transitions. The Climate Action Office supported the nomination process and is also supporting the process of pairing new youth members with existing subcommittee members who were present for the first round of the Climate Action Plan drafting, in order to ensure youth members have the support to succeed in their roles.

Cap and Invest Study – Climate Action Office (CAO) staff met with counterparts from VTTrans for final edits to the scope of work for the planned study of cap-and-invest policy alternatives. The study will estimate the effectiveness and cost for reducing emissions from the transportation sector and for other fuel-consuming sectors (primarily thermal) in support of achieving the Global Warming Solutions Act required reductions via participation in the existing Western Climate Initiative (California and Quebec) or in the New York Cap and Invest program currently under development. Staff from both Agencies will further discuss this with the Treasurer's Office next week as they are required to collaborate with us on this project in the Tbill currently moving through the legislature.

Resilience Implementation Strategy – Climate Action Office (CAO) staff met with the Treasurer's Office to review the workplan and the engagement plan to develop the strategy by 7/1/25. The Treasurer will need resources to develop the cost analysis for this and is considering how to prepare for that. The Treasurer's Office is committed to supporting engagement throughout the process with the CAO as well.



**From:** Gendron, Maggie  
**Sent:** Friday, March 29, 2024 5:34 AM  
**To:** Lazorchak, Jane  
**Cc:** Coster, Billy  
**Subject:** RE: CAO weekly

Graca!s!

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**From:** Lazorchak, Jane <Jane.Lazorchak@vermont.gov>  
**Sent:** Thursday, March 28, 2024 10:11 PM  
**To:** Gendron, Maggie <Maggie.Gendron@vermont.gov>  
**Cc:** Coster, Billy <Billy.Coster@vermont.gov>  
**Subject:** CAO weekly

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**From:** Barney, Cole  
**Sent:** Monday, April 1, 2024 9:45 AM  
**To:** EXE; EXE - Cabinet  
**Cc:** EXE - Interns  
**Subject:** News Clips 04.01.24  
**Attachments:** News Clips 04.01.24.docx

### Today's Articles

- 'Climate Superfund' bill earns preliminary approval in Vermont Senate – Vermont Public – Abagael Giles
- Audit finds inadequate state oversight in Vermont's largest fraud case – AP – Lisa Rathke
- Budget proposal approved in Vermont House reroutes some of Scott's spending priorities – Vermont Public – Peter Hirschfeld
- Vermont, New Hampshire to receive federal broadband funding – WCAX
- Vermont hospital regulators set budget goals – Times Argus – Keith Whitcomb, Jr.
- New bill focuses on confidentiality rights for minors accessing resources in libraries – WPTZ – Tyler Boronski
- Capitol Recap: Proposed tax hikes trigger partisan battle in Montpelier – Vermont Public – Peter Hirschfeld
- 9 arrested by border agents in Highgate – WCAX
- People gather all over Vermont to show their support for Palestine – WPTZ – Stephen Biddix
- Capitol Beat: Hoffer releases audit on EB-5 in Vermont – Times Argus
- Here's how many teens and non-U.S. citizens voted legally on Town Meeting Day – Vermont Public – Mikaela Lefrak
- New guidelines get concussed students back in the game faster – WCAX – Sophia Thomas
- Nine British nationals arrested trying to cross border in Highgate – My Champlain Valley – Mike Hoey
- Vermont Governor Phil Scott to appear in high school production of 'Little Shop of Horrors' – WPTZ
- Opening gates to financial assistance for Vt. State Park visitors – WCAX – Sophia Thomas
- 'We are people. We exist everywhere': Being young and trans in Vermont – Vermont Public – Jenn Jarecki & Nathaniel Wilson
- Mulvaney-Stanak to Resign Statehouse Seat – Seven Days – Courtney Lamdin
- Lamoille Health Partners reaches \$540K settlement over data breach – WCAX
- Binge drinking, alcohol use disorder in Vermont ranked among the highest in the nation – VT Digger – Tiffany Tan
- Senate advances a bill that would establish a climate 'superfund' – VT Digger – Emma Cotton
- As Vermont House passes budget, Republicans pan spending plans – VT Digger – Sarah Mearhoff
- Auditor's report details lack of state oversight in Vermont's EB-5 fraud – VT Digger – Babette Stolk
- Burlington mayor-elect Emma Mulvaney-Stanak to resign House seat – VT Digger – Shaun Robinson

- Final Reading: Bill banning forever chemicals in consumer products comes back to life in the Vermont House – VT Digger

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Cole Barney, MPA  
*Constituent Services Manager*  
*Office of Governor Phil Scott*



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Help raise money for Vermonters impacted by flood damage and show your Vermont pride with *Vermont Strong* and *Tough Too* license plates and socks. [Click here to purchase your Vermont Strong gear](#) or visit [DMV.Vermont.gov/VermontStrong23](http://DMV.Vermont.gov/VermontStrong23).

Impacted Vermonters can find resources and referrals by visiting [Vermont.Gov/Flood](http://Vermont.Gov/Flood).

## Governor's Daily news Clips

**Monday, April 1, 2024**

### 'Climate Superfund' bill earns preliminary approval in Vermont Senate – Vermont Public – Abagael Giles

The Vermont Senate voted 21-5 Friday to give preliminary approval to the Climate Superfund Act.

The bill is modeled after the [federal superfund program](#) and would require big fossil fuel companies that extract and refine oil to pay Vermont a share of what climate change has cost the state in recent decades, based on how much their products contributed to global climate change during that time.

Vermont would use those payments to establish a program to fund recovery from climate-fueled disasters and work to adapt to the state's already-changed climate.

The bill comes as human-caused climate change is making Vermont [warmer and wetter, and is projected to bring more extreme rain](#) — like that which caused this summer's floods. The event cost the state north of \$1 billion — and that was from just one storm.

Proponents of the bill say it's critical that those already inevitable costs are not shouldered by Vermont taxpayers. It has the support of both Vermont Attorney General Charity Clark and State Treasurer Mike Pieciak.

Opponents of the policy worry it will tie the state up in costly legal battles. Oil companies, like other big polluters, don't part with their money readily.

Speaking on the Senate floor, Sen. Nader Hashim, a Democrat from Windham County, said big oil companies should pay to clean up the mess they created.

"The underlying goal of this bill is not about reducing carbon emissions," he told his colleagues. "It is about reducing the costs for Vermont taxpayers when we have to take steps to pay for rebuilding infrastructure after severe weather events."

Just one Republican voted to support the bill — Sen. Robert Norris of Franklin County. Norris, who sits on the judiciary committee, also supported the bill in committee.

Senate Minority Leader Randy Brock, also of Franklin County, voted against the policy.

"I'd much prefer to see New York or California or someone else first," Brock said on the floor Friday. "Not that this is not a good thing to do, but it could be an exceptionally costly thing to do, for us."

Gov. Phil Scott has voiced similar concerns. Neither the governor nor Senate Republicans have proposed an alternative policy to recoup costs from climate change, nor has the party broadly

supported climate bills thus far during the session, largely over concerns about what proposed policies would cost Vermonters.

Environmental groups and Democrats say Vermont simply cannot wait. They say climate change is already costing the state and will continue to bring more damage to Vermont in the future.

Anthony Iarrapino, with the Conservation Law Foundation, which lobbied in support of the policy, said he hopes the legislation can be a model for other states.

“In Vermont, those costs are staggering and being felt in just about every community and every industry in the state,” he said.

New York, Massachusetts and California are weighing similar legislation to Vermont’s bill.

Vermont Public Interest Research Group, Vermont Conservation Voters and Vermont Natural Resources Council joined the Sierra Club, Vermont Businesses for Social Responsibility and NOFA-VT in applauding the bill’s progress Friday.

The policy comes back to the Vermont Senate for final approval next week. If it is successful then, it goes to the Vermont House.

### **Audit finds inadequate state oversight in Vermont’s largest fraud case – AP – Lisa Rathke**

The state of Vermont did not provide adequate oversight to prevent [the massive fraud](#) that occurred in ski area and other development projects funded by foreign investors’ money through a special visa program, a state audit has found.

The financial scandal first revealed in 2016, which became the state’s largest fraud case, shook Vermont and [the economically depressed region](#) called the Northeast Kingdom.

In 2018, Vermont’s former attorney general asked for an audit of the state’s involvement in the projects at Jay Peak and Burke resorts to address the loss of trust in state government from the fraud, State Auditor Doug Hoffer wrote in the report released on Thursday. The audit was completed after the legal proceedings concluded, he wrote.

The findings should not be entirely surprising, Hoffer wrote.

“In short, we found a pattern of misplaced trust, unfortunate decision-making, lengthy delays, and missed opportunities to prevent or minimize fraud,” Hoffer wrote.

[Ariel Quiros](#), a Miami businessman and former owner of two Vermont ski resorts, was sentenced in 2022 to five years in prison for his role in a failed plan to build a biotechnology plant in Newport using tens of millions of dollars raised through the EB-5 visa program. Under the program, foreigners invest \$500,000 in U.S. a project that creates at least 10 jobs in exchange for a chance to earn permanent U.S. residency. [William Stenger](#), the former president of Jay Peak, and William Kelly, an advisor to Quiros, each got sentences of 18 months.

But the fraud encompassed seven other projects at Jay Peak and Burke resorts.

In 2016, the federal Securities and Exchange Commission and the state of Vermont alleged that Quiros and Stenger took part in a “massive eight-year fraudulent scheme.” The civil allegations involved misusing more than \$200 million of about \$400 million raised from foreign investors for various ski area developments through the EB-5 visa program “in Ponzi-like fashion.”

In a Ponzi scheme, money provided by new investors is used to pay high returns to early-stage investors to suggest the enterprise is prosperous. The scheme collapses when required redemptions exceed new investments.

Quiros and Stenger settled civil charges with the SEC, with Quiros surrendering more than \$80 million in assets, including the two resorts. In the seven projects at Jay Peak and Burke, “construction was done but not always to the specifications or at the costs told to the investors. Significant funds were simply misused,” the report said.

Under the EB-5 program, the federal government designates regional centers to promote economic growth and oversee and monitor sponsored projects, the report states. Most regional centers are privately owned but the Vermont Regional Center was state government-run.

The center, which was the EB-5 office within the Agency of Commerce and Community Development, had competing duties: to market and promote EB-5 projects and to regulate them, the auditor’s report states.

“Experts and policymakers have long warned against such arrangements for fear that an agency relied upon to help a project succeed may be reluctant to exercise its regulatory powers. In addition, a marketing office may not have the skill sets needed to properly regulate complex financial arrangements such as EB-5. Unfortunately, this proved all too true at ACCD,” the report states.

Last July, the state of Vermont agreed [to pay \\$16.5 million](#) to settle all pending and potential lawsuits from foreign investors in the development projects.

The United States Citizenship and Immigration Services is still determining the immigration status of the Jay Peak and Burke investors, Goldstein wrote. At least 424 of 564 Jay Peak investors have already received green cards and the state is working to increase the chances that many more do, she wrote.

### **Budget proposal approved in Vermont House reroutes some of Scott's spending priorities – Vermont Public – Peter Hirschfeld**

House lawmakers gave final approval Friday to an \$8.6 billion state budget proposal that makes some changes to the spending plan Gov. Phil Scott unveiled in January.

The [fiscal year 2025 appropriations bill](#) passed largely along party lines on Friday, but Vergennes Rep. Diane Lanpher, the Democratic chair of the House Committee on Appropriations, said large spending bills tend to invite political controversy.

“The process of balancing a state budget each year that respects the values of Vermonters and the revenues within the treasurer can at times appear messy and loud,” Lanpher said. “But that is how democracy works.”

Democratic leaders in the House dialed back some of the Republican governor's top priorities — such as a rental unit rehabilitation program and manufactured home improvement fund — in favor of other initiatives.

The budget, for instance, [provides \\$5 million more than Scott’s did for the Vermont State College System](#). Lanpher said lawmakers made a commitment to state colleges several years ago to provide five years of “bridge funding,” as the troubled system looks to regain its financial footing.

“Our previous commitment was \$10 million, so we were able to do that in this budget,” Lanpher said.

The House has restored funding for a fish hatchery in Salisbury that was slated for closure under Scott’s spending plan. And House lawmakers have also increased funding for adult education, mental health urgent care centers and the Vermont Arts Council.

Though the budget approved Friday lives within the confines of the current revenue forecast, the proposal does not include \$131 million in new spending initiatives approved by House lawmakers in separate bills earlier this week.

Democratic House leaders have proposed using a [tax increase on high earners](#) and corporations to pay for the new initiatives. Scott and House Republicans say the plan would discourage businesses from locating in the state, and compel the high earners — who already provide 30% of personal income tax revenue in Vermont — to move to states with lower tax rates.

### **Vermont, New Hampshire to receive federal broadband funding – WCAX**

Connectivity is reaching rural communities in Vermont and New Hampshire thanks to federal cash.

The National Telecommunications and Information Administration announced a program to help fund broadband rollout for areas that don’t have high-speed internet.

Vermont can access almost \$5.3 million while New Hampshire has \$4.9 million available to them.

More than \$800 million is available federally through this initiative.

Vermont's money will go towards educating people on how to use the internet safely, while New Hampshire will focus on making internet access more equitable in the state.

### **Vermont hospital regulators set budget goals – Times Argus – Keith Whitcomb, Jr.**

State health care regulators are asking Vermont's hospitals to limit their growth and what they charge in the coming fiscal year.

According to the Green Mountain Care Board, hospitals should keep their "net patient revenue growth" under 3.5% and their price increase to commercial insurers to 3.4% when they submit their budgets this summer.

Owen Foster, chair of the Green Mountain Care Board, said that last year the board sought only to limit how much revenue hospitals could generate while this year it's asking them to limit that plus how much they charge insurance carriers.

"In terms of the overall amounts, these are both lower than last year's, so the total revenue number is technically lower," he said.

Hospitals can ask for higher increases, said Foster, and in recent years they often have. When they do, they have to go through more steps to justify their budgets.

"If you are low cost and you are really highly efficient and see a lot of patients and you need money, you've got a decent argument," Foster said. "If you're not seeing many patients and your prices are really high and you're paying a lot in administrative costs, you've got a harder argument to get more money."

What a rate increase means for the average person depends on their insurance carrier and other factors, said Foster.

"If the care board approved a big rate increase, the hospitals are going to be charging your insurance company more, so these rate increases go to the insurance companies, the insurance companies then raise their premiums that you pay, so depending on your insurance it might not cost you more for that visit, but the amount you're paying in your premium will be higher every month," he said.

Reasons hospitals give for rate increases vary, he said, though much of it seems to be labor costs and the rising cost of supplies.

Central Vermont Medical Center in Berlin and Porter Medical Center in Middlebury are both part of the University of Vermont Health Network, along with University of Vermont Medical Center.

"The University of Vermont Health Network carefully constructs responsible budgets each year that reflect what is needed to provide high quality care to our patients, support our staff, and improve the health of our communities," stated Rick Vincent, executive vice president for finance and chief financial officer at the UVM Health Network, in an email Thursday. "We are



reviewing the Green Mountain Care Board's FY25 budget guidance, and continue to emphasize the importance of consistent and predictable regulation as we work to improve access to care and meet the needs of our growing and aging population."

On Monday, Rutland Regional Medical Center sent a letter to the Green Mountain Care Board about its budget guidance. Part of the letter appeared to take issue with having to compare this year's budget to last year's budget, as opposed to comparing this year's budget to last year's actual expenses. The hospital was also concerned about the insurance rate caps applying uniformly to all carriers when some degree of flexibility would be better. The letter also says having to operate with no margin is also financially risky. Finally, the letter expresses some concern for how the GMCB is to receive information, claiming it will increase the level of administrative work to be done before a budget is submitted.

"The Green Mountain Care Board target of 3.5%, or cap, when we're trying to accomplish those goals of building healthy communities and patient care, and access, and keeping care local, it's a tall order," said Mike Del Trecco, president and chief executive officer of Vermont Association of Hospitals and Health Systems.

Hospitals, in Vermont and neighboring states, are looking at 7% growth in their expenses, he said.

"However, I would say we are going to do our best to meet those terms and work for those goals because we know there's an affordability crisis everywhere we look and health care is part of that, but it goes beyond into housing and fuel, and groceries, and we all know Vermonters are feeling the pinch," he said.

### **New bill focuses on confidentiality rights for minors accessing resources in libraries – WPTZ – Tyler Boronski**

There is a new bill currently moving through the State House aiming to create stronger regulations and provisions for libraries in Vermont.

There are many aspects of it, such as establishing school policies to prevent books from being removed based on gender identity, race, and sexual health.

Another is creating a state library consultant in the Agency of Education to support librarians.

However, one major part of it highlights confidentiality rights for minors accessing resources in libraries.

"Libraries value privacy and we want anyone that borrows material from our library to know what they take out is confidential," said Mary Danko, Fletcher Free Library Director.

Under the current law, parents or guardians have access to their children's library records up to the age of 16.

According to [S.220](#), it would reduce that age to 12.

Wendy Hysko, Brownell Library's Director in Essex Junction, feels the age limit can be lowered.

"Age 12 seems reasonable for kids who are really looking to explore who they are," said Hysko.

She has worked previously in Maine and Massachusetts which has no age limits.

Hysko is also a mom of an 11-year-old and feels allowing her kid to have free reign is the best approach.

"We always call it 'doors and windows'. You're opening a door and seeing a window to identify with someone else. I think that's a really great way to think about information at the library," said Hysko.

Benjamyn Morton of Burlington feels it's essential for a child's growth.

"They can't really grow and develop as a person because they aren't experiencing new things and encountering new things that may be contrary to what their parents espouse," said Morton.

His mom, Barb, agrees with him.

However, she can see how some parents may feel the Bill unfairly restricts their rights.

"Some people are go with the flow, some people are not. It depends on them," said Barb Morton.

Danko, who has been working in libraries for 20+ years, said her message to those parents is at the end of the day, kids will process information at their own pace.

"Even if you're reading a book that is maybe a little bit above your level, you don't take that in because it's your own mind and development at the time that is taking the information that it needs," said Danko.

The bill [passed the Senate](#) earlier this week.

It's now in the House committee.

If the bill does eventually get signed into law, it would go into effect this July.

### **Capitol Recap: Proposed tax hikes trigger partisan battle in Montpelier – Vermont Public – Peter Hirschfeld**

The Vermont Statehouse this week became the front line in an ideological battle over the role of state government after Democrats in the House of Representatives approved \$131 million in tax increases that Republicans derided as “off the rails and out of control.”

The fiscal environment in Montpelier this year is by all accounts the tightest it's been in recent memory. Brattleboro Rep. Emilie Kornheiser, the Democratic chair of the House Committee on Ways & Means, said if Vermont wants to expand access to housing and health care, and improve public safety, then state government will need to increase taxes in order to support the new spending.

"A community where those things are happening, a Vermont where that's happening, which seems to me to be essentially the basic functioning of government, is worth paying for," Kornheiser told Vermont Public.

Approval of three bills that would see taxes and fees go up by more than \$130 million annually in the coming years drew swift rebukes from Republican Gov. Phil Scott and the 38 members of the minority caucus in the House.

Existing revenue streams that support government spending, according to St. Johnsbury Rep. Scott Beck, have increased faster than the rate of inflation over the past 10 years.

"And yet, we're being told that we still don't have enough money," Beck said.

Beck, a Republican, said the "budgeting by addition" approach favored by Democrats threatens to overwhelm Vermont's tax base. And he said if the supermajority wants to make room for additional programs and services, then it needs to find commensurate reductions elsewhere in the \$8.6 billion state budget.

"Clearly, we do not have a revenue problem," Beck said. "We have a spending problem."

## **New Spending**

The spending bills, approved largely along party lines this week, would target tax increases at high earners and corporations. And they seek to advance progress on three of Democrats' top priorities heading into the 2024 legislative session — housing, health care and public safety.

One bill, H.829, sets forth a [10-year affordable housing initiative](#) that includes more than \$50 million in funding in fiscal year 2026 to subsidize, among other things, the construction of shelter beds, rental units and housing for refugees.

H.721, meanwhile, would [increase Medicaid income eligibility limits](#) for 19- and 20-year-olds and pregnant people, and bring an estimated 2,400 residents onto the government-subsidized insurance program next year. The legislation would also significantly increase subsidies for low-income seniors on Medicare.

The third bill, H.880, allocates about \$7 million to fund [dozens of new positions](#) in the criminal justice system. South Burlington Rep. Martin LaLonde, the Democratic chair of the House judiciary committee, said lack of human resources has contributed to a court backlog that's preventing prosecutors and judges from holding offenders accountable.

“I think it’s pretty critical that — I’ll use old cliches — that we put our money where our mouths are, that we walk the walk and not just talk the talk about public safety,” LaLonde said. “What we need most is for our courts to function more effectively.”

House Speaker Jill Krowinski said the House deliberated intently before moving forward with the proposed spending bills. She said it became clear in recent weeks that the current revenue forecast won’t be enough to support the needs Vermonters are counting on state government to address.

“People are stressed about housing costs. They’re stressed about issues around public safety, the cost of health care going up,” she said. “We’re hearing this, and we need to act. And we need to have a plan.”

### **The governor responds**

Phil Scott used his [weekly media briefing Wednesday to denounce tax increases](#) that he said will put “our economy and [Vermonters’] livelihoods at risk.”

Scott said his administration faced the same difficult decisions that lawmakers did when putting together his fiscal year 2025 spending plan. But he said he had the fortitude to make “tough decisions based on our fiscal reality.”

“I believe we owe it to Vermonters to have the courage to make these hard choices, instead of asking them to pay more,” Scott said. “Unfortunately, the supermajority in the Legislature is talking about a different approach.”

Scott’s guest of honor Wednesday was a Williamstown business owner named Amanda Shangraw. Shangraw told reporters she grew up in poverty in East Calais and is now looking to revive the central Vermont community she grew up in by starting a manufacturing operation that produces high-quality leather goods.

She said seven-day workweeks and 16-hour workdays haven’t been enough to offset the financial drain of Vermont’s tax landscape.

“The taxes that our business is seeing monthly to the state, biweekly in payroll, built into every transaction we take, on top of increasing property taxes and the endless permitting and fees to upgrade our building to meet current state code and fire code and make sure that it’s safe for people to come, is bankrupting our small business,” Shangraw said.

Shangraw said many of the elected officials in Montpelier earned her vote in the last election. But she said the latest push for yet more taxation has left her “feeling really let down.”

“And I’m hurting, and I’m feeling really defeated,” she said. “I want you to see me and know who I am. And when you go to vote for these bills, picture my face and the hundreds of others just like me.”

Democrats say their proposed tax increases won’t have any impact on the working class Vermonters Scott says he’s worried about, or small business owners like Shangraw.

Proposed new revenue streams include a new tax bracket for personal incomes over \$500,000; an increase in the corporate income tax rate; and an increase in the property transfer tax involving the sale of homes, properties or businesses worth more than \$600,000.

“It’s making sure that Vermonters who are living here ... are all paying the share of taxes that matches their ability to earn,” Kornheiser said.

Scott, however, said Democrats’ proposals will erode Vermont’s tax base over time by creating a hostile environment for the wealth and economic activity he’s trying to attract.

Manish Bhatt, a senior policy analyst at the Tax Foundation, a national tax-policy think tank, said the proposed corporate tax hike would give Vermont the distinction of having the highest top marginal corporate income tax rate in the country. The proposed tax increase on personal income in excess of \$500,000 would put Vermont second in the country, behind California.

“The thing that I would be very concerned about is, what signal is Vermont sending to those who may be considering moving to the state or considering investing in the state?” Bhatt said in an interview with Vermont Public. “And raising taxes on high earners and raising the corporate income tax are just not competitive policies.”

Cristobal Young, an associate professor at Cornell University, [delivered a presentation](#) to the House Committee on Ways & Means earlier this year called “The Myth of Millionaire Tax Flight.”

Critics of tax increases on high earners often point to anecdotal evidence of wealthy residents fleeing to friendlier tax jurisdictions. While some people of high income or wealth may change residencies in order to avoid tax assessments, Young wrote in his presentation, “they are happening at the margins of social and economic significance.”

“In the United States, millionaires move less than the general population: Their migration rates are lower than the middle class and much lower than the poor,” he wrote. “The rich are more grounded in place than are lower income earners.”

Joyce Manchester, a fiscal analyst for the Legislature’s Joint Fiscal Office, said the 3,560 tax returns that reported adjusted gross income of more than \$500,000 in 2022 accounted for about 30% of all the income taxes paid in Vermont that year.

She said a well-known academic study that tracked the effects of an income-tax rate increase on high earners in New Jersey found little effect on behavior among the targeted population. But she said lawmakers should keep in mind that “tax-induced migration” is [higher among populations](#) that are disproportionately represented in Vermont, including people of retirement age, and people living on income from investments.

Kornheiser said it’s possible that Democrats’ plan may induce tax flight, but she said the testimony her committee has heard to date has convinced her that the benefits of the proposal outweigh the risks.

“And we know that over the last few years, we’ve seen more wealth move into this state and more folks with low incomes move out, and so the evidence thus far does not point to that,” she said.

### **Next steps**

Senate President Pro Tem Phil Baruth told Vermont Public this week that there’s no appetite in his chamber for the level of new spending favored by the House. And he likened Democratic leaders in the House and the Republican governor to opposing poles on the fiscal-policy spectrum in Montpelier.

“And I believe the Senate finds itself somewhere in this middle,” Baruth said. “We have various crises that we are managing in the wake of the decline of federal dollars, so raising revenue is going to be a part of that. The question is the level that is necessary, and what that extra revenue is going to pay for.”

One proposal the Senate won’t look favorably upon, he said, is the plan to create a new tax bracket for high earners, which the House is using to pay for its affordable housing initiative. Baruth said he understands the desire to maintain the level of housing investments that were possible with federal aid during the pandemic. But he said Vermont doesn’t have the financial wherewithal to keep that momentum going with state funds alone.

“We can’t afford the level of investment that we were doing during the pandemic. We can’t afford that now,” he said.

For Scott and House Republicans, the focus is less on the end game in the Legislature this year than on Election Day 2024.

House Minority Leader Pattie McCoy and Scott say they think voters are going to rebel against Democrats’ latest round of tax increases. And they say they’re preparing now to capitalize in November.

GOP leaders say they’re recruiting high-quality candidates to challenge competitive House seats, and Scott said Wednesday that he’s taking a hands-on approach to the process.

“I’ve talked with people, talked with people who have approached me about running,” he said. “And they’re viable candidates. And they’re not all Republicans.”

The Vermont Republican Party has shown minimal ability to capitalize on Democrats’ perceived political weaknesses in the recent past. And Republicans’ [dismal showing](#) in House and Senate races over the last two election cycles has led to a dynamic in which Democrats can [use their supermajorities](#) to pass bills no matter how the Republican governor feels about them.

Scott will find out in November whether the GOP finally has the juice to reclaim enough seats in the Legislature to restore the power of his veto pen, and force Democrats to the bargaining table when it comes to budgeting and tax issues.

### **9 arrested by border agents in Highgate – WCAX**

Nine people were arrested at the U.S.-Canada border in Vermont last week after trying to cross over illegally-- that's according to the U.S. Border Patrol Swanton Sector on social media.

Agents apprehended nine United Kingdom nationals in a vehicle after it crashed through a landowner's fence in Highgate.

Border patrol did not release the names of the people involved in the incident.

They say you can report suspicious activity to them by calling the Swanton sector.

Chief Border Agent Robert Garcia says illegal crossings in fiscal year 2023 surpassed the prior 11 fiscal years combined.

### **People gather all over Vermont to show their support for Palestine – WPTZ – Stephen Biddix**

From Burlington to Brattleboro rallies, marches, and vigils in support of Palestine took place throughout the day. Roughly one hundred gathered at the Burlington event to support Palestine on Palestinian Land Day.

Newly elected city councilors were also in attendance and said they'll be bringing back previously failed resolutions.

"We have seen the backsliding of democracy in Burlington exemplified by the unprecedented step to block the apartheid-free ballot measure after gathering of over 1,600 signatures," said Marek Broderick, the Ward 8 City Councilor Elect.

A march followed the rally blocking traffic in the streets of some of Burlington's busiest sections. Saturday also marked the first statewide day of action called by the Vermont Coalition for Palestinian Liberation with more events planned for the future.

### **Capitol Beat: Hoffer releases audit on EB-5 in Vermont – Times Argus**

This week, State Auditor Doug Hoffer released an audit of the state's role in the EB-5 fraud.

According to a news release, the "audit represents the first comprehensive, one-stop accounting of how State government did (or did not) provide oversight of the EB-5 program — specifically the Jay, Burke, and AnC Bio Vermont projects."

The audit found a pattern of misplaced trust, unfortunate decision-making, lengthy delays and missed opportunities to prevent or minimize fraud, the release states.

“At the highest level, our findings should not be entirely surprising,” said Hoffer in a statement. “From its creation, the Vermont Regional Center, the EB-5 office housed in the Agency of Commerce and Community Development (ACCD), had two competing duties — to market and promote EB-5 projects, while also regulating them. Experts and policymakers have long warned against such arrangements for fear that an agency relied upon to help a project succeed may be reluctant to fully exercise its regulatory powers. In addition, a marketing office may not have the skill sets needed to properly regulate complex financial arrangements such as EB-5. Unfortunately, this proved all too true.”

Key findings of the audit include:

— ACCD did not have written policies and procedures defining its EB-5 oversight responsibilities.

— In response to an early claim from a firm doing business with Jay Peak that they no longer had confidence in the accuracy of Jay Peak’s representations or in the financial status of and disclosures of the partnerships — and that \$13 million was missing from Jay Peak’s bank accounts — the ACCD Secretary relied on records offered by Bill Stenger and didn’t seek expert financial assistance. The U.S. Attorney later determined that the records Stenger provided, which satisfied the ACCD Secretary, covered up how the defendants misused investor funds.

— When Jay Peak refused to hire a firm to perform a financial audit as ACCD had requested, ACCD dropped the matter and didn’t require audits going forward in subsequent revisions to the State’s MOUs with Jay Peak.

— State officials were understandably dismayed with then-Gov. Peter Shumlin’s claim in a Jay Peak promotional video that “Vermont is the only EB-5 program that covers the entire state of Vermont and is audited by the State of Vermont” because it could be wrongly construed to mean that Vermont performed financial audits of the projects. Unfortunately, the state did not proactively communicate with current and prospective EB-5 investors that this was not the case.

Hoffer said: “These are just some examples of instances in which events may have played out differently if State officials had made different decisions. Had appropriate systems been in place, with properly delineated roles and responsibilities between State agencies, addressing this historic fraud would not have been so dependent upon ad hoc decision-making by individual State officials.”

### **Duking it out**

All week, there has been a back-and-forth between Gov. Phil Scott and members of the legislative leadership over the direction lawmakers are taking with regard to proposed bills and the state budget for Fiscal Year 2025.

Scott, a Republican, issued a statement earlier in the week critical of the supermajority of Democrats pushing for bills that might actually increase state spending overall, and gutting or dismissing bills he feels are imperative to moving the state forward on such issues as housing and workforce development.



House Speaker Jill Krowinski, D-Chittenden-16, held a news conference on session priorities. On Thursday, House Majority Leader Emily Long, D-Windham-5, fired back at the governor with a “Statement on Real Affordability.”

In part, she notes, “I guess it’s obvious that it’s an election year! Unfortunately, turning up the heat and delivering over-simplified political rhetoric doesn’t help anyone and it certainly doesn’t help Vermonters.”

She went on to state: “It’s disappointing to see the Governor and our House Republican colleagues using press conferences and press releases to create an atmosphere of fear and mistrust. Making sweeping statements about taxes and fees — without any context, without any mention of the people and communities these investments will help, without any mention of long-term savings — falls far short of the kind of conversation we need to be having as a state. It’s designed to create outrage, but we’d rather focus on helping our constituents raise families, build careers, grow their businesses and support their communities.”

She said, “We need to start talking about real fiscal responsibility and real affordability, and what that means. As Democrats, our approach is to understand that when times are tough and budgets are tight, you need to control spending while also making careful, strategic long-term investments. That long-term, big-picture approach solves problems in the short term, helps people with every dollar, and often winds up saving money down the road.”

Long said lawmakers are committed to “support real progress in critical priorities like housing, childcare, climate resiliency, food insecurity, supporting our public schools, affordable healthcare and public safety.”

### **Revenues are up**

Secretary of Administration Kristin Clouser said this week state revenue for February were \$188.6 million, exceeding the \$181.1 million target by \$7.5 million, or 4.1%.

General Fund revenues for February totaled \$110.3 million, \$4.7 million, or 4.4%, above the \$105.6 million monthly target.

Revenues in the Transportation Fund exceeded their \$20.2 million February target by \$2.1 million, or 10.2%, yielding \$22.3 million.

Monthly Education Fund revenues of \$56 million were \$700,000, or 1.3%, above their February \$55.3 million cash flow target.

Said Clouser in a monthly briefing: “The February results are welcome news as receipts have exceeded expectations for the third consecutive month. The revenue cushion is particularly welcome as we head into the critical income tax filing season facing an uncertain economic outlook.”

### **Bills advance**

This week, the Vermont House passed three key bills that Democrats say will make Vermont safer and more affordable.

H.721 expands access to health care; H.880 makes an historic investment in our criminal justice system; and H.871 takes a critical step to revitalize our state's school-construction aid program and manage education spending.

"For too long, many Vermonters have struggled with unaffordable health care costs, hindering their access to essential medical services," stated Rep. Jill Krowinski, Speaker of the House. "We hear from Vermonters every day, and concerns around health care access and affordability are always top issues. This bill will save Vermonters on Medicare thousands of dollars at a time when those on fixed incomes need support. This bill will help a lot of Vermonters by expanding coverage and making it more affordable."

"Witnesses representing a wide spectrum of the criminal justice system have testified that effective deterrence of crime requires certain and quick consequences for criminal activity," said Chair of House Judiciary, Rep. Martin LaLonde, D-Chittenden-12. "In Vermont, consequences for criminal activity have become uncertain and slow. To ensure accountability, we need to provide the courts, prosecutors, defenders, victim advocates, and community justice centers the resources they need to resolve cases. H.880 does this. We believe that Vermonters support raising revenues to be used for making Vermont a safer state."

"H.871 will help school districts create robust facilities planning for the future, and prepare them for projects that will improve student learning, and increase opportunities for kids with technical and financial help from a state aid program. A state construction program is long overdue and will be welcome in our school districts," said chair of House Education, Rep. Peter Conlon, D-Addison-2.

### **Universal School Meals**

School nutrition professionals, anti-hunger advocates, legislators, teachers and community members celebrated School Nutrition Day at the Vermont State House this week.

The School Nutrition Association, Hunger Free Vermont and partners organized a breakfast to thank lawmakers for a successful first year of permanent Universal School Meals in Vermont.

Act 64 became law in June 2023, making Vermont the sixth state in the country to enact a permanent Universal School Meals program that provides free breakfast and lunch to students at all schools. A 2024 report from the Food Research & Action Center ranks Vermont second in the nation for its increase in school lunch participation and fourth in the nation for its increase in school breakfast participation during the 2022-2023 school year.

### **Library legislation**

On Tuesday, the Vermont Senate advanced S.220, an act relating to Vermont's public libraries.

Senators included an amendment to the bill to establish clear procedures for reviewing any book challenges. These procedures would not allow books to be removed from school libraries for

reasons including partisan disapproval; sexual orientation, gender identity, or race of characters or of the author; or an individual's discomfort with content due to personal morality, political views or religious views.

Lt. Gov. David Zuckerman, who has been advocating for public libraries, issued a statement: "I am pleased that Vermont will join Illinois in standing up for free speech, civics, history, critical thinking, and individual parental rights. In this moment when too many are trying to restrict children's access to factual history, gender and sex education, and diverse thoughts and perspectives, it is critical that we support our teachers and librarians to use their professional expertise without political pressures."

Zuckerman hosted a series of banned book reading events around the state to promote free speech, inclusion, democracy and open dialogue.

### **Smartphone monopoly**

U.S. Sen. Peter Welch this week applauded the Justice Department, Vermont Attorney General Charity Clark, and 15 other state and district attorneys general in their action filing a civil antitrust lawsuit against Apple for monopolization or attempted monopolization of smartphone markets in violation of Section 2 of the Sherman Act.

The complaint, filed in the U.S. District Court for the District of New Jersey, alleges that "Apple illegally maintains a monopoly over smartphones by selectively imposing contractual restrictions on, and withholding critical access points from, developers. Apple undermines apps, products, and services that would otherwise make users less reliant on the iPhone, promote interoperability, and lower costs for consumers and developers. Apple exercises its monopoly power to extract more money from consumers, developers, content creators, artists, publishers, small businesses, and merchants, among others," according to a news release.

Through this monopolization lawsuit, the Justice Department and state Attorneys General are seeking relief to restore competition to these vital markets on behalf of the American public.

"The unfair dominance of a monopoly comes at the cost of the consumers, product innovation, and our economy — it's time we put our foot down and say no. The Justice Department's lawsuit against Apple sends a powerful message to large corporations that we will not tolerate conduct that unfairly suppresses competition and innovation. I applaud Vermont for joining the Justice Department in this crucial effort to empower consumers, protect innovation, and foster fair competition," said Welch.

### **Visas for Afghans**

The Vermont Afghan Alliance this week released the following statement in response to the U.S. Congress authorizing an additional 12,000 Special Immigrant Visas for Afghans who supported the U.S. mission in Afghanistan and extending the program through Dec. 31, 2025:

"These additional visas will assist more Afghan allies who supported U.S. troops and diplomats get to safety in this country, and hopefully for some, to a new welcome home here in Vermont," the statement reads. "In the absence of an Afghan Adjustment Act, we applaud this bi-partisan

effort by Congress to provide additional visas to those still at grave risk in Afghanistan and hope that the coming fiscal year will bring continued efforts to address the legal limbo faced by many Afghans and their families still in Afghanistan.”

### Here's how many teens and non-U.S. citizens voted legally on Town Meeting Day – Vermont Public – Mikaela Lefrak

Over the past four years, as national political figures heatedly debated a [wide spectrum](#) of [voting rights legislation](#), four Vermont municipalities took historic steps to enfranchise more residents.

Burlington recently joined Montpelier and Winooski in allowing all legal U.S. residents to vote on local races and ballot measures. And in Brattleboro, 16- and 17-year-olds can vote on local issues.

Despite the local support for noncitizen and under-18 voting, Town Meeting Day turnout among these new voting blocs was sparse.

#### **Montpelier: 13 noncitizen voters**

Thirteen noncitizens voted in Montpelier for Town Meeting Day, out of 18 total noncitizen registrants. They account for less than half of 1% of Montpelier's total registered voters.

Montpelier was the first Vermont jurisdiction to explore the idea of noncitizen voting, and this March marked the third election in which noncitizens could vote.

Overall, Montpelier had one of the higher voter turnout rates in the state: 43% of registered voters cast ballots on Town Meeting Day.

#### **Winooski: 11 noncitizen voters**

Eleven noncitizens voted in Winooski for Town Meeting Day, out of 61 total noncitizen registrants.

Winooski is one of the most diverse municipalities in Vermont. Like Montpelier, Winooski has now had three Town Meeting Days with all legal resident voting, as it's called there.

#### **Burlington: 62 noncitizen voters**

Sixty-two noncitizens voted in Burlington for Town Meeting Day, out of 102 total noncitizen registrants.

"To see that more than 60 people took advantage of this possibility for the first time is both an indication that there is a desire for this, and a sense that, as we do this more in future local elections, I would hope that number would go up from there," said Burlington Mayor Miro Weinberger.

This election was Burlington's first go-around with all legal resident voting, though formal conversations around changing the city's charter began back in 2015. The city's [webpage on all legal resident voting](#) says the program could impact "thousands of community members in Burlington."

Overall turnout nearly hit 47% — the highest it's been in a decade, due in large part to [the city's mayoral race](#). Nearly 15,000 people voted.

### **Brattleboro: 20 under-18 voters**

There are currently 47 youth voters registered, and 20 showed up to vote.

Overall turnout for Town Meeting Day in Brattleboro was 26%, with a total of 2,324 people voting out of 8,917 registered voters.

Vermont Secretary of State Sarah Copeland Hanzas, whose office oversees state and local elections, said she found these numbers "surprising," particularly in Brattleboro and Winooski. "I'm quite certain that there are more folks who would have been eligible," she said.

"I think it's just going to be a matter of a lot of people doing a little bit of work to try to encourage participation," she added. "My goal is to increase voter turnout across the board."

### **New guidelines get concussed students back in the game faster – WCAX – Sophia Thomas**

Right now, South Burlington High School senior Finn McCarney's days are spent on the turf with his lacrosse team. But two years ago during his mountain biking season, McCarney was stuck in a dark room with a concussion.

"I missed three races, I missed the championship, and it was weird just not having that time to spend with my friends mountain biking," McCarney recalled.

Concussions are the grand slam of sports-related injuries, impacting over one million athletes under 18 in the U.S. every year, according to research out of the [University of Washington](#). SBHS Athletic Trainer Sierra Villemaire knows firsthand the struggle that comes with a concussion.

"What I see most is a lot of frustration," Villemaire explained.

Current concussion protocol dating back to 2014 can keep concussed athletes away from play and school for long periods, which can lead to major mental health struggles.

"Oh no, I have a concussion, I have to wait so long to go back to play," Villemaire said her athletes say. "It can take a toll on their mental health for sure."

[New concussion guidelines](#) from the Journal of Athletic Training, published Tuesday, could change that. They give athletic trainers and schools more leeway to get concussed athletes back

to exercise and school faster, as long as symptoms are stable and not made worse. Athletes still need to hit certain recovery milestones to fully return to their team and classes, but they wouldn't necessarily be closed off from the world.

"They don't feel super secluded from the team, their friends, their peers," Villemaire said.

State sport leaders say it's a slam dunk for athletes and the trainers guiding their recovery.

"I think the language related to the unchallengeable authority of athletic trainers to make these decisions is a really big step in the right direction," Mt. Abraham Union High School Athletic Director Devin Wendel said.

McCarney says he's relieved that another concussion wouldn't be a one-way ticket to isolation.

"It would allow me to return to school and lacrosse faster and that's the goal, to just be able to slowly get back into it," McCarney said. "That's the best way to do it I think."

The Vermont Principals' Association says they're reviewing the new guidelines and working to educate athletic directors and trainers across the state.

### **Nine British nationals arrested trying to cross border in Highgate – My Champlain Valley – Mike Hoey**

Nine British nationals have been arrested [trying to illegally cross the Canadian border](#) in Highgate.

The group reportedly crashed through a property owner's fence in the silver sport utility vehicle shown in the accompanying picture. As of Sunday night, U.S. Border Patrol agents had not released the names of the nine people involved. They also had not disclosed where the group is being held or when the incident took place. However, they posted the picture of the SUV on social media Friday afternoon.

The chief patrol agent for the Border Patrol's Swanton Sector — which encompasses Vermont, New York and New Hampshire — [recently said](#) that agents within the sector caught more people crossing the border illegally in fiscal 2023 than in the previous 11 years combined.

### **Vermont Governor Phil Scott to appear in high school production of 'Little Shop of Horrors' – WPTZ**

A very special production of the popular Broadway play "[Little Shop of Horrors](#)" is coming to Mount Mansfield Union High School, and none other than Gov. Phil Scott will make a guest performance.

The play is about a man-eating plant that was spawned by a total eclipse of the sun. The plant must feed on human blood, and grows larger and larger until it finally takes over Vermont and the world.

Not only is the show eclipse-themed, but it will mark Gov. Scott's theatrical debut.

There are three performances next weekend, but right now it is a secret which of those shows the governor will make an appearance in.

### Opening gates to financial assistance for Vt. State Park visitors – WCAX – Sophia Thoms

Grant applications open to help more Vermonters access state parks.

Nonprofit Vermont Parks Forever created the [Park Access Fund Grant](#) in 2016. They offer free park visits to organizations across the state serving people with disabilities, children in foster care and others who may not otherwise be able to access the parks. VPF's goal is to break down barriers and help more people experience the healing powers of the outdoors.

"If you haven't had a chance to experience this yet, there's this whole mental health, physical health and that ability to make it all better that you can get from a trip to the park," VPF Executive Director Sarah Alberghini Winters shared.

VPF is offering over ten thousand free days in the parks. Applications close on April 5.

### 'We are people. We exist everywhere': Being young and trans in Vermont – Vermont Public – Jenn Jarecki & Nathaniel Wilson

Yesterday was International Transgender Day of Visibility, which was created to celebrate the achievements and perseverance of transgender people across the globe. It's also an opportunity to raise awareness and visibility about the discrimination and violence that trans people routinely face, including transgender youth.

LGBTQ+ students in Vermont are [twice as likely](#) as their heterosexual cisgender classmates to be bullied. And they're more likely to experience mental health issues.

We wanted to hear how Vermont's transgender youth are feeling, and what visibility means to them.

*This piece was produced for the ear. We highly recommend listening to the audio. We've also provided a transcript, which has been edited for length and clarity.*

#### **'I don't feel fully safe here'**

This is Alex Sage Yahm Halberg, who lives in Washington County.

**Alex Sage Yahm Halberg:** I think that what transgender visibility means to me is an opportunity for every person, no matter their identity, to express who they are, and an opportunity for specifically trans people to share their experiences and to be listened to.

I think that transgender visibility is not just about seeing us and listening to us. But it's also about taking the things that we say and implementing them into the world.

Something Vermonters don't understand about being young and transgender is, I think, that it's really hard. It's really difficult. I think a lot of people sort of dismiss the issues of transgender people in Vermont and other safer states, because they like to say that it's safer here. And it is. That doesn't mean that it's completely safe. And that doesn't mean that it isn't absolutely horrible, and that it doesn't cause distress. I know that I don't feel safe. I don't feel fully safe here. And I think that people don't really realize that because we are a very left-leaning state. But that doesn't mean that there aren't people here who would prefer if I didn't exist.

Everyone needs to realize that people have their identities and people have their feelings and that it's, it's just who they are. It's not the end of the world that someone is themselves, and it doesn't really affect you very much.

I think what is really beautiful for me about being part of Vermont's transgender community is just how much we all want to help each other. And when you find yourself in a space full of young queer people and young trans people, there are almost always people who are going to make sure that you're doing okay, who are going to make sure that all of your needs, everything is taken care of. And it's such a breath of fresh air to just be in a community where you don't need to hide who you are. You don't need to sort of take a step back and hide your identity.

**'We are people, we exist everywhere'**

And now we'll hear from Perrin Dulmer, who lives in Milton.

**Perrin Dulmer:** Transgender visibility, to me, means just being seen in all facets of life, like we are people, we exist everywhere. And it's not something that should be weird or discriminated against. We're just doing self expression in the same way that you pick to style your hair in blonde curls, I pick to present myself as a female because that's what makes me feel the most confident and comfortable within myself. There is no parent intervention, we're not being indoctrinated by our schools, like people love to say. This was our choice to do this. And that's why we do it.

I do feel very safe in Vermont, I think, definitely in comparison to, like, what other people experience and what I see on the news. Vermont is very safe and has done a very good job of ensuring that all LGBTQ people are protected, especially trans people.

The sense of connection is something that I'd really want to share — like, me and all of the other LGBTQ people I feel like a sense of closeness, even if I've not necessarily interacted because I have aspects of them and they have aspects of me.



There's no one brand of expression in both ways relative to, like, the gender expression of a minor. You can be just like accepting subtly, that you can just use the pronouns they want. You can not be mean to them for this simple act of self-expression.

### Mulvaney-Stanak to Resign Statehouse Seat – Seven Days – Courtney Lamdin

Vermont Rep. Emma Mulvaney-Stanak (P/D-Burlington) will resign from the state legislature on Monday, April 1, the same day she'll be sworn in as Burlington's next mayor.

Mulvaney-Stanak had been weighing when to step down from her Statehouse seat, knowing that later this spring, Republican Gov. Phil Scott will likely veto a bill that would allow overdose-prevention centers to open in Vermont. The mayor-elect, who cosponsored the bill, worried that the Democrat-controlled House may not have the votes to override Scott's veto, even with support from Progressives.

On Friday, Mulvaney-Stanak told *Seven Days* that she'd become more confident the House will have the margin to defeat the veto — though she was less certain about the Senate. As mayor, she said she'll be well positioned to influence the vote. The measure, [H.72](#), is now in a Senate committee.

House Clerk BetsyAnn Wrask [read Mulvaney-Stanak's resignation letter](#) into the record when the body convened on Friday morning. Mulvaney-Stanak was at Burlington's City Hall, where she'd joined outgoing Mayor Miro Weinberger in raising a Pride flag to celebrate International Transgender Day of Visibility.

Mulvaney-Stanak, the first openly queer person and woman to be elected Burlington's mayor, plans to issue a proclamation next week recognizing the day, which falls on March 31 annually. On Monday, she'll announce her staff and deliver the State of the City address.

Earlier this week, Mulvaney-Stanak attended the city's monthly Community Stat meeting, a data-sharing initiative that tracks the city's response to the drug crisis. Several of the attendees, including Weinberger, reiterated their support for overdose-prevention centers.

H.72 would allocate \$2 million to open two of the centers, at which people could use drugs under supervision and be revived from possible overdose. Medically-trained professionals would provide people with sterile supplies and distribute naloxone, an overdose-reversal drug. The centers' operators and the people who use them would be shielded from arrest and prosecution, according to the bill.

On the campaign trail, Mulvaney-Stanak expressed support for opening an overdose-prevention center in Burlington. Gov. Scott, meantime, has long opposed the facilities and in 2022, [vetoed a bill](#) that would have simply studied them.

Jason Maulucci, Scott's spokesperson, told *Seven Days* earlier this month that the governor is already contemplating a veto of the bill but would see how it "winds up" after the Senate's

review. He also disputed Mulvaney-Stanak's contention that Scott wouldn't appoint someone to replace her in time to override a possible veto, which could happen any time between April and June.

The governor traditionally appoints a replacement from the departing member's political party; Maulucci has said Scott will do the same for Mulvaney-Stanak's Chittenden-17 seat — and in a timely manner.

In her resignation letter, Mulvaney-Stanak called her Statehouse service "one of my proudest moments." She thanked her House colleagues, including those she served with on the tripartisan House Commerce and Economic Development Committee.

She ended her remarks on a political note, making one last plug for increasing legislators' pay — an issue she was vocal about during her time in Montpelier. The position's "low salary and lack of benefits" made serving a challenge, Mulvaney-Stanak wrote.

"I look forward to a day where this incredible job becomes more accessible to working people and Vermonters with small children," her resignation letter says. "Our legislature will be a stronger, healthier and more representative body for all Vermonters if we fairly compensate legislators and adopt rules that reflect modern times."

### **Lamoille Health Partners reaches \$540K settlement over data breach – WCAX**

Lamoille Health Partners has agreed to a \$540,000 settlement following a 2022 data breach.

The cybersecurity breach allowed someone to hack into their system. They encrypted and stole files containing patients' personal information, including names, addresses, Social Security numbers, birthdays, and more.

Patients sued, arguing the organization failed to adequately safeguard the information, violated HIPAA standards, and took long to notify patients about the hack.

The deal calls for affected patients to get \$50 each and up to \$5,000 if they can prove the data breach affected them.

The settlement is expected to get final court approval in September.

### **Binge drinking, alcohol use disorder in Vermont ranked among the highest in the nation – VT Digger – Tiffany Tan**

Journey to Recovery, an addiction recovery center in the Northeast Kingdom, refers two people a week to inpatient treatment for alcohol use disorder.

At the other end of the state, 2 out of 3 patients that Bennington Turning Point recovery coaches see through their [emergency room program](#) primarily have alcohol dependency issues.

In Rutland and Springfield, local recovery coaches are also seeing an increasing number of people aged 60 and up who are seeking help for alcohol misuse.

“Every collaborative partner is aware of the high rate (of alcohol misuse),” said Tracie Hauck, director of the Rutland Turning Point Center, “and the increased use among older adults.”

A recent national survey reflects this gloomy picture of alcohol use in Vermont. The [National Survey on Drug Use and Health](#) for 2021 and 2022 show Vermont had the [second highest rate of alcohol use disorder](#) among the states.

Alcohol use disorder is diagnosed based on [several criteria](#). They include whether a person ended up drinking more or longer than they intended, wanted a drink so badly they couldn’t think of anything else or drinking interfered with taking care of their family or work.

Vermont showed a 12% rate for this disorder, same as six other states. The highest, 14%, was found in Colorado and North Dakota.

The survey, conducted annually by the federal [Substance Abuse and Mental Health Services Administration](#), also ranks Vermont as No. 2 for binge drinking. It’s defined as having five or more drinks (for men) or four or more drinks (for women) within a couple of hours of each drink on at least one day in a month. Some 27% of Vermonters acknowledged drinking this way.

Another survey question asked whether people consumed alcohol in the past 30 days. Vermont placed third nationwide, at 57%. The survey respondents included adults and children ages 12 to 17. Among adults, the [prevalence](#) is 61%.

Alcohol is the most commonly used substance by Vermonters, and adult Vermonters’ drinking behavior has remained consistent since 2011, said Anne Van Donsel, of the Vermont Department of Health’s division of substance use programs.

Referring to previous state reports, Van Donsel underscored that alcohol not only causes overdose deaths, it also contributes to health problems.

The [long-term health risks](#) include weakening of the immune system, learning and memory problems, high blood pressure, anxiety and depression, and cancer.

“We have seen people in their 20s given six months to live due to a confluence of complications directly from excessive alcohol consumption,” said Margae Diamond, director of the Bennington Turning Point Center.

The fact that alcohol is a legal substance and part of the American cultural fabric, she said, makes it “intensely difficult” for those who are suffering from alcohol misuse to admit they have a problem, seek help and remain sober.

Diamond said she is glad that alcohol dependency in Vermont is getting more public attention, since alcohol is a substance that people often struggle with but has been overshadowed by the state's opioid epidemic.

"The majority of funding and attention tends to lean towards opioid use disorder and while there is no debate that is serious and often fatal," she said, "we consistently see more people for alcohol use disorder."

Staffers at addiction recovery centers statewide said that, since the coronavirus pandemic reached Vermont in 2020, they've had growing interactions with people aged 60 and older who are struggling with alcohol misuse.

Astrid Bradish-Hoyt, a peer counselor at the Turning Point Center in Springfield, said more older adults and elderly people are now calling the center to seek recovery services. Others cross paths with local peer counselors through their emergency room outreach, where they offer recovery assistance to people who are brought in for substance-related health emergencies.

"Elderly people get very isolated," said Lila Bennett, director of the Journey to Recovery Community Center, echoing what other centers pointed to as a reason for alcohol misuse among this age group. This social isolation became especially marked during the early years of the Covid-19 pandemic due to social distancing regulations.

The state health department, meanwhile, said its data does not reflect a bump in chronic drinking or at-risk drinking behavior among elderly Vermonters.

The state numbers, from 2011 to part of 2022, show consistent alcohol use among those aged 65 and older, said Van Donsel, of the substance use programs division.

### Senate advances a bill that would establish a climate 'superfund' – VT Digger – Emma Cotton

State senators advanced a bill that would apply the "polluter pays" model to climate change, requiring that some of the world's biggest fossil fuel companies — and those that have contributed most to the warming of the planet — pay for damage related to climate change in Vermont.

Senators voted by voice on Friday. Earlier, a 21-5 vote on an amendment to the bill, [S.259](#), indicated the support of a large majority of lawmakers in the upper chamber.

Adapting to climate change is expensive, Sen. Nader Hashim, D-Windham said as he presented the bill to lawmakers on the Senate floor.

"In order to remedy the problems created by washed out roads, downed electrical wires, damaged crops, and repeated flooding, the largest fossil fuel entities that have contributed to climate change should also contribute to fixing the problem that they caused," he said.

The bill would require the state's Agency of Natural Resources to work with the State Treasurer to determine how much damage those companies have caused in Vermont, and their fines would be proportional to that amount. The money would be deposited into the Climate Superfund Cost Recovery Program Fund.

S.259 targets fossil fuel companies that have produced more than one billion metric tons of greenhouse gas emissions between Jan. 1, 1995 and Dec. 31, 2024.

"Since their beginnings, fossil fuel companies have externalized the cost of the damage that is caused by their product," said Sen. Anne Watson, D/P-Washington. "Who's picking up the tab for the devastation caused by climate change? We are. Everyday Vermonters, my constituents and yours, are picking up the tab for property damage, for increased health care costs, lost crops, habitat destruction, and the list goes on."

Funds could be used for projects including home buyouts, upgrading stormwater drainage systems, building resilient transportation, weatherization projects, retrofitting public and private buildings, assisting farmers and hardening the electrical grid, Hashim said.

The Senate's support of the bill won applause from a large swath of environmental groups, including Vermont Public Interest Research Group, Vermont Conservation Voters, the Conservation Law Foundation, the Vermont Natural Resources Council, the Vermont Sierra Club, Vermont Businesses for Social Responsibility and the Northeast Organic Farmers Association of Vermont.

Opposition to the bill, including from Gov. Phil Scott, comes from the expected cost of litigation against the fossil fuel companies. Scott has said he would rather see other, bigger states take the lead in establishing precedent for a climate superfund. Massachusetts, Maryland and New York are [pursuing similar legislation](#).

"We're a mosquito compared to a giant," said Sen. Randy Brock, R-Franklin. "We might win, but the cost of doing so, alone, is huge. Exxon Mobil alone has an annual sales of \$344.6 billion, and Vermont has an annual budget of about \$8.5 billion."

Sen. Dick Sears, D-Bennington, said the state's settlement against Saint Gobain, a plastics company responsible for contaminating drinking water in the Bennington area with the toxic chemical group PFAS, gives him hope that Vermont can responsibly lead the way on the issue.

While New York and New Hampshire had the same contamination as Vermont, he said, Vermont was "the first to actually be able to get a negotiated settlement to receive money to extend our water lines to our constituents in Bennington and North Bennington."

"That, I think, is a good example of what a small state can do," he said.

## As Vermont House passes budget, Republicans pan spending plans – VT Digger – Sarah Mearhoff

“Out of control,” “off the rails,” and “bizarre”: These are just a sampling of the insults Republicans in Montpelier have lobbed at Democrats over the past week leading up to the House’s approval of an \$8.58 billion state budget Friday morning.

On the defense against the GOP’s accusations, Vermont’s Democratic leaders have retorted: Their Fiscal Year 2025 bottom line surpasses that which was proposed by Republican Gov. Phil Scott earlier this year [by merely a fraction](#) of a percentage point.

The House passed that budget, [H.883](#), via voice vote Friday morning, after a preliminary 104-39 vote Thursday night. It now will be sent to the Senate for inevitable edits.

“This particular budget, unlike last year’s, is a lot trimmer and is within the revenues of the state in a pretty tight box,” House Appropriations Chair Diane Lanpher, D-Vergennes, told reporters on Thursday. “I think it’s really important to see that this (budget) that the House is bringing forward has a difference from the governor that is so minute in its totality that it’s almost not even a decimal point.”

Fiscal Year 2025 marked budget writers’ [return to pre-pandemic normal revenues](#), without the cushion of ample federal aid dollars. According to Lanpher, the House largely stayed within the spending confines of the budget presented to lawmakers by the Scott administration in January — albeit while reducing funding to some of the administration’s favorite programs.

But [drawing the most controversy](#) in the Statehouse in recent days is what has been left out of the House’s version of the budget: [proposed tax hikes](#) on corporations, high earners and expensive property transfers, recently advanced by the House in three separate bills.

“You’re going to say, ‘Well, geez, governor, the budget they’re presenting is about equal to yours. What are you complaining about?’” Scott told reporters at a press conference Wednesday afternoon. “My answer is, they cut everything out of what we need in terms of housing, including a few things of their own. Now they’ve got four or five other bills that have spending attached to them.”

By excluding major spending and taxing proposals from the budget, or so-called “big bill,” Scott accused lawmakers on Wednesday of bypassing the typical state budgeting process, “making it less transparent, more difficult to keep track.”

One lawmaker, Rep. Anne Donahue, R-Northfield, unsuccessfully attempted to bring those transparency concerns to the floor Friday morning. She proposed [an amendment](#) which would have incorporated into the 2025 budget the almost \$26 million in new taxes that three new bills would usher in this coming fiscal year. The amendment failed.

The administration has also raised the question: Come next year, what’s stopping legislators from taking those future revenues and allocating them elsewhere, instead of where they promised?

Lanpher pushed back on the governor's accusations of obfuscation. The purpose of the budget bill, as she sees it, is "keeping the lights on, functioning of government." If all of the new revenue proposals are lumped into the budget, she said, "It gets blurred." Attaching revenues to specific policy proposals allows legislators to be more prescriptive in how the new money is spent, she said.

"We're specifically spending or looking at revenue to support an area where Vermonters need us to act," Lanpher said. "They've asked for us to do a lot. And it's a lot. So it's going to take a lot to do a lot."

As for the fear that legislators down the line could opt to spend the money elsewhere, Lanpher conceded, "I cannot tie the hands of the future legislature, although I can leave a long trail of what our legislative intent is."

### **Policy bills, taxes attached**

Under particular scrutiny by Republicans this week are three bills advanced through the House Ways and Means Committee, which would raise an estimated combined \$130 million in state taxes annually. The bills are largely set to take effect next fiscal year.

[H.721](#) seeks to [expand Medicaid](#) and Dr. Dynasaur eligibility. [H.829](#) establishes a 10-year plan to address the state's housing crisis and to transition Vermonters out of homelessness. [H.880](#) would fund dozens of new positions in the state's judicial system, with the hope of making a dent in the state's stubborn court backlog.

Both H.721 and H.880 have passed through the House and are on their way to the Senate. H.829 has been preliminarily approved and awaits one more House vote, expected next week, before it heads to the upper chamber.

At their core, they're policy bills. But attached to them are taxing mechanisms to cover their multi-million-dollar price tags.

If approved as written, both H.721 and H.880 would be paid for by increasing Vermont's corporate income tax rate to the highest in the nation — a potential ranking that is "nothing to be proud of," Scott said Wednesday.

H.829 would be funded by establishing a new marginal personal income tax bracket, at a rate of 11.75%, on Vermonters who earn more than \$500,000 annually, as well as an increase to property transfer taxes for real estate purchases exceeding \$750,000.

In a national economy shaped by historically high inflationary pressures, and in a state already reckoning with an anticipated \$240 million property tax hike due, Republicans are waging a fierce fight against the House's tax proposals. In an election year, they're taking the opportunity to jab at Democrats' theoretically veto-proof supermajority in the state Legislature.

"The supermajority is off the rails and out of control, and Vermonters have had enough," House Minority Leader Pattie McCoy, R-Poultney, told reporters at a press conference Wednesday.



“Vermonters are struggling. They are stretched thin, trying to make ends meet. They have been stressed for years, with Vermont’s already high cost of living,” McCoy continued. “Inflation has made it even more difficult, and this supermajority has made it even worse.”

House Ways and Means Chair Emilie Kornheiser, D-Brattleboro, said such criticisms overlook who would bear the brunt of the tax increases: corporations and the wealthy.

Kornheiser told the House Democratic Caucus on Tuesday that the new, high-earner personal income tax bracket alone would raise nearly \$75 million in Fiscal Year 2026, while impacting only the top 1% of taxpayers.

“I think this caucus believes ... that investments in people and investments in our state and investments in our communities pay off, both indirectly and directly,” Kornheiser said at the time.

When asked by reporters on Wednesday whether he would veto the House’s three tax bills, Scott demurred, though he has for months drawn a line that he would not support any increased taxes. Should he veto the bills — or the budget, [as he did last year](#) — the 150-member House requires a two-thirds majority, or 100 votes, to override his veto.

Despite its entanglement with the other tax proposals approved this week, the budget itself appears safe from a potential Scott veto, at least in the House, garnering 104 ‘yes’ votes Thursday night.

The futures of the three tax bills — H.721, H.829 and H.880 — are less certain. None of them garnered 100 ‘yes’ votes in their respective roll call votes, though more than a dozen members were absent for each of those votes.

### **Auditor’s report details lack of state oversight in Vermont’s EB-5 fraud – VT Digger – Babette Stolk**

A new report released by State Auditor Doug Hoffer this week affirmed a longstanding conclusion of the [EB-5 scandal](#): that a lack of state oversight allowed the fraud to happen.

“In short, we found a pattern of misplaced trust, unfortunate decision-making, lengthy delays, and missed opportunities to prevent or minimize fraud,” Hoffer wrote in an introduction to the audit findings.

But the audit, which began in 2018 but was interrupted by the criminal investigations and related trials, does not appear to offer many new details beyond what has already been documented in the case, a fact that Hoffer himself appeared to acknowledge in releasing the report on Thursday.

“At the highest level, our findings should not be entirely surprising,” Hoffer wrote.

Instead, Hoffer said, the findings would offer “the first comprehensive, one-stop accounting of how State government did (or did not) provide oversight of the EB-5 program — specifically the



Burke and AnC Bio Vermont project,” he said, referring to two of the Northeast Kingdom development projects at the heart of the investment scheme.

In his [63-page report](#), Hoffer outlines how state government, specifically the Vermont Regional Center that was run by the Agency of Commerce and Community Development, had conflicting duties of both promoting and regulating the EB-5 program.

According to the findings, experts and policymakers had warned that agencies responsible for the success of a project would be reluctant to use their regulatory authority.

“In addition, a marketing office may not have the skill sets needed to properly regulate complex financial arrangements such as EB-5,” Hoffer said.

The report found that ACCD did not have any written policies and procedures to define oversight responsibilities. Accordingly, even though ACCD officials stated they performed oversight, there is little documentation verifying their statements as few records were kept, according to the report.

Moreover, the findings point to a passive approach by the agency, citing the lack of communication with investors about claims that the state audited EB-5 projects, a false assertion made by then-Gov. Peter Shumlin in a video promoting the program.

In his conclusion, Hoffer argued a more proactive approach by ACCD “could have mitigated investor losses.”

Oversight changed once the ACCD recognized it did not have adequate resources in August 2014, Hoffer found. The Department of Financial Regulation’s consequent involvement led to the separation of marketing/promotion and regulation duties, and more rigorous reviews followed, according to the report.

“Had appropriate systems been in place, with properly delineated roles and responsibilities between State agencies, addressing this historic fraud would not have been so dependent upon ad hoc decision-making by individual State officials,” Hoffer said.

Hoffer warned that the EB-5 program is not the only one for which the state government has assigned agencies with conflicting duties.

“While these conflicts do not mean that fraud will occur, they represent the types of poor internal controls that make it more likely,” Hoffer said.

The federal EB-5 program grants permanent residency to foreigners who invest \$500,000 or more in U.S. businesses and create at least 10 full-time jobs. In all, 836 investors from 74 countries were reportedly defrauded in the multi-million-dollar scheme, the largest fraud case in the state’s history.

The projects were led by former Jay Peak owner Ariel Quiros, former resort president and CEO Bill Stenger and attorney William Kelly, a close adviser to Quiros. All three were indicted on federal charges and sentenced to prison for their roles in the fraud.

Many of the investors have still only seen a fraction of their investments returned — and no green cards, the auditor’s findings noted.

In response to the audit, current economic development commissioner Joan Goldstein, who was appointed to the post by Shumlin in February 2015, said that claims against the ACCD were resolved in settlement agreements, which involved assisting investors with their immigration status.

“At least 424 of 564 Jay Peak investors have already obtained green cards and we are working to increase the chances many more will succeed,” Goldstein said.

In June 2023, the state [settled](#) with eight investors who alleged that, at best, the state and several of its employees were negligent in the oversight of the EB-5 regional center and, at worst, active participants in it. The agreement was reached two days before the case was slated for trial.

Another [settlement deal of \\$16.5 million](#) followed last summer, which involved the state and 64 people who sued Vermont and would settle all “pending and potential” lawsuits against the state by the investors in the Northeast Kingdom projects.

The state’s insurance carrier [decided](#) not to provide coverage for the settlement, leaving taxpayers footing the bill.

### **Burlington mayor-elect Emma Mulvaney-Stanak to resign House seat – VT Digger – Shaun Robinson**

Rep. Emma Mulvaney-Stanak, P/D-Burlington, plans to step down from her seat in the Vermont House on Monday, the same day she is set to be sworn in as Burlington’s next mayor.

The mayor-elect announced her Statehouse resignation in a letter read on her behalf in the chamber Friday morning.

Mulvaney-Stanak [was elected Burlington mayor on Town Meeting Day](#) and had [reportedly been weighing](#) whether she would serve in the House concurrently. She is set to be the first woman, and the first openly LGBTQ+ person, to hold the city government’s top job.

In her letter, which was read by House Clerk BetsyAnn Wrask, Mulvaney-Stanak said she chose to step down from the chamber so she could “effectively serve the city.”

The community organizer is in her second term representing the Chittenden-17 district, which includes parts of Burlington. She also chairs the House Progressive Caucus and sits on the chamber’s Committee on Commerce and Economic Development.

“Very few Vermonters earn the privilege of serving as a member of the House of Representatives,” she said, adding that she is proud of her caucus’ work and advocacy and considers her time in the Legislature “to be one of my proudest moments.”

Mulvaney-Stanak [previously told VTDigger](#) that she saw a benefit to holding her seat through the end of the legislative session — typically in May — so that she could vote to override a potential veto by Republican Gov. Phil Scott of [legislation that would set up two overdose prevention centers](#) in the state (with one likely located in Burlington).

The House passed [H.72](#) last month, and it is now being considered in the Senate. But Scott has suggested he would rebuke the legislation should it make it to his desk.

Upon Mulvaney-Stanak's resignation in a few days, Scott would have authority to appoint a replacement for the remainder of her term, likely from a list of names sent to him by Progressive or Democratic party leaders. Mulvaney-Stanak said previously, though, that she was not confident Scott would fill her seat before the end of the session.

Asked on Friday about next steps, Scott spokesperson Jason Maulucci said he expects the governor would, in fact, fill Mulvaney-Stanak's seat before the session expires.

"It usually takes a couple of weeks to align schedules," Maulucci said in a statement, "but we always prioritize making these appointments during the session to make sure Vermonters have representation."

### **Final Reading: Bill banning forever chemicals in consumer products comes back to life in the Vermont House – VT Digger**

For much of the past two weeks, the House Human Services Committee has been thinking about PFAS.

PFAS (not "pee fast," as my transcription software renders it) is short for per- and polyfluoroalkyl substances, chemicals found in a wide array of manufactured products from cosmetics to firefighting foam to clothing.

[According to the federal Environmental Protection Agency](#), exposure to high concentrations of PFAS may cause developmental delays in children, reproductive harm, increased cancer risk and other negative health effects.

A common feature of PFAS, according to the EPA, is their long lifespan in the environment — giving them the ominous nickname of "forever chemicals."

[Last year](#), Vermont's Senate passed [S.25](#), an attempt to tamp down the spread of those forever chemicals. Earlier this month, lawmakers in the House Human Services committee took up the legislation.

S.25 would ban the production, sale or distribution of cosmetic and menstrual products made with PFAS, or with an alphabet soup of other chemical substances linked to negative health effects. (It's a shame the Vermont State Scripps Spelling Bee just [happened](#) because I would have liked to see those kids try "octamethylcyclotetrasiloxane.")

The legislation, in its current form, would also ban a suite of other products made with PFAS, including clothing, juvenile products, cookware and athletic turf fields. [Research](#) has shown high levels of PFAS in artificial turf fields, raising concerns about health impacts on [athletes](#).

[As currently written](#), S.25 would exempt turf fields that are already installed or approved by voters before 2025.

Much of the bill is similar to legislation passed in other states, although legislators have said that Vermont would be a trailblazer in some areas.

“We’re looking at turf, which no other state has done,” Rep. Dane Whitman, D-Bennington, said in a Wednesday committee discussion.

Rep. Theresa Wood, D-Waterbury and the chair of the committee, said Wednesday that she hopes to vote the bill out next week. As currently written, the PFAS ban in consumer products would take effect Jan. 1, 2025, while the ban on other chemicals in menstrual and cosmetics would take effect in 2027.

In the past two weeks, a procession of [environmental](#) and public health [advocates](#) have hailed the committee’s work on the ban and urged them to pass it.

“The truth is that the Vermont public is suffering from contamination without their consent,” Marguerite Adelman, the coordinator of the VT PFAS/Military Poisons Coalition, [told](#) committee members Friday.

— *Peter D’Auria*

## In the know

Rep. Emma Mulvaney-Stanak, P/D-Burlington, plans to step down from her seat in the Vermont House on Monday, the same day she is set to be **sworn in as Burlington’s next mayor**.

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In her letter, which was read by House Clerk BetsyAnn Wrask, Mulvaney-Stanak said she chose to step down from the chamber so she could “effectively serve the city.”

[Read more here](#).

— *Shaun Robinson*

“So we are back on chickens,” Sen. Bobby Starr, D-Orleans asked in a Senate Committee on Agriculture meeting on Thursday.

Lawmakers there have been considering a bill, [H. 603](#), which aims to change **the way small-scale farmers can sell poultry**.

As of now they can only sell them directly to a consumer or restaurant as whole birds, but “people want to buy breasts, they want to buy legs, they want to buy wings. They don’t want to buy a whole bird,” Elizabeth Roma, co-owner of a farm called Putting Down Roots in South Royalton, said in testimony earlier this month.

The current version of the bill, which passed the House earlier this year, says that any farmers who slaughter no more than 20,000 birds annually can directly sell poultry in parts.

While the bill has received a positive response from most farmers, some worry about health risks if farmers are cutting up birds but are not under inspection. However, in testimony on Thursday, Steve Collier, the general counsel of the Agency of Agriculture, Food and Markets, said the bill is “permissible under federal law.”

— *Babette Stolk*

A new report released by State Auditor Doug Hoffer this week affirmed a longstanding conclusion of the [EB-5 scandal](#): that **a lack of state oversight** allowed the fraud to happen.

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“At the highest level, our findings should not be entirely surprising,” Hoffer wrote.

[Read more here.](#)

— *Babette Stolk*

## **On the move**

“Out of control,” “off the rails,” and “bizarre”: These are just a sampling of the insults Republicans in Montpelier have lobbed at Democrats over the past week leading up to the House’s **approval of an \$8.58 billion state budget** Friday morning.

On the defense against the GOP’s accusations, Vermont’s Democratic leaders have retorted: Their Fiscal Year 2025 bottom line surpasses that which was proposed by Republican Gov. Phil Scott earlier this year [by merely a fraction](#) of a percentage point.

The House passed that budget, [H.883](#), via voice vote Friday morning, after a preliminary 104-39 vote Thursday night. It now will be sent to the Senate for inevitable edits.

But [drawing the most controversy](#) in the Statehouse in recent days is what has been left out of the House's version of the budget: [proposed tax hikes](#) on corporations, high earners and expensive property transfers, recently advanced by the House in three separate bills.

[Read more here.](#)

— *Sarah Mearhoff*

State senators advanced a bill that would apply the “polluter pays” model to climate change, requiring that some of the world’s biggest fossil fuel companies — and those that have contributed most to the warming of the planet — **pay for damage related to climate change** in Vermont.

Senators voted on [S.259](#) by voice on Friday. Earlier, a 21-5 vote on an amendment indicated the support of a large majority of lawmakers in the upper chamber.

Adapting to climate change is expensive, Sen. Nader Hashim, D-Windham said as he presented the bill to lawmakers on the Senate floor.

“In order to remedy the problems created by washed out roads, downed electrical wires, damaged crops, and repeated flooding, the largest fossil fuel entities that have contributed to climate change should also contribute to fixing the problem that they caused,” he said.

[Read more here.](#)

— *Emma Cotton*

Visit our [2024 Bill tracker](#) for the latest updates on major legislation we are following.

**From:** Christopher Bray <CBray@leg.state.vt.us>  
**Sent:** Monday, April 1, 2024 8:01 PM  
**To:** Gendron, Maggie  
**Cc:** Moore, Julie; Christopher Bray  
**Subject:** Fwd: FYI Prof Mankin testimony  
**Attachments:** Callahan\_Mankin\_ClimChg\_2022.pdf; Callahan\_Mankin\_SciAdv\_2022.pdf;  
CallahanMankin\_CarbonMajors\_R2\_Main\_Final.pdf; Mankin\_CV.pdf;  
Mankin\_VT\_Testimony\_NREC.pdf; VT\_SENATE.pdf

**EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.**

Maggie,

Here is Professor Mankin's testimony in SNRE.  
Contact information below.

—Christopher

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**From:** Justin S. Mankin <[Justin.S.Mankin@dartmouth.edu](mailto:Justin.S.Mankin@dartmouth.edu)>  
**Sent:** Thursday, March 21, 2024 12:03 PM  
**To:** Judith Newman <[JNewman@leg.state.vt.us](mailto:JNewman@leg.state.vt.us)>  
**Subject:** [External] Re: S. 259

[External]

Dear Judith,

Here is a Dropbox link containing copies of my testimony and included files.



Warmly,

justin

On Mar 20, 2024, at 10:31 AM, Justin S. Mankin <[Justin.S.Mankin@dartmouth.edu](mailto:Justin.S.Mankin@dartmouth.edu)> wrote:

Hi Judith,

I'm traveling at the moment. I can try to arrange things so I can Zoom in at that time, but would also be available on Friday.

warmly,

justin

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Justin S. Mankin

[Associate Professor of Geography](#)  
[PI, Climate Modeling & Impacts Group](#)

P: 603.646.3381

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E: [mankin@dartmouth.edu](mailto:mankin@dartmouth.edu)

On Mar 20, 2024, at 8:11 AM, Judith Newman <[JNewman@leg.state.vt.us](mailto:JNewman@leg.state.vt.us)> wrote:

You don't often get email from [jnewman@leg.state.vt.us](mailto:jnewman@leg.state.vt.us). [Learn why this is important](#)

The Senate Natural Resources and Energy committee invites you testify on Thursday, March 21 at 11:30 AM. Zoom or in person, your choice. Please let me know if you are available. Thank you, Jude

Judith Newman, Committee Assistant  
Office of Legislative Council  
Senate Natural Resources and Energy  
[jnewman@leg.state.vt.us](mailto:jnewman@leg.state.vt.us)

<S-0259 As Introduced.pdf>

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# National attribution of historical climate damages

Christopher W. Callahan<sup>1,2</sup> · Justin S. Mankin<sup>2,3,4</sup>

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## Abstract

Quantifying which nations are culpable for the economic impacts of anthropogenic warming is central to informing climate litigation and restitution claims for climate damages. However, for countries seeking legal redress, the magnitude of economic losses from warming attributable to individual emitters is not known, undermining their standing for climate liability claims. Uncertainties compound at each step from emissions to global greenhouse gas (GHG) concentrations, GHG concentrations to global temperature changes, global temperature changes to country-level temperature changes, and country-level temperature changes to economic losses, providing emitters with plausible deniability for damage claims. Here we lift that veil of deniability, combining historical data with climate models of varying complexity in an integrated framework to quantify each nation's culpability for historical temperature-driven income changes in every other country. We find that the top five emitters (the United States, China, Russia, Brazil, and India) have collectively caused US\$6 trillion in income losses from warming since 1990, comparable to 11% of annual global gross domestic product; many other countries are responsible for billions in losses. Yet the distribution of warming impacts from emitters is highly unequal: high-income, high-emitting countries have benefited themselves while harming low-income, low-emitting countries, emphasizing the inequities embedded in the causes and consequences of historical warming. By linking individual emitters to country-level income losses from warming, our results provide critical insight into climate liability and national accountability for climate policy.

**Keywords** Climate economics · Attribution · Climate litigation · Loss and damage

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# 1 Introduction

Quantitatively assessing the responsibility of individual nations for the impacts of climate change is necessary to develop and evaluate equity-based mitigation agreements (Okereke & Coventry, 2016) and inform legal discussions regarding climate liability (Burger et al., 2020; Stuart-Smith et al., 2021). Furthermore, precisely quantifying whose emissions have caused damage to whom, and how much, is critical to advance emerging legal discussions about how courts might apportion liability among the world's emitters (Burger et al., 2020). Climate change attribution work has long been motivated by the possibility of being used for liability claims (Allen, 2003; Marjanac & Patton, 2018) and scientific efforts to assess national responsibility for climate change have been undertaken in earnest since Brazil's 1997 proposal that mitigation requirements be proportional to each country's historical responsibility for warming (M. Den Elzen & Schaeffer, 2002; Prather et al., 2009).

Despite the history of work on national attribution, individual nations' emissions have not been quantitatively linked to the downstream economic impacts of warming, which requires an integrated analytical framework. Many previous studies have analyzed individual steps in the causal chain from emissions to impact. Existing national attribution work has quantified contributions to global emissions (Ciais et al., 2013; M. G. Den Elzen et al., 2013; Höhne et al., 2011; Matthews, 2016), GHG concentrations (Ciais et al., 2013; Wei et al., 2012), global radiative forcing (Li et al., 2016; Murphy & Ravishankara, 2018; Ward & Mahowald, 2014), or global mean temperature change (Höhne et al., 2011; Matthews et al., 2014; Skeie et al., 2017; Wei et al., 2012). At the same time, there has been a broadened appreciation of how varied regional temperature responses can be in response to global mean warming (Deser et al., 2012), which has complicated the attribution of climate change at local scales by requiring large ensembles of simulations with a single model. Separately, advances in applied econometrics have allowed scientists to tie historical warming to large effects on observed national economic productivity (Burke et al., 2015; Dell et al., 2012; Diffenbaugh & Burke, 2019). However, no study has combined these three literature bases in a coherent framework to quantify changes in economic output attributable to individual emitters. The central contribution of this study is to combine historical data with climate models of varying complexity to quantify the contribution of each nation's emissions to the historical economic effects of warming in every other nation. This analysis represents an important step forward for at least four reasons.

Firstly, the legal requirement to prove standing in order to sue for climate-related harms means that plaintiffs must credibly link the damage they have suffered to a specific actor responsible for that damage (Burger et al., 2020). Attributing economic damage to global warming writ large is not considered legally sufficient to prove the causal role of a specific emitter (Marjanac & Patton, 2018), so existing studies that have quantified historical losses from climate change without connecting them to specific emitters do not support climate liability claims. The lack of scientific evidence linking individual emitters to the downstream impacts of warming has been a principal evidentiary gap in climate litigation (Stuart-Smith et al., 2021), so an analysis extending attribution of economic losses from warming to specific emitters is a key step forward.

Secondly, previous studies linking emissions to warming or warming to damages have often used different data, modeling approaches, or spatiotemporal resolutions, making it difficult to quantify national responsibility for economic impacts from existing literature. For example, many studies linking individual nations' emissions to climate change have done so at the global (M. G. Den Elzen et al., 2013; M. Den Elzen & Schaeffer, 2002;

Höhne et al., 2011; Matthews, 2016; Matthews et al., 2014; Skeie et al., 2017) or grid-cell (Wei et al., 2012) scale, as opposed to the district or country scale used in empirical climate-economy studies (Burke et al., 2015; Burke & Tanutama, 2019; Dell et al., 2012; Kalkuhl & Wenz, 2020). Two recent studies connected individual emitters to regional (Lewis et al., 2019, p. 201) or country-level (Beusch et al., 2022) temperature changes, but both did so only for the top few emitters and focused on the next several decades instead of the historical period, making their analyses unsuited for quantifying national contributions to historical losses from warming and thus present liability claims.

Thirdly, nonlinearities in the coupled climate-economy system make any inference of national responsibility for climate damages from existing studies irresponsible (den Elzen et al., 2005; Höhne & Blok, 2005; Trudinger & Enting, 2005). The efficiency of carbon sinks in the land and ocean decreases with increasing emissions, the economic growth penalty of rising temperatures is more severe at higher temperatures (Burke et al., 2015), and reductions in growth compound exponentially over time (Moore & Diaz, 2015). Identical GHG emissions from different countries at different times therefore may have different economic effects. As a result, studies showing the effect of overall historical warming on the global economy (Diffenbaugh & Burke, 2019), do not, on their own, position an assessment of individual nations' responsibility for those effects (Burger et al., 2020). A key contribution of our work is to interactively simulate the carbon cycle and climate response to individual nations' emissions as part of an analytical pipeline that connects these responses to country-level temperature changes.

Finally, uncertainties compound at each step in the causal chain from emissions to impact (Prather et al., 2009). Uncertainty can provide emitters with a veil of plausible deniability against the damages suffered by claimants. As such, responsibly assessing the culpability of an individual emitter for the climate damages suffered by another country (i.e., the signal) requires a robust estimate of the uncertainty in that culpability (i.e., the noise). Uncertainties in the carbon cycle response to emissions complicate attribution of global warming to individual emitters (Höhne et al., 2011; Karstensen et al., 2015; Wei et al., 2014). Internal climate variability increases uncertainty further, as many local (or country-level) temperature changes are consistent with the same magnitude of global temperature change (Deser et al., 2012). Uncertainty in the economic response to warming has dominated uncertainty in overall climate damage estimates (Burke et al., 2018), but it is not obvious which sources of uncertainty are most important in calculations of damages attributable to individual nations. Further, explicitly comparing uncertainties within the same framework will provide information to decision-makers about where to focus scientific efforts in support of climate liability discussions. Such work has not yet been performed, as it requires an integrated end-to-end attribution analysis, such as the one we present here.

Here we assess the economic effects of the warming attributable to each country's emissions. We use a simple carbon-climate model to estimate the contribution of countries' emissions to global mean surface temperature (GMST) change, propagate these global contributions to the country scale using a pattern scaling approach trained on existing global climate model (GCM) output, and apply existing temperature-growth relationships to calculate the economic effects of these country-level temperature changes. To estimate uncertainty at each step in the causal chain, we run a series of perturbed-parameter simple climate model simulations, use both single- and multi-model GCM ensembles to propagate global forcing to the country level, and resample the temperature-growth relationship (Methods). This methodology yields a distribution of two million possible values of damage suffered by one country attributable to another country in each year, a distribution which we leverage to test the statistical significance of this damage (Methods). While the

burden of proof for demonstrating liability is high and nonlinearities in the climate system make any such attribution difficult, our work is an important contribution to the effort to develop evidence that can be used to make claims for legal standing.

## 2 Data

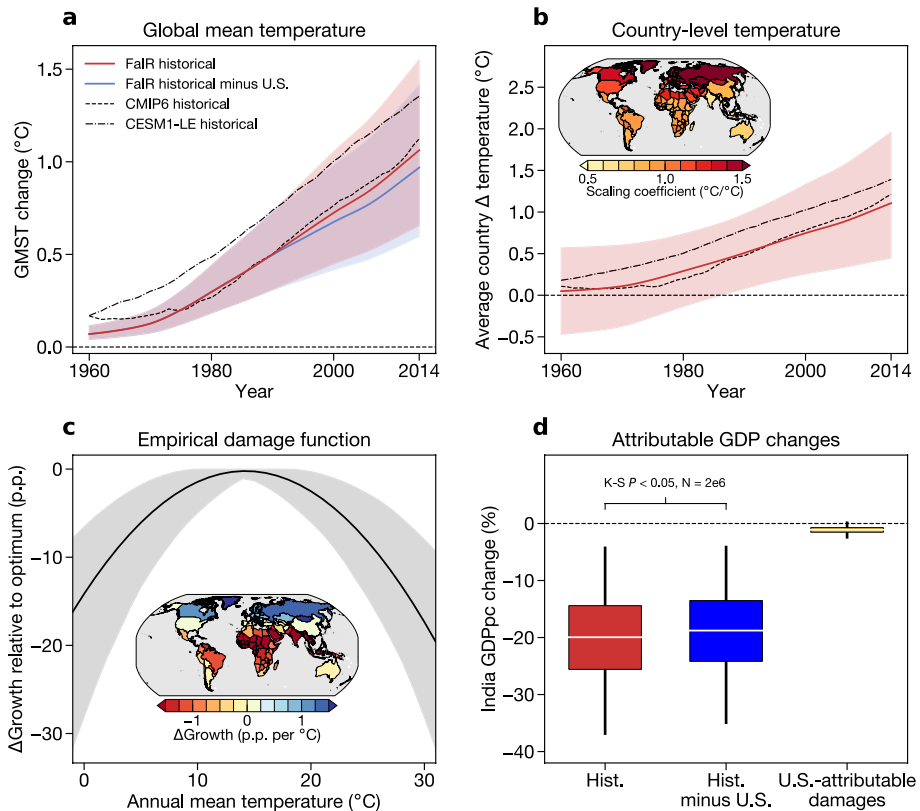
We use 1960–2014 temperature observations from Berkeley Earth (Rohde & Hausfather, 2020), the 20th Century Reanalysis (Compo et al., 2011), and the University of Delaware (Willmott, 2000) (UDEL), regridded to a common 1°-by-1° resolution and averaged together. We similarly average precipitation from Global Precipitation Climatology Centre (Schneider et al., 2011) and UDEL at a 0.5°-by-0.5° resolution. We average multiple datasets to reduce observational uncertainty associated with any single gridded data product, as ensembles of datasets have been shown to outperform individual datasets (Gottlieb & Mankin, 2021). However, we note that we find very similar regression results using each individual data product, so this choice does not substantially affect our results (Supplementary Fig. 1). While our analysis focuses on the effects of temperature, we use precipitation data as a covariate in the statistical model (Methods).

This observational data is aggregated to population-weighted country means using year-2000 population data from the Gridded Population of the World (Center for International Earth Science Information Network, 2016) and merged with 1960–2014 gross domestic product per capita (GDPpc) data from the World Bank (Bank, 2016) and United Nations World Population Prospects country population data. Population weighting of the climate data focuses the analysis on populous regions within large, geographically heterogeneous countries. All spatial interpolation is performed with bilinear interpolation using Python's "xarray" package.

We use two sets of climate model data to sample the uncertainty in model responses to forcing and their representation of internal climate variability: the first realization of each of 12 models from the sixth phase of the Coupled Model Intercomparison Project (Eyring et al., 2016; Gillett et al., 2016) (CMIP6, Supplementary Table 1) and 20 realizations of the CESM1 Large Ensemble (Deser et al., 2020; Kay et al., 2015) (CESM1-LE). The CMIP6 models sample uncertainty across model structure, while CESM1-LE allows us to isolate the role of internal climate variability in propagating global forcing to the local level (Hawkins & Sutton, 2009).

We use the CMIP6 "historical" and "historical-nat" simulations from 1850 to 2020; the historical-nat simulations extend to 2020, whereas the historical simulations extend only to 2014, so we splice them with the first 6 years of each model's Shared Socioeconomic Pathway 5–8.5 (SSP5-8.5) simulation to extend these simulations to 2020 (Schwalm et al., 2020). From CESM1-LE, we use the single-forcing experiments named "ALL" and "XGHG" over 1920–2020 to represent a world with and without GHG emissions. For simplicity, we refer to all these experiments as "historical" and "natural." GMST has risen faster in the CESM1-LE ensemble mean than in the CMIP6 ensemble mean (Fig. 1a), which may be due to structural model differences and to the fact that the CMIP6 models incorporate aerosols, which have a cooling effect. However, when considering individual models and realizations, the CMIP6 ensemble range encompasses the CESM1-LE realizations (Supplementary Fig. 2), so this discrepancy does not substantially affect our results.

We use monthly near-surface air temperature ("tas") from all ensembles, resampled to annual means and interpolated to a common 2°-by-2° grid. While our calculation of



**Fig. 1** Attribution approach. **(a)** FaIR GMST change from historical emissions (red) and historical-minus-United States emissions from 1990 to 2014 (blue). Shading shows the 95% ensemble range. Black lines show the ensemble mean GMST change from two GCM ensembles: the CMIP6, which provides an estimate of structural uncertainty across models, and the CESM1-LE, which provides an estimate of uncertainty from internal climate variability. GMST change is calculated by subtracting each simulation's corresponding natural simulation. **(b)** Mean national temperature change from pattern scaling using FaIR and GCM output, with FaIR-based historical in red and GCM output in black. Shading shows the 95% ensemble range. Map shows each country's pattern scaling coefficient (Methods). **(c)** Relationship between annual temperature and GDPpc growth relative to the optimum temperature. Shading shows the 95% bootstrap range (Methods). Map shows the marginal effect of a 1 °C increase in annual mean temperature for each country. **(d)** Change in India's GDPpc attributable to historical emissions (red), historical-minus-United States (U.S.) emissions (blue), and the U.S. alone (yellow). Boxes span the 25–75<sup>th</sup> percentiles and whiskers extend to the 2.5–97.5<sup>th</sup> percentiles. Upper text denotes the *P*-value of a Kolmogorov–Smirnov (K-S) test on the two distributions, with *N* denoting the sample size

economic damages extends only to 2014, we use climate model simulations through 2020 to enable us to smooth these data with a centered running mean in the pattern scaling analysis (Methods).

To simulate the effects of individual nations' emissions, we use the Finite amplitude Impulse Response (FaIR) v1.3 model (Millar et al., 2017; Smith et al., 2018). As inputs to FaIR, we use 1850–2014 national fossil fuel emissions data from the Community Emissions Data System (Hoesly et al., 2018) (CEDS), merged with national land use and land cover change (LULCC) emissions data from Houghton and Nassikas (2017). The CEDS

data are the official emissions data for use in CMIP6 simulations, which avoids discrepancies between our FaIR simulations and the GCM output. These emissions data use “territorial” accounting, where emissions are assigned to the countries in which they occur. We also compare these results to 1990–2014 “consumption-based” emission data from the Global Carbon Project (Peters et al., 2012) (GCP) to account for emissions embodied in international trade (Davis & Caldeira, 2010), though consumption-based data is only available for fossil fuel CO<sub>2</sub> emissions and not LULCC emissions.

### 3 Methods

Our approach is threefold: (1) Estimate national contributions to GMST change using a simple emissions-driven climate model; (2) Propagate these GMST changes into country-level temperatures using pattern scaling methods trained on output from coupled climate models; and (3) Calculate the resulting economic damages using empirical temperature-growth relationships.

#### 3.1 National contributions to global temperature change in a simple climate model

To simulate the contributions of individual countries to global climate change, we use FaIR in a set of “leave-one-country-out” experiments. We run FaIR from 1850 to 2014 with total historical emissions to represent the historical scenario (Fig. 1a). Then, for each country in the CEDS data ( $N=174$ ), we simulate the same historical period with all emissions except those from that country (Fig. 1a). In each of the 174 sets of simulations, we remove a single country’s contributions to fossil fuel and LULCC carbon dioxide, methane, and nitrous oxides; we leave other chemical species, along with solar and volcanic forcing, unchanged. We also run a “natural” simulation where all emissions are fixed at 1861–1880 averages (Smith et al., 2018).

When we use consumption-based emissions, we scale the original CEDS territorial fossil fuel CO<sub>2</sub> emissions by the ratio of consumption-to-territorial emissions from GCP. This procedure generates consumption-based emissions data that are internally consistent with the CEDS data, which avoids propagating absolute differences in emissions amounts between GCP and CEDS into our results.

To match our calculations of economic damage from temperature change, which are performed from 1990 to 2014 and from 1960 to 2014, our leave-one-out simulations with FaIR are forced with total historical emissions from 1850 until either 1990 or 1960, at which point the forcing removes a nation’s emissions. A start date of 1990 examines the counterfactual in which countries had phased out fossil fuels once the scientific consensus on climate change became clear; a start date of 1960 examines the counterfactual in which postwar economic development had occurred with renewable energy rather than fossil fuels. Note that global emissions include processes with ambiguous national affiliations, such as international shipping and aviation. We include these emissions in the global total, but CEDS does not assign them to individual nations, so they are never subtracted from that global total. As such, our leave-one-out simulations may not precisely sum to global totals.

Further discussion of the appropriateness of the “leave-one-out” method, explanation of the choice to use total emissions instead of per capita emissions, and details on how we

implement the perturbed-parameter FaIR simulations are available in the Supplementary Information.

### 3.2 Propagating national contributions to warming to the country level

To extend the results of our FaIR simulations to the country level, we use a “pattern scaling” approach that relates GMST to country-level temperatures (Mitchell, 2003; Santer, BD et al., 1990; Tebaldi & Arblaster, 2014). We first calculate annual GMST from each model by averaging surface temperature, weighting by the square root of the cosine of latitude. We then take the difference between the historical and natural simulations for each model for both GMST and each country’s annual temperature, and we smooth these differences with an 11-year centered running mean to reduce interannual variability, a method which has been previously used to reduce the influence of internal variability in pattern scaling (Mitchell, 2003). The centered running mean means that the value for 2014 represents the average from 2009 to 2019, inclusive, which is why we splice the historical CMIP6 simulations with the SSP5-8.5 projections to allow this calculation.

We then linearly regress the simulated 1960–2014 country-level temperature change values onto the simulated 1960–2014 GMST change values for each model (Beusch et al., 2020; Mitchell, 2003; Tebaldi & Arblaster, 2014), motivated by the strong linear relationship between GMST change and local temperature change (Seneviratne et al., 2016). Other pattern scaling approaches use a “delta” method that compares epoch differences rather than fitting a regression (Tebaldi & Arblaster, 2014), but the regression method has been found to outperform delta method approaches (Lynch et al., 2017; Mitchell, 2003). This approach yields a regression coefficient for each country that describes its sensitivity to changes in GMST; coefficients range from 0.6 to 0.7 °C in the tropics, indicating slower warming than the global mean, to > 1.5 °C in the poles, indicating faster warming than the global mean and consistent with the classic “Arctic amplification” pattern (Fig. 1b, inset). We perform this regression over the model-simulated 1960–2014 period to maintain consistency in time periods with the rest of the analysis.

We then predict the time evolution of country-level temperatures in each FaIR realization using the FaIR GMST values and the above coefficients, in both the historical and leave-one-out simulations (Fig. 1c). Note that the predicted time series do not contain realistic interannual variability; in the next section, we show how we reference these predicted time series to observed temperatures to impute realistic variability to the counterfactual time series.

### 3.3 Attribution of climate damages to each country

The final step in our analysis is to extend these reconstructed country-level temperature changes into income changes. Here we apply existing methods for empirically estimating the effect of temperature changes on economic growth rates. Our main analysis uses the global nonlinear approach developed by Burke et al. (2015), though we also test several alternative functional forms (Supplementary Information). We apply the regression specification of Burke et al. (2015) to our data, rather than relying on their published parameter estimates, so that each step of our analysis uses the same data and spatiotemporal scale and so that we can easily propagate uncertainty through our analysis. Specifically, we estimate the following model with ordinary least squares:



$$g_{ct} = \beta_1 T_{ct} + \beta_2 T_{ct}^2 + \pi_1 P_{ct} + \pi_2 P_{ct}^2 + \gamma_c + \mu_t + \theta_{c1}t + \theta_{c2}t^2 + \epsilon_{ct} \quad (1)$$

In Eq. 1,  $g$  denotes GDPpc growth,  $T$  denotes population-weighted country-mean annual mean temperature, and  $P$  denotes population-weighted country-mean precipitation (annual mean of monthly total rainfall). The country fixed effect  $\gamma$  controls for time-invariant country-specific factors such as geography and the year fixed effect  $\mu$  controls for common global shocks.  $\theta$  denotes country-specific linear and quadratic time trends, which account for secular trends in output due to factors such as technological change. To sample uncertainty in the  $\beta$  parameters, we use 250 bootstrap iterations to re-estimate the parameters after resampling with replacement by country, which accounts for autocorrelation in errors within each country (Burke et al., 2018). Our results may differ from the exact parameter values found in Burke et al. (2015) due to different data and a slightly longer period of analysis, but the quadratic relationship between temperature and growth we find is very similar to previous estimates (Fig. 1c).

To calculate the marginal effect of an additional degree in the annual mean temperature (Fig. 1c, inset), we differentiate Eq. 1 with respect to temperature.

$$\frac{\partial g_{ct}}{\partial T_{ct}} = \beta_1 + 2 * \beta_2 * T_{ct} \quad (2)$$

We use this temperature-growth relationship to compare observed growth in each country with the counterfactual growth that would have occurred without each other country's emissions.  $\Delta T^{\text{hist}}$  denotes the historical temperature change from FaIR and  $\Delta T^{\text{hist}-a}$  denotes the temperature change induced by the leave-one-out simulations for country  $a$ , with distinct values for each GCM, FaIR realization, country, and year.

For each country, GCM, and FaIR realization, we construct two counterfactual temperature time series:

$$\delta T^{\text{hist}} = T - \Delta T^{\text{hist}} \quad (3)$$

$$\delta T^a = T - (\Delta T^{\text{hist}} - \Delta T^{\text{hist}-a}) \quad (4)$$

Here,  $T$  refers to observed temperatures,  $\delta T^{\text{hist}}$  refers to temperatures that would have occurred without any anthropogenic climate change, and  $\delta T^a$  refers to temperatures that would have occurred without country  $a$ 's emissions. Supplementary Fig. 3 provides a schematic of this calculation. These counterfactual temperatures are referenced to the observed time series to: (1) impute realistic interannual variability to these smooth counterfactual time series; and (2) bias-correct the model output by using differences rather than absolute temperatures.

To calculate the resulting economic damage for each country, year, FaIR realization, GCM, and damage function bootstrap, we first calculate the effect of temperature change on economic growth  $\Delta g$  using the parameters  $\beta_1$  and  $\beta_2$ , where  $\Delta g$  is positive when countries would have grown faster without climate change:

$$\Delta g^{\text{hist}} = \left[ \beta_1 (\delta T^{\text{hist}}) + \beta_2 (\delta T^{\text{hist}})^2 \right] - \left[ \beta_1 (T) + \beta_2 (T)^2 \right] \quad (5)$$

Calculating the change in growth this way subtracts out the non-climate determinants of growth and isolates the change associated with temperature. This difference in growth is then applied to the beginning of the observed GDPpc time series and integrated to calculate



a counterfactual GDPpc time series ( $cGDP^{\text{hist}}$ ) for each country, model, FaIR realization, and damage function bootstrap:

$$cGDP_t^{\text{hist}} = cGDP_{t-1}^{\text{hist}} + [cGDP_{t-1}^{\text{hist}} * (g_t + \Delta g_t^{\text{hist}})] \quad (6)$$

Economic damage  $D$  is calculated as the difference between a country's actual GDPpc time series and this counterfactual time series. GDPpc values are multiplied by population to convert to absolute GDP where appropriate.

We first perform the above calculation using the historical counterfactual time series  $\delta T^{\text{hist}}$  and the observed time series  $T$ , yielding total historical damage  $D^{\text{hist}}$ . We then compute the leave-one-out damage value  $D^{\text{hist}-a}$ , which refers to the damage done by all emissions other than those of country  $a$ , by repeating the counterfactual growth and GDP calculation using  $\delta T^{\text{hist}}$  and  $\delta T^a$  (Supplementary Fig. 3). The economic damage attributable to country  $a$  ( $D^a$ ) for each country, year, GCM, FaIR realization, and damage function bootstrap is the difference between these damage values:

$$D^a = D^{\text{hist}} - D^{\text{hist}-a} \quad (7)$$

Note that  $D^a$  can take on both negative and positive values, representing economic damages and benefits resulting from country  $a$ 's emissions, respectively. Once we determine total dollar effects in individual nations, we aggregate them to total global income changes; where appropriate, we show cumulative attributable damages, which refer to the sum over time of attributable income changes.

One key caveat in our work relates to the emission of anthropogenic aerosols, which have a cooling effect. Based on analysis presented in detail in the Supplementary Information, the varied treatment of aerosols across models does not drive model differences in attributable damages (Supplementary Fig. 4).

### 3.4 Statistical tests of significant national contributions to damages

To determine whether attributable damage for country  $a$  is statistically significant, we compare the distributions of damage with ( $D^{\text{hist}}$ ) and without ( $D^{\text{hist}-a}$ ) the emissions of country  $a$ . For each country and year, we use a Kolmogorov–Smirnov (K-S) test to determine whether these two distributions are statistically distinguishable (Fig. 1d).  $P$ -values less than 0.05 are considered significant, indicating that the “with  $a$ ” and “without  $a$ ” distributions are not likely drawn from the same underlying distribution. When aggregating total attributable damages, we only aggregate from countries and years that pass this significance test.

We use a K-S test both because it is nonparametric and because it incorporates both the location and shape of the damage distributions, allowing us to leverage our uncertainty quantification analysis. However, repeating our analysis using a Student's  $t$ -test yields similar results, so our results are not sensitive to this choice (Supplementary Fig. 5).

### 3.5 Uncertainty partitioning

Our analysis yields an array  $D^a$ , which refers to the cumulative effect of country  $a$ 's emissions on country  $c$ , with uncertainty from the FaIR carbon cycle parameters, the global-to-local pattern scaling, and the empirical temperature-growth parameters. Each type of uncertainty is calculated as the standard deviation of  $D^a$  across that dimension and the mean of all other dimensions, for example, the standard deviation of  $D^a$  across all FaIR

carbon cycle parameters and the mean across the pattern scaling coefficients and temperature-growth parameters. We split out CMIP6 and CESM1-LE in this calculation to represent global-to-local pattern scaling uncertainty from model structure and internal variability, respectively.

We then follow previous uncertainty partitioning work by calculating additive 95% uncertainty ranges around the mean (Hawkins & Sutton, 2009; Lehner et al., 2020). The component of the 95% range due to carbon cycle uncertainty  $R$ , for example, is calculated as:

$$\pm \frac{1.96 * R}{F} \quad (8)$$

where  $F$  is calculated as:

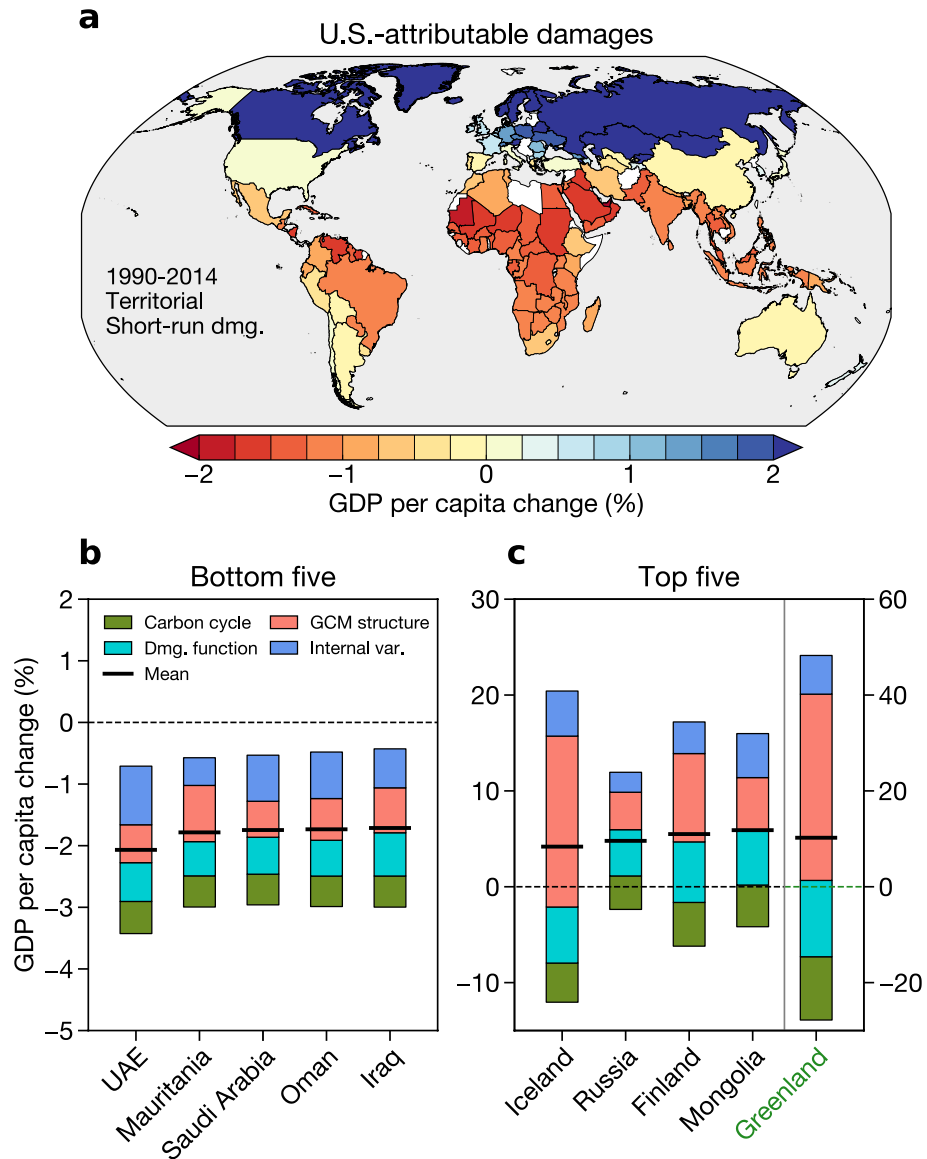
$$F = \frac{R + B + MS + IV}{\sqrt{R^2 + B^2 + MS^2 + IV^2}} \quad (9)$$

Here  $B$  denotes temperature-growth parameter uncertainty (i.e., the standard deviation of the damage estimates across the temperature-growth parameters with the other dimensions held at their mean values),  $R$  denotes FaIR carbon cycle uncertainty,  $MS$  denotes uncertainty in the pattern scaling from model structure, and  $IV$  denotes uncertainty in the pattern scaling from internal variability. The sum of all four sources of uncertainty is shown as the range of the bars in Fig. 2b, c, with the components of total uncertainty colored by type.

## 4 Results

The spatial pattern of economic damages from warming attributable to U.S. emissions is shown in Fig. 2. Income changes are positive in the high latitudes, mild in the midlatitudes, and negative in the tropics (Fig. 2a), consistent with each country's placement relative to the optimum temperature for growth (Fig. 1c). Losses are concentrated around 1–2% of GDPpc across nations in South America, Africa, and South and Southeast Asia, where temperature shocks may damage economic factors such as labor productivity (Dunne et al., 2013) and agricultural yields (Schlenker & Roberts, 2009). On the other hand, gains exceed 3–4% of GDPpc in Canada, Russia, and Scandinavia; cold baseline temperatures mean that warming makes economic output easier in these countries.

Our integrated framework allows us to quantify not just the magnitude of losses attributable to individual countries' emissions, but also the various uncertainties in these estimates (Methods), which has not been possible in studies that only address part of the causal chain from emissions to impact. Our uncertainty decomposition reveals significant roles for the responses of the global carbon cycle and climate to emissions, the model response to global forcing as represented by CMIP6 ("GCM structure"), internal climate variability in the response to global forcing as represented by the CESM1-LE ("internal var.") and the empirical temperature-growth parameters. In the five most-damaged countries, most of the uncertainty comes from GCM structure and internal variability (Fig. 2b). Variation in damages is therefore highly sensitive to uncertainty in the local warming that is consistent with any one emissions trajectory. Internal variability alone can play a significant role in pattern scaling uncertainty (Giorgi, 2008); this source of uncertainty has been highlighted as crucial for evaluating policy success and



**Fig. 2** U.S.-attributable climate damages. **(a)** Ensemble mean GDPpc changes in each country attributable to U.S. emissions, over 1990–2014 with territorial emissions accounting and a short-run (contemporaneous) damage function. Missing data (white countries) denotes countries without continuous GDPpc data from 1990 to 2014. **b**, **c** U.S.-attributable damages in the five countries with the greatest GDPpc percent decreases **(b)** and percent increases **(c)**. The black lines show the mean, the boxes denote the 95% ensemble range, and the colored portions denote the additive fraction of each 95% range due to each source of uncertainty (Methods). Note the different y-axes in **b** and **c**

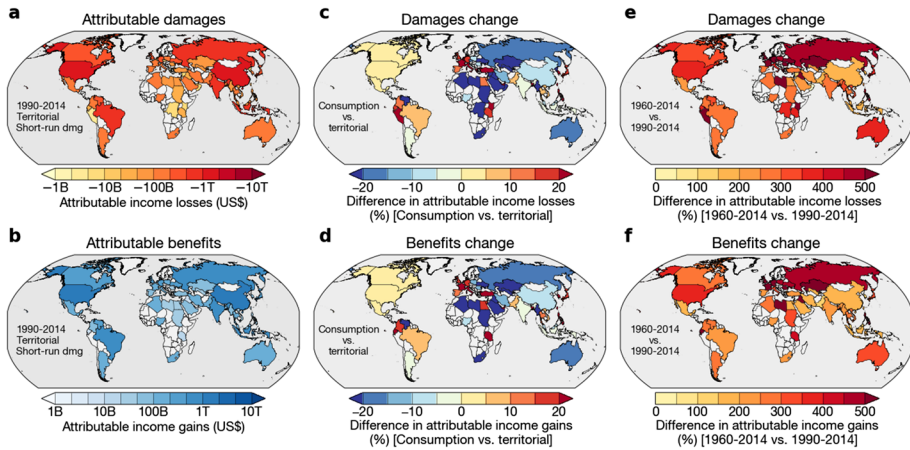
failure (Mankin et al., 2020). However, despite these uncertainties, the confidence intervals on the U.S. effect on these highly damaged countries do not include zero, indicating high confidence that U.S. emissions have caused harm (Fig. 2b). Uncertainty grows at higher latitudes, with major contributions from all four sources, especially GCM structural uncertainty (Fig. 2c).

Our results contrast with uncertainty decompositions for the economic costs of overall global warming, where uncertainty in the temperature-growth regression is largest (Burke et al., 2018). These previous analyses did not explicitly consider internal climate variability, which we find to be a major contributor to uncertainty in attributable damages. Our results may also differ because we consider uncertainty in country-level damages attributable to other countries, rather than uncertainty in total global losses. Uncertainty in total losses is dominated by the temperature-growth regression in part because many high-income countries are near the temperature optimum, so small changes in the optimum can flip the sign of the effect of climate change in these countries (Burke et al., 2018). However, for tropical countries who lose out in all temperature-growth parameter samples (Fig. 2b), uncertainty in the propagation of global forcing to local climate can dominate. A country-level uncertainty decomposition is important because climate liability is often addressed through the lens of local decision-makers seeking redress for a particularized harm (Burger et al., 2020), and our results demonstrate that decision-makers in tropical countries seeking this redress should focus on reducing physical climate uncertainty rather than economic uncertainty, for example.

One source of uncertainty we do not consider is uncertainty in emissions inventories, which is poorly constrained and an area of active research (Fowlie & Reguant, 2018; Hoelsly et al., 2018; Höhne et al., 2011; Karstensen et al., 2015). However, emissions uncertainty is largest further back in time and in countries whose emissions are primarily LULCC-driven (Höhne et al., 2011), meaning that damages caused by the largest emitters in recent years are likely not subject to substantial emissions uncertainty (Karstensen et al., 2015). Moreover, our use of the official CMIP emissions inventory positions an appropriate analysis using data accepted by the World Climate Research Programme in support of the UNFCCC, even if that data is provisional and subject to uncertainty.

Performing this same damage attribution exercise for every emitting country and aggregating these country-level damages to global sums yields the cumulative global damages and benefits caused by the emissions of each nation (Methods, Fig. 3). We show losses and benefits attributable to each country separately. The reason for this presentation choice is simply that adding the damages and benefits attributable to any one country to calculate net damages would assume that the benefits accruing in one place from that country's emissions cancel the losses suffered in another from those same emissions, which is not the case. Claims for climate liability require concrete and particularized injuries suffered by specific plaintiffs (Burger et al., 2020), so assessing damages and benefits independently is essential.

Global income changes attributable to the U.S. and China's emissions over 1990–2014 each exceed US\$1.8 trillion in both losses and benefits; losses and benefits induced by Russia, India, and Brazil each individually exceed US\$500 billion (Fig. 3a, b). The US\$6 trillion in cumulative losses attributable to those five countries alone is comparable both to some 11% of annual world GDP and to the economic losses associated with warming the planet to 2 °C rather than 1.5 °C (Burke et al., 2018). Large emitters make disproportionate contributions to climate damages; the top 10 most damaging countries are together responsible for more than 67% of losses and 70% of benefits (Supplementary Fig. 6). The U.S. contributes the most, responsible for 16.5% of losses and 18% of benefits, followed by



**Fig. 3** Global attributable climate damages and benefits. **(a)** Cumulative income losses attributable to each country over 1990–2014, using territorial emissions accounting and a short-run (contemporaneous) damage function. **(b)** Cumulative income gains attributable to each country using the same accounting choices as in **(a)**. **(c, d)** Changes in each country's attributable losses **(c)** and gains **(d)** over 1990–2014 when the accounting shifts from territorial emissions to consumption-based emissions, as countries that import (export) carbon-intensive goods and services cause more (less) damages and benefits. Changes are calculated relative to **(a)** and **(b)**; that is, panel **(c)** shows the change in attributable damages when using consumption-based accounting relative to the attributable damages shown in **(a)**. Positive values mean that consumption-based accounting results in greater attributable damages than territorial accounting. **(e, f)** Changes in each country's attributable losses **(e)** and gains **(f)** when using territorial emissions accounting and an earlier start date of 1960 rather than 1990 as in **(a)–(d)**. In all maps, only countries with statistically significant damages and/or benefits (Methods) are filled. Countries with statistically insignificant damages and/or benefits are shown in gray

China, responsible for 15.8% of losses and 16.8% of benefits; every other country individually contributes less than 10%.

The compounding uncertainties in each step of the analysis—from emissions to GHG concentrations, from GHG concentrations to temperature changes, and from temperature changes to economic damages—imply that country-level attributable damages can be highly uncertain. To address this, our analysis incorporates a significance test to ensure that we only consider statistically significant damages (Methods). Figure 3 reflects this significance test by only aggregating and showing statistically significant damages. The compounding uncertainties involved mean that many of the smallest emitters do not cause statistically detectable effects (gray countries in Fig. 3). Large emitters, on the other hand (the 32% of countries with data in Fig. 3), tend to have damage signals substantial enough to be significant when considered against all sources of uncertainty. Our incorporation of a significance test also means that small differences in emissions can lead to major differences in attributable damages. For example, Pakistan and Bolivia have similar  $\text{CO}_2$  emissions, with Pakistan emitting an average of  $35 \text{ MtC year}^{-1}$  of  $\text{CO}_2$  over 1990–2014 and Bolivia emitting an average of  $32 \text{ MtC year}^{-1}$ . But that slight difference means that while Pakistan can be tied to \$130B in statistically significant losses, Bolivia cannot be tied to any. So, while the result that heavy emitters have caused significant attributable damages may seem obvious, it is not possible to perform a quantitative attribution of precisely how much damage and to whom, nor how confident we can be in such estimates, absent an integrated framework that propagates uncertainty from each step in the analysis.

Our main analysis (Fig. 3a, b) uses territorial emissions accounting from 1990 to 2014, but other accounting choices are equally valid (Skeie et al., 2017). Consumption-based accounting incorporates emissions embodied in international trade (Davis & Caldeira, 2010) and shifts the spatial pattern of attributable damages, in particular diminishing the income changes attributable to countries in the Eastern Hemisphere (Fig. 3c, d). Under consumption-based accounting, attributable damages increase by 1.5% for the U.S., increase by 10–20% for some European countries, and decrease by 15% for Russia and 9% for China (Fig. 3c), expanding the gap in responsibility between the U.S. and all other countries (Supplementary Fig. 6).

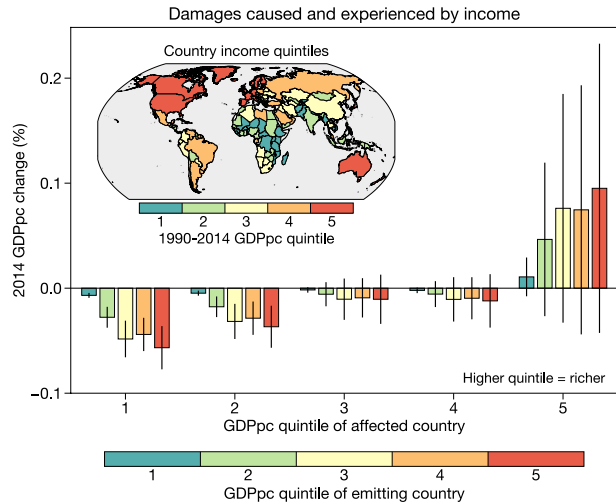
Additionally, because of nonlinearities in the responses of the climate to emissions and of the economy to the climate, the timing of emissions changes their economic effects (Höhne & Blok, 2005). Emissions released early in the twentieth century, for example, may have more severe effects because of the longer time period over which the growth effects of such emissions accumulate; at the same time, carbon sinks are stronger at lower emissions levels and the growth effects of warming are milder when baseline temperatures are cooler, so the opposite could be true. To disentangle these effects, we repeat our analysis with a start date of 1960 rather than 1990 (Fig. 3e, f). Such a shift results in larger effects attributed to all countries due to a longer period of accumulation for both GHGs and the growth effects of warming. However, the increase is not globally uniform. Developing countries' attributable damages and benefits only increase modestly, while many countries in Europe experience > 400% increases, given their large shares of pre-1990 emissions. The sensitivity of attributable damages to the accounting period is crucial to how these results should be interpreted: damages and thus potential liabilities depend on when emissions accounting begins and on what emissions are considered. These choices are ultimately political, but our analysis provides a quantitative grounding to inform these political choices.

Our main analysis quantifies parametric uncertainty in the temperature-growth relationship, but there is also structural uncertainty in the functional form of that relationship. We test two alternative formulations: one alternative functional form which examines the lagged effects of temperature shocks to determine whether those shocks are transient or persistent (Supplementary Figs. 7–10) and one alternative functional form which allows the responses of high- and low-income countries to differ (Supplementary Figs. 11 and 12). Including lagged responses increases the fraction of uncertainty attributable to the damage function, but the magnitude of damages and their statistical significance are similar to our main analysis (Supplementary Material). Differentiating the responses of high- and low-income countries increases both the damages and benefits attributable to major emitters (Supplementary Material). These analyses demonstrate that our results are generally robust to uncertainty in the functional form of the temperature-growth relationship.

The spatial pattern of attributable damages (e.g., Fig. 2a) has clear distributional implications. Countries that lose income are warmer and poorer than the global average, generally located in the tropics. Countries that gain income are cooler and wealthier than the global average, generally located in the midlatitudes. Global warming to date has amplified, and will continue to amplify, this extant pattern of global economic inequality (Dif-ferbaugh & Burke, 2019).

Our results provide an additional dimension to this globally unequal pattern: The cool, relatively wealthy countries that have gained from anthropogenic warming are also those that (1) have emitted the most and (2) caused the most damage to other countries from their emissions (Fig. 4). Nearly all the high-emitting nations in North America and Eurasia are in the top two GDP per capita income quintiles over 1990–2014, though China, India, and Indonesia are exceptions (Fig. 4, inset map). These top several income quintiles have

**Fig. 4** Income distribution of damages caused and experienced. Bar heights show the average GDPpc change experienced by countries in each income quintile that are attributable to the average emitter in each income quintile (colors). Error bars show  $\pm$  one standard deviation of the mean across the distribution of pattern scaling coefficients, FaIR realizations, and damage function parameters (Methods). Inset map shows each country's income quintile, calculated using 1990–2014 average GDPpc



caused income losses in the poorest two quintiles, while they have caused income gains for themselves that exceed those losses in magnitude (Fig. 4). On the other hand, countries in the lowest income quintile, primarily in Africa and central and south Asia, have caused nearly zero effects on other countries while suffering the greatest disadvantages from the emissions of larger economies. While uncertainty is large for the gains experienced by higher income quintiles (see also Fig. 2c), uncertainty is relatively low for damages in the bottom two quintiles. As such, the distributional picture of culpability and equity in climate damages is evident, despite the myriad complexities involved in linking individual nations' emissions to climate impacts.

The results shown in Fig. 4 use territorial emissions accounting over 1990–2014 as in our baseline analysis, but many high-income, high-emitting countries have also imported additional emissions through their demand for products from the developing world (Davis & Caldeira, 2010). Shifting to consumption-based emissions accounting would therefore amplify the distributional picture illustrated in Fig. 4 (primarily in Europe; cf. Figure 4, Fig. 3c, d), as would shifting to an earlier accounting period (Fig. 3e, f).

These results are consistent with previous work that shows increases in global inequality from historical warming (Diffenbaugh & Burke, 2019). However, our findings emphasize that the culpability for warming rests primarily with a handful of major emitters, and that this warming has resulted in the emitters' enrichment at the expense of the poorest people in the world: we quantify those costs to individual countries and who precisely is responsible for them. Our work shows that anthropogenic warming constitutes a substantial international wealth transfer from the poor to the wealthy.

## 5 Discussion

Our analysis has shown that GHG emissions from high-emitting countries have caused substantial economic losses in low-income, tropical parts of the world and economic gains in high-income, midlatitude regions. Critically, these economic changes are attributable to the largest emitters despite the substantial uncertainties at each step in the causal chain



from emissions to impact. Our results are robust despite the wide range of carbon cycle parameters and climate sensitivities, global-to-local forcing strengths, and temperature-growth specifications we test.

These results have two key implications. Firstly, they illustrate that physical climate uncertainty may constitute the dominant source of uncertainty in losses in tropical countries that are attributable to major emitters. While uncertainty in the relationship between the climate and economy is the dominant uncertainty in global losses from warming (Burke et al., 2018), our results demonstrate that this does not hold at the country level. In the low-income tropical countries that are most vulnerable to warming, internal climate variability and differences in model structure can produce a wide range in damages attributable to major emitters like the U.S. Scientific efforts to narrow uncertainty in regional climate change may therefore pay large dividends for countries seeking legal recourse for climate damages.

Secondly, our results show that the actions of specific emitters can be tied to the downstream monetary implications of climate change. Emerging discussions about climate liability have been limited to date by a lack of scientific evidence supporting causal linkages between individual countries' emissions and the consequent local impacts (Burger et al., 2020; Stuart-Smith et al., 2021). Our framework shows that such linkages can be quantified using state-of-the-art climate models and empirical approaches and that we can process-trace exactly who has caused economic losses from their emissions, and how much. While previous studies have illustrated the economic harms of global warming, our work shows that these harms can be assigned to individual emitters in a way that rigorously accounts for the compounding uncertainties at each step of the causal chain from emissions to local impact. Finally, it is worth noting that our approach can be generalized to other actors, such as individual firms (Ekwurzel et al., 2017; Heede, 2014; Licker et al., 2019), or to other harms, such as the economic losses suffered by farmers due to extreme heat (Difffenbaugh et al., 2021). These results therefore contribute to resolving a key barrier to climate liability efforts and advance these critical emerging discussions.

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**Author contribution** Both authors conceived the study and designed the analysis. C.W.C. performed the analysis. Both authors interpreted the results and wrote the manuscript.

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**Data availability** All data and code that support the findings of this study are available at [github.com/ccallahan45/CallahanMankin\\_NatlAttribution\\_2022](https://github.com/ccallahan45/CallahanMankin_NatlAttribution_2022).

## Declarations

**Ethical approval** Not applicable.

**Consent to participate** Not applicable.



**Consent to publish** Not applicable.

**Competing interests** The authors declare no competing interests.

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## ECONOMICS

# Globally unequal effect of extreme heat on economic growth

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Increased extreme heat is among the clearest impacts of global warming, but the economic effects of heat waves are poorly understood. Using subnational economic data, extreme heat metrics measuring the temperature of the hottest several days in each year, and an ensemble of climate models, we quantify the effect of extreme heat intensity on economic growth globally. We find that human-caused increases in heat waves have depressed economic output most in the poor tropical regions least culpable for warming. Cumulative 1992–2013 losses from anthropogenic extreme heat likely fall between \$16 trillion and \$50 trillion globally. Losses amount to 8% of Gross Domestic Product per capita per year for regions in the bottom income decile, but only 3.5% for regions in the top income decile. Our results have the potential to inform adaptation investments and demonstrate how global inequality is both a cause and consequence of the unequal burden of climate change.

## INTRODUCTION

Increases in extreme heat from anthropogenic global warming (1, 2) pose alarming risks to human well-being (3, 4). These risks are particularly acute in the poorest and warmest regions on Earth, located in the tropics, where changes in the tails of the temperature distribution have emerged first (5–7). Because of their warmth, tropical regions are at risk to cross physiological temperature thresholds for human morbidity and mortality (3, 8). Moreover, lower incomes make tropical economies less able to adapt to increases in extreme heat (9). Even modest increases in mean temperatures can cause large increases in extremes (10–13), so increased heat extremes due to warming will stress adaptive capacities in the low-income regions that have contributed least to climate change (14, 15).

There is a long history of studying, documenting, and predicting extreme heat events given the risks they pose to people (1, 2, 13) and their nonlinear response to forcing (10, 16). However, despite the centrality of extreme heat to the human experience of the climate system—as well as to present and future climate impacts—there has been little quantification of its macroeconomic costs. Without knowing the scope of economic losses from heat waves, it is difficult to conceive risk management and preparedness strategies that are commensurate with their costs. Part of this gap emerges from data realities: Extreme heat occurs at fine spatiotemporal scales, imposing strict requirements on the resolution and extent of meteorological and socioeconomic data. To overcome these data limitations, climate-economy studies tend to focus on small regions of high-quality data (17, 18) or relate global average temperatures to economic losses using functions that assume local risks are captured by mean changes (19). Crucially, however, these loss functions have not been well constrained by empirical estimates of the effects of extreme events (20).

Empirical research has shown that extreme temperatures reduce labor productivity (21), damage crops (22, 23), and increase mortality (9), among other effects. Because this research is often sector or region specific (24–26), a theoretical and empirical gap still remains

between the nonlinearities identified at the local and sectoral level and the global economic assessments required to evaluate differing climate policies. Several empirical climate-economy studies have quantified the global economic effects of changes in average temperature (27–32) and temperature variability (33) in an attempt to close this gap. However, the physical processes driving average and extreme temperatures are fundamentally distinct (34, 35). Extreme heat events are driven by atmospheric blocking events (36, 37) and land-atmosphere feedbacks, such as soil drying, that can amplify the anticyclonic circulation patterns required for multiday heat accumulation (38, 39). These processes take place on characteristic daily-to-weekly time scales and have length scales associated with the synoptic or finer. While related, these processes are not the same as those that determine climatological quantities such as annual mean temperature. Furthermore, because anthropogenic warming is projected to warm the hottest days of the year more than annual mean temperatures due to land-atmosphere feedbacks (10, 40, 41), assessing the unique economic effects of the hottest few days of the year is necessary to more fully quantify the costs of global warming.

The goal of our work is to directly quantify the global macroeconomic effects of extreme heat, to identify the risks associated with intensifying heat waves in a warming world, and to close a key gap in climate-economic research. As noted above, the requirement of high-resolution economic and disaster data challenges this effort. Data limitations are most acute in the world's poorest and warmest regions, which has skewed climate impacts research toward high-income areas (17, 18). Data limitations are particularly important in the context of extreme heat because heat waves are often subnational in scale (42), complicating the country-level approach used in many empirical climate-economy studies (30, 31).

Here, we empirically estimate the effect of extreme heat intensity on observed economic growth using data from a global sample of subnational regions. We measure extreme heat using the temperature of the hottest 5-day period in each year (“Tx5d”), although we assess several other metrics and find little difference in their effects. Tx5d and related metrics that measure the intensity of the hottest period of each year have been used in recent work to characterize changes in extreme heat (1, 11, 43–45) and have the benefit of capturing damaging multiday periods of extreme heat (23) while avoiding the arbitrary thresholds used in other heat wave metrics (46, 47).

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Tx5d does not explicitly measure the frequency of extreme heat nor variations in its duration, so our identification strategy centers on measuring the effect of the intensity of the most extreme heat wave in each year. Other metrics can be used to assess these other characteristics (13, 46, 47) but can involve specifying relatively arbitrary temperature thresholds or bins, often at the cost of transparency and simplicity.

Our empirical model includes the effects of both Tx5d and annual average temperature, their interaction to allow the effect of extremes to vary with average temperature, and temperature variability (see Materials and Methods). This strategy allows us to identify the plausibly causal effect of extreme heat intensity while allowing different regions to respond differently on the basis of their annual average temperatures. It also allows us to consider how these three moments of the temperature distribution independently and jointly shape economic costs. We then combine these empirical results with historical climate model simulations to assess the economic effects of anthropogenic changes in extreme heat intensity to date (fig. S1).

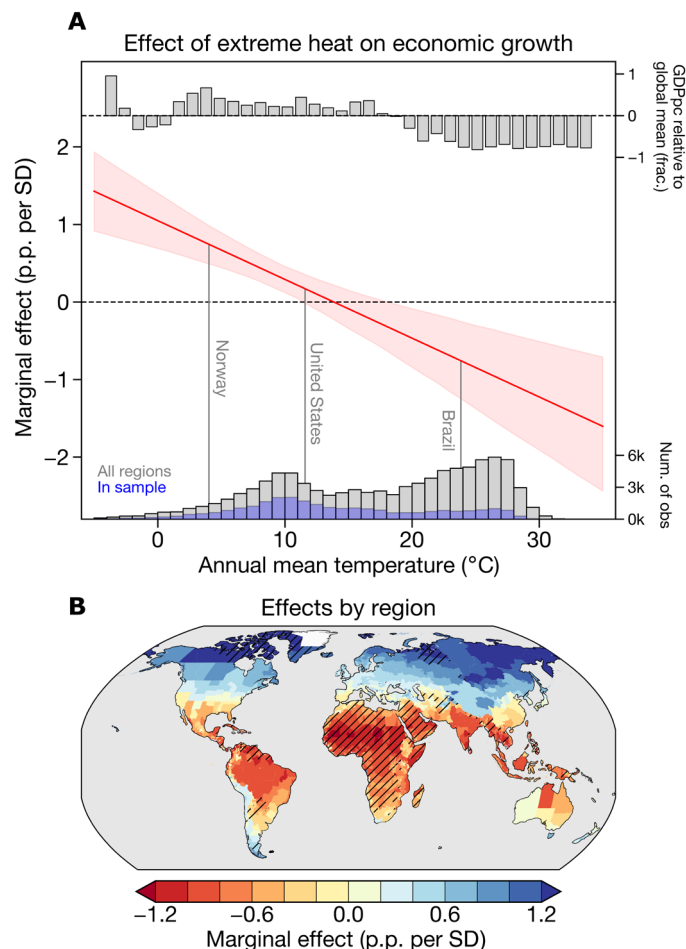
## RESULTS

### Economic effects of extreme heat

Extreme heat significantly decreases economic growth in warm regions, weakly affects growth in temperate regions, and increases growth in cold regions (Fig. 1). For example, in Brazil, where the average temperature is a warm 23.8°C, an SD increase in Tx5d intensity depresses growth by 0.63 percentage points (p.p.). In contrast, in Norway, where the temperature averages 4°C, an additional SD in Tx5d intensity enhances growth by 0.62 p.p. (Fig. 1A). These results align with previous work, as the annual mean temperature at which extreme heat becomes harmful is ~14°C, similar to the temperature optima shown in studies of annual mean temperature (27, 28).

The effects of extreme heat must be inferred for regions for which economic data is unavailable (hatching in Fig. 1B), which are primarily warm and low-income regions (Fig. 1A, histogram). Understanding the economic response to climate change is most useful when it is globally generalizable (20), motivating recent studies to extrapolate global climate-economy response functions from limited data (9, 31). Here, we follow this practice by inferring the effect of extreme heat for all regions based on their average temperatures, even where economic data are unavailable (see the Supplementary Materials). We note that the sample on which we base our estimate covers ~66% of the world's population, spans regions with average temperatures that exceed 30°C, and encompasses tropical regions in countries such as Brazil, Indonesia, and India, suggesting that our model likely provides a reliable basis from which to infer the effect of extreme heat in both cool and warm regions.

Extrapolation of our results to regions without economic data emphasizes the latitudinal structure of the effect of extreme heat (Fig. 1B). Tropical regions lose income when extreme heat increases, mid-latitude regions in the United States and southern Europe lie in a weakly affected transition zone, and high-latitude regions gain economically as their baseline temperatures are too cold for optimal growth. Critically, warm tropical regions both tend to have lower incomes (Fig. 1A, top bar plot) and suffer the most from increased extreme temperatures. These low-income tropical regions are also the regions for which the least data are available (histograms in Fig. 1A), so this extrapolation procedure is a key limitation of our analysis. Gathering additional economic data in the regions most prone to



**Fig. 1. Contemporaneous effect of extreme heat intensity on economic growth.** (A) Marginal effects of extreme heat on economic growth in percentage points per SD of Tx5d (p.p. per SD) across a range of temperatures. Solid red line shows average estimates across 1000 bootstrap iterations, and shading shows 95% confidence intervals (see Materials and Methods). Vertical lines show the average temperatures for regions within selected countries. Top bar plot shows the average regional Gross Domestic Product per capita (GDPpc) in each 1°C temperature bin relative to the global mean regional GDPpc. Bottom histogram shows the distribution of temperatures in the estimation sample (blue) and all observations (obs) (gray). (B) Marginal effects for each region based on their average temperatures; hatching denotes regions where economic data are unavailable. Marginal effects are scaled by the average within-region SD of Tx5d (see Materials and Methods).

climate impacts given their geography and income is an important focus for better attribution of climate impacts and therefore management of future climate risks.

The effect of extreme heat on growth is robust to more restrictive standard error clustering and the addition of region-specific growth trends to control for time-varying unobservable factors (see Materials and Methods and table S1). Including region-specific trends is a useful way of controlling for time-varying cofounders but may lead to overfitting (48), especially given that some regions have fewer than 10 years of data (33), so we do not include trends in our main model. We quantify regression uncertainty via bootstrapping (see Materials and Methods), which also ensures that individual regions are not disproportionately driving the result. A placebo test, where we randomize extreme heat exposure and reestimate the model,



demonstrates that spurious trends across time or space are not driving our results (fig. S2). Including a squared precipitation term, as has been used in other recent studies (27, 30), does not alter our results (table S1).

Our results are very similar when using other metrics of extreme heat, such as the intensity of the hottest 3-, 7-, or 15-day periods, although the peak 5-day period yields the strongest response (fig. S3). Using the temperature of the hottest day or the hottest month yields weaker and more uncertain responses (fig. S3), as these metrics either do not capture multiple days of exposure (e.g., hottest day) or average temperatures over an excessively long period (e.g., hottest month). The 5-day time period associated with the peak effect of extreme heat is physically consistent with synoptic time scales; heat waves are generally driven by large-scale high-pressure systems (37), which evolve on the daily-to-weekly time scales associated with continental-scale atmospheric circulation.

Our use of annual mean temperature as the interaction variable with Tx5d implies that heterogeneity in the effect of extreme heat is driven only by variation in underlying average temperatures. We interpret this heterogeneity as being driven primarily by climatological temperature as opposed to interannual variation in annual average temperature, because within-region variation in annual average temperature is an order of magnitude smaller than across-region variation (the overall SD of annual average temperature across our sample is 7.7°C, but the average within-region SD is only 0.52°C). This interpretation is supported by a model in which we interact Tx5d with long-term regional average temperature rather than annual mean temperature and find very similar results (table S2).

Temperature covaries with other variables that may drive heterogeneity in the effect of extreme heat: Warmer regions also generally have lower income (Fig. 1A), and warmer years may also be drier, so income and drought may be additional moderators of the effect of extremes. To test these hypotheses, we estimate additional models with average income and the Palmer Drought Severity Index as the interaction terms (table S2). Neither of these variables have significant interactions with Tx5d, and when the annual mean temperature interaction is added alongside these variables, only the temperature interaction is significant (table S2). These results support the interpretation that temperature is the primary moderator of the effect of extreme heat, consistent with earlier work that has found differences in the effect of warming to be due to differences in temperature exposure, not differences in income (27, 30).

Our findings reinforce the fact that people are poorly adapted to extreme heat in the present day, even in regions inured to being warm. Many adaptations have been undertaken to cope with extremely hot conditions independent of climate change. In high-income regions, this often takes the form of air conditioning for indoor spaces (49) alongside a broader shift to service-dominated economies (50). In low-income regions, adaptations are primarily behavioral (51), including resting in the shade, drinking more water, and shifting to nonoutdoor labor when possible (52). However, there are physiological thresholds for extreme heat exposure in people (3) and agriculture (22) that challenge the efficacy of behavioral adaptations. Our results demonstrate that current adaptations have not been successful in eliminating the negative effects of extreme heat and emphasize the need for further such adaptation investments alongside climate mitigation.

Our empirical model controls for mean temperatures to assess how growth is differentially affected by average temperatures and

extremes. Previous studies have argued that mean temperatures should capture the effect of extremes (27). However, the geophysical processes driving average temperatures are different from those driving extremes (34, 35). Furthermore, because temperature distributions are often non-Gaussian and can have long tails (53), the relationship between average and extreme temperatures is complex and warrants further study (54). Annual average temperatures explain ~40% of the variation in raw Tx5d values in our sample (fig. S4), but this occurs in large part because regions that are warmer, on average, have both greater annual temperatures and greater Tx5d values. When expressed as deviations from regional means, which is consistent with our estimation with the fixed effects model (i.e., purging time-invariant regional characteristics; see Materials and Methods), annual average temperature anomalies explain less than 13% of the variation in Tx5d anomalies (fig. S4). Hence, there is substantial variation in extreme temperatures that might harm growth not captured by models that only consider annual average temperature. The value of incorporating Tx5d relative to a model that only includes annual average temperature is supported by a likelihood ratio test, which indicates that the model that includes Tx5d has greater explanatory power than the model that does not ( $P < 0.0001$ ).

Our results show significant independent effects of both average and extreme temperatures. Increases in average temperatures, for example, have weakly positive effects in cold regions and increasingly harmful effects in warmer regions (fig. S5). This pattern is consistent with recent work on the economic impacts of increasing average temperatures (27, 30, 31). However, we find that the squared mean temperature term is no longer statistically significant, while the interaction between mean temperature and Tx5d is significant (table S1). This result implies that increases in mean temperatures are harmful in warmer locations, and this additional harm arises because of interactions between warmer mean temperatures and increased extreme heat intensity in the warmest part of the year.

Following recent work, our model also includes the effect of daily-scale temperature variability (see Materials and Methods) (33). We find a strong negative effect of temperature variability on growth (fig. S5), consistent with Kotz *et al.* (33). One key question is whether increases in variability are intrinsically damaging or only damaging insofar as they induce greater temperature extremes. Our finding of a negative effect of variability (−2.01 p.p. per SD) in a model that includes Tx5d implies that variability is indeed intrinsically damaging. However, when we remove the Tx5d terms from the model, the variability effect increases in magnitude to −2.21 p.p. per SD. That difference demonstrates that when extreme heat is not explicitly considered, it is possible to find an effect of temperature variability that is 10% too large because years with greater variability also imply more extreme temperatures in the hottest parts of the year.

The spatial patterns of economic damages from both average temperature and variability are similar: Effects are negative everywhere but largest in warm and low-variability tropical regions, which amplifies the unequal effects of global warming. In contrast, extreme heat has a distinct spatial pattern. Extreme heat causes large damages in low-latitude regions and transitions to modest damages and lastly benefits as latitude increases (fig. S5). The fact that extreme heat exhibits an effect that reverses with latitude, while average temperatures and variability do not, means that analyzing temperature extremes is necessary to fully account for the global inequities in the burden of temperature impacts.

## Anthropogenic increases in extreme heat

These empirical findings imply that human-caused warming has affected economic production through changes in extreme heat. Estimating how much anthropogenic extreme heat has affected global economic production requires three things: (i) the effect of extreme heat on economic growth; (ii) anthropogenic changes in extreme heat; and (iii) continuous Gross Domestic Product per capita (GDPpc) data (see Materials and Methods). Our empirical model provides the first of these. To estimate the second, we use historical and natural climate model experiments from the sixth phase of the Coupled Model Intercomparison Project (CMIP6) (table S3) (55, 56) to calculate “counterfactual” Tx5d. To ensure the availability of continuous GDPpc data to meet the third criterion, we use a statistical model to infer regional GDPpc time series over 1992–2013 where they are not currently available (see Materials and Methods).

Anthropogenic warming has increased the frequency and intensity of extreme heat events globally, but the spatial pattern is heterogeneous, increasing most strongly in the tropics (Fig. 2). Globally, regional Tx5d values average 0.77°C more than they would have without warming over 1992–2013, with increases of more than 1°C in much of the tropics but less than 0.5 in the United States and Europe (Fig. 2A). The probability of extreme Tx5d values (the 90th percentile in each region calculated from the counterfactual time series) has also substantially increased, with probabilities rising by 13 p.p. across regions, on average, and even more intensely across South America, Africa, and the Middle East (Fig. 2B). In contrast, the probabilities of 90th percentile Tx5d values have risen less than 5 p.p. or even decreased in much of the midlatitudes. The spatial pattern of anthropogenic extreme heat thus coincides with both the stronger economic effect of extreme heat in the tropics and the lower incomes there, making tropical regions particularly vulnerable to losses from human-caused heat extremes.

## Economic recovery from extreme heat

Quantifying the total economic output change attributable to anthropogenic extreme heat requires knowledge of whether regions recover from extreme heat and how long this recovery takes. If extreme heat affects income levels, but not growth, then economies will “catch up” following a heat wave, recovering to their previous income trajectory. Destroyed crops may be resown in the time after a heat wave, for example, and investment may flow into damaged

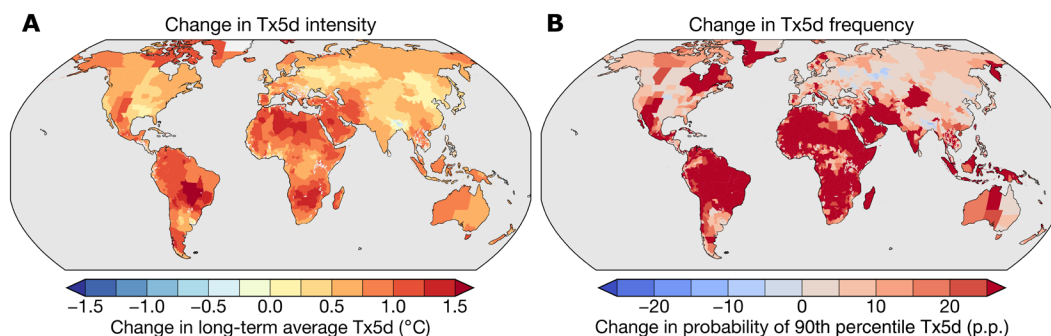
areas (57). If, instead, extreme heat affects the underlying ability of the economy to grow, then damages could compound over the long run (58), permanently altering a region’s income trajectory. Permanent growth effects can generate large uncertainties when projected into the future (48), which means empirically testing the persistence of the effect of extreme heat is a critical task in climate damage calculations. Hence, we estimate a distributed lag version of our empirical model, which allows us to track the persistence of the impacts of a heat wave in the years after it occurs (see the Supplementary Materials).

The effect of extreme heat intensifies in the first year after the event and can persist for an additional year, before becoming indistinguishable from zero in the second or third year after the event (Fig. 3A and fig. S6). In cold regions (e.g., annual average temperatures of 5°C), the positive effect of extreme heat converges to zero in the second year after the event and even becomes negative after that, although these negative effects are not statistically significant (Fig. 3A, blue lines). In warm regions (e.g., 25°C), the cumulative effect of extreme heat nearly doubles in the year following the event but converges to zero in the two years after that (Fig. 3A, red lines), suggesting a delayed rebound effect. Specifying an autoregressive distributed lag model with up to four autoregressive terms, following recent work (32, 57), yields very similar results (fig. S7).

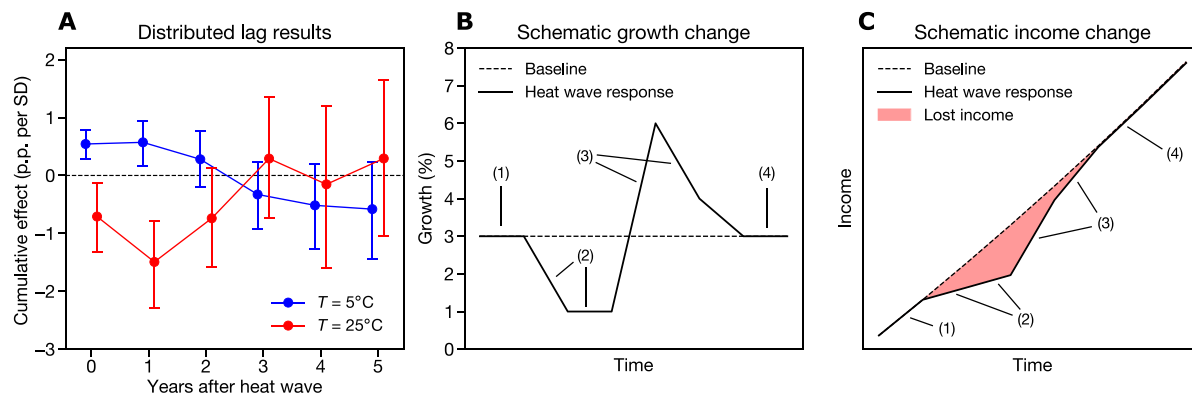
These dynamics are characteristic of a prolonged, multiyear level effect, as regions that were harmed can rebuild damaged capital or resume previous productivity in the time after the heat wave (Fig. 3B). However, the delay of several years means that regions lose or gain multiple years of income in response to a heat wave (Fig. 3C). Even if regions return to their original income trajectory after a heat wave, there remains a gap between their actual income and the income they would have experienced without the heat wave (Fig. 3C). Therefore, while individual heat extremes do not permanently affect economic growth, repeated extreme heat events might generate tangible long-term income changes.

## Global economic effects of anthropogenic extreme heat

To assess the economic impacts of anthropogenic changes in extreme heat, we apply the distributed lag model coefficients (Fig. 3A) to observed and counterfactual Tx5d values. We also use observed and counterfactual average temperatures in this calculation, meaning that we incorporate both changes in extreme heat and in the underlying average temperatures that shape the marginal effect of



**Fig. 2. Anthropogenic changes in extreme heat.** (A) Ensemble mean change in each region’s average Tx5d value between the observed and counterfactual climates estimated using CMIP6 climate models. (B) Ensemble mean change in the probability of each region’s counterfactual 90th percentile Tx5d value between the observed and counterfactual climates. Increases in both quantities imply that the values are higher in the observed climates than in the counterfactual climate. Ensemble mean values are calculated by first averaging over individual realizations within models and then averaging across models. Values are calculated over 1992–2013 to overlap with the period over which the damages calculations are performed.



**Fig. 3. Evolution of the growth response to extreme heat intensity.** (A) Distributed lag coefficients for two example regions, one with an annual average temperature of  $25^{\circ}\text{C}$  (red) and one with an annual average temperature of  $5^{\circ}\text{C}$  (blue). Dots show averages, and bars show 95% confidence intervals from bootstrap resampling (see Materials and Methods). (B) Simulated response of annual GDPpc growth in a constant 3% growth baseline scenario (dashed line) and a heat wave scenario in a warm region (solid line). (C) Simulated response of annual GDPpc expressed as income change in a constant 3% growth baseline scenario (dashed line) and a heat wave scenario in a warm region (solid line). Shaded red area denotes the difference between the baseline and heat wave scenarios, representing the income lost due to the heat wave. Annotations in (B) and (C) represent the initial constant-growth period (1), the period in which growth declines because of the heat wave (2), the period in which growth rebounds and increases relative to the initial period (3), and the period in which growth stabilizes back to its initial rate (4).

extreme heat (see the Supplementary Materials). The result is a time series of the change in economic growth in each subnational region due to anthropogenic changes in Tx5d over 1992–2013. These time series can be calculated for all regions, even those without GDPpc data, since they only depend on the region's observed and counterfactual Tx5d and average temperature values.

These growth changes allow us to calculate time series of counterfactual regional GDPpc (29). Problematically, there are many subnational regions, especially in Africa and Southeast Asia, where regional GDPpc data are missing (hatched regions in Fig. 1B). To address this data gap, we use a simple statistical model to downscale country-level GDPpc to generate continuous time series of regional GDPpc (see Materials and Methods). We predict regional GDPpc using country-level GDPpc and regional nighttime luminosity, two predictors that have been previously shown to effectively predict local economic output (59–61). Our model skillfully reproduces regional GDPpc in our sample ( $R^2 = 0.895$ ; fig. S8).  $K$ -fold cross-validation tests demonstrate that country-level GDPpc and regional nighttime luminosity have low out-of-sample prediction error and outperform models that include additional predictors such as regional area, population, or crop yields (fig. S9).

We then apply the growth change values calculated from the climate model simulations to generate counterfactual regional GDPpc. The difference between observed and counterfactual GDPpc represents the effect of anthropogenic extreme heat (see Materials and Methods). To quantify uncertainty in this procedure, we perform a Monte Carlo analysis, resampling uncertainty from the econometric model, the climate models, variability from the statistical model used to predict regional GDPpc, and residual uncertainty in regional GDPpc (see Materials and Methods).

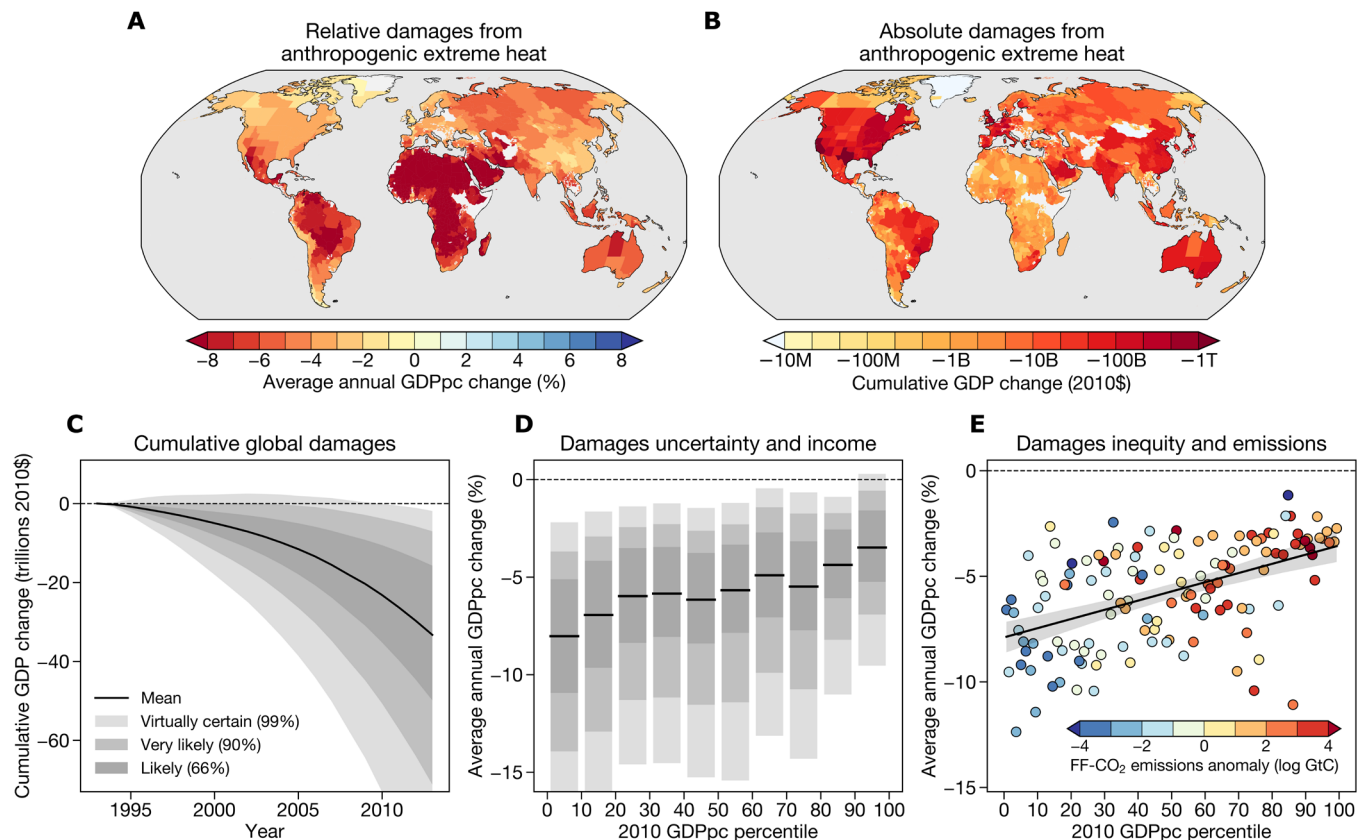
Anthropogenic changes to extreme heat thus far have primarily harmed tropical regions (Fig. 4A). GDPpc is  $>7\%$  per year lower than it would have been without anthropogenic effects on extreme heat in tropical countries such as Brazil, Venezuela, and Mali. In high-latitude nations such as Canada and Finland, anthropogenic extreme heat changes have depressed GDPpc by  $\sim 3\%$  per year. While the damages we find here are smaller than previous estimates using average temperature

alone (29), they are economically significant: cumulative losses over 1992–2013 total \$52 billion (2010-equivalent dollars) in the average region in Brazil, more than three quarters of the 2010 GDP in the average Brazilian region, and \$8.8 billion in the average Indonesian region,  $>50\%$  of the 2010 GDP in the average Indonesian region (Fig. 4B). Many high-income countries such as the United States have lost relatively little in relative terms but tens of billions in absolute terms due to their large economies. These effects are smaller than those found by Diffenbaugh and Burke (29) from annual mean temperature but are comparable to those found by Miller *et al.* (23) projecting future losses from heat waves (although Miller *et al.* focus primarily on agricultural output).

These region-level losses aggregate into a clear global picture: Cumulative global losses due to extreme heat average more than \$33 trillion in 2013 (Fig. 4C). On the basis of our uncertainty analysis and Intergovernmental Panel on Climate Change uncertainty terminology (62), it is virtually certain that the cumulative global effects of extreme heat fall between losses of \$101 trillion and \$1.9 trillion, very likely that they fall between losses of \$71 trillion and \$7 trillion, and likely that they fall between losses of \$50 trillion and \$16 trillion (Fig. 4C).

Despite the clear signal of extreme heat in global income, the global picture belies substantial inequalities in the magnitude of damages at the regional level (Fig. 4, D and E). Regions with greater income per capita are more likely to experience benefits or limited damages from human-caused changes in heat extremes, while regions with lower income per capita experience greater relative damages (Fig. 4D). For example, regions in the lowest income decile have experienced losses of 8% of GDPpc per year, compared to 3.5% in the top income decile. Moreover, while our Monte Carlo analysis (see Materials and Methods) highlights substantial uncertainty in the total global effect of extreme heat (Fig. 4C), uncertainty in individual regions is often low (Fig. 4D). In more than half of regions, primarily located in the tropics, more than 90% of Monte Carlo simulations result in economic losses rather than benefits. In all but the top income decile, even the 99% range does not encompass zero (Fig. 4D). Thus, even in regions where uncertainty about observed





**Fig. 4. Unequal economic effects of anthropogenic changes to extreme heat intensity.** (A) Average annual change in regional GDPpc due to anthropogenic changes in Tx5d intensity over 1992–2013. (B) Cumulative 1992–2013 change in regional GDP in 2010 U.S. dollars due to anthropogenic changes in Tx5d intensity. (C) Cumulative global GDP change due to anthropogenic changes in extreme heat. Black line denotes the mean across 10,000 Monte Carlo simulations, and gray shading denotes the Intergovernmental Panel on Climate Change likely (66%), very likely (90%), and virtually certain (99%) ranges. (D) Average annual change in regional GDPpc due to anthropogenic extreme heat, binned by regional income deciles. Uncertainty visualization is the same as (C). (E) Relationship between each country's 2010 GDPpc percentile and the regional-average effect of anthropogenic changes to extreme heat in that country. Colors denote each country's fossil fuel CO<sub>2</sub> (FF-CO<sub>2</sub>) emissions anomaly (difference between its log cumulative FF-CO<sub>2</sub> emissions and global mean log cumulative FF-CO<sub>2</sub> emissions). Color bar units are the log of gigatons of carbon (GtC). Black line is the least-squares regression line with the 95% confidence intervals shaded.

economic output is high, we can be virtually certain that this output has been reduced by anthropogenic increases in extreme heat.

Poorer regions have higher baseline temperatures and lower temperature variability, so those regions both experience the signal of extreme heat from warming first (5–7) and suffer most when extreme heat increases. Previous work has tied climate change to increased global economic inequality (29), and our results strengthen these findings. However, the inequality of climate change extends to its causes, not just its effects. Rich countries that experience limited damages are also large emitters of fossil fuel carbon dioxide (CO<sub>2</sub>), making them primarily responsible for increases in global temperatures and associated heat extremes (Fig. 4E). Given the strong relationship between cumulative CO<sub>2</sub> emissions and changes in local temperature extremes (63), high-emitting nations can be considered directly responsible for a large fraction of warming-induced heat extremes and, by extension, the income losses suffered by individual regions (64).

The spatial pattern of the damages we find is clearly different from the original pattern of the marginal effect of extremes (cf. Figs. 4A and 1B): High-latitude regions benefit from extreme heat in our empirical setting but have suffered losses by anthropogenic forced

changes in extreme heat to date. The discrepancy occurs because our damages calculation incorporates changes in mean temperatures along with extremes, so climate change has modified the marginal effect of extremes alongside their magnitude and frequency. Warmer annual mean temperatures make extremes more harmful (Fig. 1), so anthropogenic increases in average temperatures make extreme heat become damaging even where it originally appeared beneficial. Alternatively, if we hold average temperatures constant at their observed values, then damages are substantially reduced in magnitude (2 to 4% GDPpc losses in tropical regions), and the spatial pattern more closely resembles the pattern of marginal effects in Fig. 1B (fig. S10).

Here, we focus primarily on the historical effects of extreme heat since its economic effect is unknown. Although climate change has myriad other impacts, specifically quantifying the effects of increased intensity in the hottest 5 days of the year allows decision-makers to weigh the benefits of adaptations focused on those few days. However, we also calculate damages from changes in average temperatures and variability to compare them to those from changes in extremes (see the Supplementary Materials). Historical changes in average temperatures have caused uniform losses globally, with greater magnitudes than the losses from extreme heat (fig. S11). This is because

the effects of average temperatures appear to persist (fig. S12), rather than being recovered similar to the effects of extreme heat, consistent with previous findings (27, 30). Human-caused changes in temperature variability are heterogeneous (65), and the effects of variability are recovered after 4 years (fig. S12). Hence, damages from anthropogenic changes in variability are spatially complex and smaller than the damages from extreme or average temperatures (fig. S11). When combined, damages associated with all three variables appear primarily driven by changes in average temperatures (fig. S11). However, changes in extreme heat intensity account for ~18% of the overall damages despite being based on <2% of days in the year, indicating that the hottest few days of the year have an outsize influence on the economic effects of warming.

## DISCUSSION

Our work yields three key results: (i) Increased extreme heat intensity significantly decreases economic growth in relatively warm tropical regions and weakly affects it in relatively cool midlatitude regions; (ii) anthropogenic climate change has increased the frequency and intensity of these economically consequential heat extremes; and, therefore, (iii) the effects of climate change on extreme heat have amplified underlying inequality, disproportionately harming low-income, low-emitting regions, with major emitters shouldering primary responsibility for billions of dollars of losses in the tropics. These results show that the local and sectoral nonlinear effects of extreme heat integrate into a coherent and global macroeconomic response, helping to close a key gap in climate-economic research. They also emphasize that, while related, the costs of temperature extremes are distinct from the costs of average temperatures and temperature variability. Hence, the true economic costs of temperature changes depend on which moment of the temperature distribution an analysis considers.

These results complement and extend existing work that shows the negative economic effects of heat exposure. Miller *et al.* (23) showed that consecutive hot days exceeding location-specific thresholds weakly reduce growth in country-level overall GDP and strongly reduce growth in country-level agricultural GDP and that these effects are stronger in warmer years. Our work is consistent with theirs, showing negative effects of multiday periods of extreme heat on economic growth. However, two distinctions between our work and theirs are worth noting. First, we identify a stronger signal in overall GDP growth because we account for the subnational spatial scale of extreme heat, rather than aggregating to the country scale. Second, while the index designed by Miller *et al.* (23) usefully captures cumulative short-term exposure to extreme heat, it relies on user-defined location-specific thresholds and produces discontinuities directly above and below those thresholds. Our work extends theirs by showing a strong effect of extreme heat with a widely used and transparent index of heat intensity.

A complementary approach to measuring extreme heat is to count days falling into a set of temperature bins, which also reveals negative effects of extreme heat (21, 25, 30). However, existing implementations of the binning approach specify absolute temperature bins, which do not account for variation in what counts as “extreme.” A day that is mild by the standards of Nigeria may be extreme by the standards of Norway. Acclimation to the local temperature distribution has been shown to manifest in, for example, the temperature-mortality relationship (9) but is not considered by most implementations of the binning approach. Using the temperature of the hottest heat

wave in each region provides a more flexible way to measure the effect of temperatures that are extreme relative to the local climate.

Last, the spatial pattern of damages we find is similar to other studies that have focused on annual mean temperature, such as Burke *et al.* (27) and Diffenbaugh and Burke (29). These studies have generally found net benefits at high latitudes from mean warming instead of weaker losses, as we find here with extremes (Fig. 4A). However, a consistent result across studies is that tropical regions will suffer most because of their high baseline temperatures. Thus, an important insight from our work that extends previous analyses is that some of the economic damages arising from changes in average temperatures are actually due to increases in the intensity of the hottest few days in each year.

Our results are subject to two key caveats. First, we focus on extreme heat intensity as opposed to the potentially distinct effects of extreme heat frequency or duration. Second, there are considerable data limitations in the world’s hottest and lowest income regions.

First, Tx5d measures the temperature of the hottest 5-day heat wave in each year but does not explicitly incorporate information about additional, less hot periods of extreme heat or interannual variations in heat wave duration. Measuring the integrated effect of all periods of extreme heat within a given year would require a temperature threshold for what counts as extreme. While emerging work has begun to examine the effect of crossing location-specific thresholds in the context of extreme temperature (23) and rainfall (50), the choice of threshold is generally arbitrary and poorly constrained in the context of macroeconomic growth, so we focus on the peak intensity of extreme heat due to its simplicity and clarity. Multiple periods of extreme heat may have compounding and nonlinear effects (23), so incorporating additional periods would likely enhance the effect of extreme heat. Hence, our results should be viewed as conservative. In addition, Tx5d and similar metrics measuring the hottest several-day period in each year have been widely used in the physical science literature on extreme heat (1, 11, 43–45), making them an appropriate metric for use in integrating physical climate projections of anthropogenic extreme heat with econometric estimates of its macroeconomic effect.

Second, our analysis is limited by missing data in many of the world’s poorest and hottest regions, such as Africa (Fig. 1A). Subnational economic data are limited in these regions, but using subnational data to measure the effect of extreme heat is an important contribution of our analysis, since heat waves occur at subnational spatial scales (42). As a result, our estimates of the effect of extreme heat in very hot regions go beyond the support of the data. However, our estimation sample covers 66% of the world’s population, includes regions with annual temperatures up to 30.3°C, close to the maximum annual mean temperature of 31.7°C, and encompasses hot regions in countries such as Brazil, Indonesia, and India (Fig. 1A). The key assumption underlying our extrapolation procedure is that the underlying average temperature controls the marginal effect of extreme heat globally. This assumption is supported both by multiple functional forms testing alternative metrics of heterogeneity and by existing work demonstrating the role of underlying baseline temperatures in shaping the effect of rising temperatures (9, 27, 66). As additional data in regions such as Africa and Southeast Asia become available, they will allow us to further constrain the mechanisms that shape the economic effect of extreme heat globally.

Data limitations also make calculating accumulated economic damages difficult, which motivated our work to generate continuous, globally representative subnational income data (see Materials

and Methods). While these results are subject to further refinement as the science of measuring local well-being improves (67), our use of nighttime luminosity data is consistent with an emerging literature that uses these data to infer local economic production (59–61). In addition, our uncertainty propagation analysis (see Materials and Methods) allows us to responsibly account for the uncertainties introduced by each of these limitations. More broadly, allowing data limitations to prevent an analysis of economic damages from extreme heat in the world's hottest and poorest regions would be a disservice to the people in these regions, who are simultaneously most vulnerable to climate change, least culpable for it, and least well-represented by existing data (17, 18).

Despite these caveats, our findings have important adaptation implications: Targeting resources at heat resilience and early-warning capabilities for only a few days per year may yield disproportionate economic benefits. These targeted benefits were not apparent in previous studies that have focused on annual mean temperatures. On one hand, many important infrastructural adaptations, such as air conditioning and expanded green spaces, could deliver major benefits but would be installed year-round instead of being tailored to the few hottest days in each year (68). On the other hand, contingent and temporary adaptations such as converting public spaces into cooling centers, deploying public evaporative cooling systems, and expanding emergency service availability could yield disproportionate benefits relative to their cost if deployed specifically during the hottest few days of the year. In addition, expanded implementation of heat early warning systems such as was implemented in France after the 2003 heat wave (69) could allow people to take measures such as reducing nonessential electricity usage to avoid blackouts and avoiding outdoor activities when possible.

That warming has already increased the frequency and intensity of heat extremes is well known, but our results demonstrate the economic costs of these events and their unequal global distribution. Our work therefore increases the urgency of both climate mitigation efforts and investments focused on increasing the adaptive capacity of the poorest parts of the world for the hottest days of the year.

## MATERIALS AND METHODS

Our analytical approach has five key steps (fig. S1): (i) estimate the effect of extreme heat on growth using empirical regression methods at the subnational level; (ii) use climate model simulations to calculate counterfactual extreme heat time series for each region; (iii) use the empirical results along with the counterfactual heat wave data to calculate subnational economic growth changes due to anthropogenic changes in extreme heat; (iv) use country-level income data and regional nighttime luminosity data to generate continuous regional GDPpc time series; and (v) calculate regional income losses or benefits attributable to anthropogenic changes in extreme heat.

This approach allows us to estimate uncertainty introduced in each step of the analysis. When estimating individual parameters in the regression analysis and regional GDPpc prediction procedure, we bootstrap (uniform sampling with replacement) to estimate sampling uncertainty in the parameters. We also sample the residual uncertainty in regional GDPpc time series alongside parametric uncertainty in the statistical model used to predict regional GDPpc. We use multiple climate models, several with multiple realizations, to sample uncertainty in anthropogenic changes to extreme heat. Last, when calculating regional losses or benefits, we use a Monte Carlo approach

that samples from each of these individual uncertainty distributions to propagate each source of uncertainty through the analysis. Details are provided in the individual sections below.

## Data

Historical climate data come from the ERA5 reanalysis (70), from which we calculate annual mean temperature, temperature variability, the annual cycle, extreme heat (see the “Extreme temperature metric” section), and accumulated precipitation. We spatially average these data to the first subnational administrative level (or “region,” such as states in the United States), weighting by population using year 2000 population data from the Gridded Population of the World (71). Population weighting is used to ensure that the climate data are aggregated in a way that reflects human exposure to climate hazards (27).

We merge our data with 1979–2016 regional GDPpc data assembled by Kalkuhl and Wenz (31) and provided by Kotz *et al.* (33). These data are a sample of opportunity derived primarily from national accounts data and yearbooks (31) and therefore reflect global inequities in institutional capacity, but they substantially advance our ability to track the subnational effects of climate extremes and are thus an important tool for our analysis. We correct for inflation by normalizing all data to 2010 price levels using the U.S. GDP deflator. Economic growth in a year is defined as the fractional difference in GDPpc relative to the previous year. The sample contains data from 1368 regions, each with between 4 and 38 years of data, for a total of 26,918 observations. Country-level GDPpc data are drawn from the World Bank World Development Indicators (72).

Climate models come from the CMIP6 (55). We use daily maximum temperature (“tasmax\_day”), daily average temperature (“tas\_day”), and monthly average temperature (“tas\_Amon”) data from the “historical,” “historical-nat” (hereafter “natural”), and “ssp245” experiments (56, 73) for all available realizations of eight models, for a total of 80 simulations (table S3). The natural experiments end in 2020, while the historical simulations end in 2014. Following the Detection and Attribution Model Intercomparison Project experimental protocol (56), we splice each historical simulation with the first 5 years of the corresponding ssp245 simulation to extend the historical simulations to 2020. This allows us to use a centered running mean through 2013 to smooth the data (see the Supplementary Materials). Model output is regridded to a common 1°-by-1° grid before analysis using bilinear interpolation from the “xarray” package in Python (74). Last, fossil fuel CO<sub>2</sub> emissions data come from the Community Emissions Data System (75), and year 2000 gridded crop yields for maize, wheat, rice, and soybeans come from EarthStat (76).

## Extreme temperature metric

There are many ways to measure extreme heat, and a wide array of heat wave metrics has been proposed (47), each with benefits and drawbacks. Many studies calculate extreme heat relative to climatological baselines based on percentile-based thresholds that can vary on the basis of the location and time of year (1, 46, 47). However, while critical thresholds for extreme heat are well known for sectors such as agriculture in the United States (22, 66), they are not necessarily known for aggregate economic production. Thus, while threshold-based extreme heat indices may be useful for future research in the economic impacts of climate change (23, 50), the choice of thresholds is generally arbitrary.

Hence, we choose to represent extreme heat with a more objective measure: the average daily maximum temperature of the hottest

5-day period in each year, denoted “Tx5d.” It is calculated by taking 5-day running means of daily maximum temperature at each grid cell over the 1979–2016 period, temporally aggregating to the annual maximum, and then spatially aggregating by calculating regional population-weighted averages. We focus on Tx5d because it is both simple and geophysically meaningful, measuring the hottest multiple-day period experienced in a year. It is also similar to metrics used in climate modeling studies of record-breaking temperatures (1, 11, 44). Calculating the maximum temperatures across a 5-day period also ensures that our analysis captures uniquely damaging multiday periods of extreme heat (23). Moreover, using Tx5d ensures that we measure temperatures during the hottest parts of the year, whereas seasonally varying thresholds would treat relatively warm periods during winter or shoulder seasons as equivalent to the hottest summer heat waves.

Our empirical identification strategy (see “Econometric analysis” section) interacts Tx5d with annual average temperature to incorporate heterogeneity in the response regions have to extreme heat. Different regions with different climatological baseline temperatures may respond differently to extreme heat. For example, warm regions may invest in technologies such as air conditioning due to their greater exposure to high temperatures (9). On the other hand, higher climatological temperatures mean that extreme heat may be more likely to cross physiological thresholds that are uniquely harmful to humans (3, 8). Our analytical strategy therefore incorporates both an absolute metric of high temperature extremes and the relative ability of different populations in different regions to manage the risks of those high temperatures.

We calculate Tx5d values at grid cells and then average across regions. This strategy may average Tx5d values from different parts of the year within a single region. On the basis of analysis presented in detail in the Supplementary Material, this does not pose a problem for our analysis (fig. S13).

Last, although we focus on the simple and transparent Tx5d metric in our main analysis, we conduct a supplementary analysis where we recalculate extreme heat as deviations from location- and month-specific indices. This strategy allows us to simultaneously incorporate the intensity, frequency, and duration of extreme heat in one index, although comes with substantial costs in terms of complexity and arbitrary researcher choices. We find similar results as in our main analysis (see the Supplementary Materials), providing confidence that Tx5d is capturing the most impactful and damaging instances of extreme heat historically (fig. S14).

### Econometric analysis

We use panel regression with fixed effects to model economic growth as a function of extreme high temperatures, temperature variability, and mean temperature, along with region-specific time-invariant characteristics and common global time-varying factors. This strategy separates extreme heat from other factors that might affect economic growth, allowing us to isolate the causal effect of heat intensity on the hottest days of the year. We estimate the following model for growth  $g$  in region  $i$  and year  $t$  with ordinary least squares

$$g_{it} = \alpha_1 T_{it} + \alpha_2 T_{it}^2 + \beta_1 Tx_{it} + \beta_2 Tx_{it} * T_{it} + \gamma_1 V_{it} + \gamma_2 V_{it} * A_i + \pi P_{it} + \mu_i + \delta_t + \epsilon_{it} \quad (1)$$

Here,  $T$  refers to annual mean temperature,  $Tx$  refers to Tx5d,  $V$  refers to temperature variability,  $A$  refers to the average annual cycle of temperature, and  $P$  refers to annual accumulated precipitation.

Variability in each year is defined as the average within-month SD of daily mean temperatures, with the data drawn from Kotz *et al.* (33). The annual cycle is defined as the climatological average within-year difference of the maximum and minimum monthly temperature, following Kotz *et al.* (33). Kotz *et al.* (33) showed that regions with larger annual cycles (i.e., greater seasonality) are less harmed by temperature variability, since they may be acclimated to greater swings in temperature. Regions with modest annual cycles are also regions with high temperatures (i.e., the tropics), so the damages associated with both extremes and variability fall disproportionately on low-income tropical regions (fig. S5). Other terms include  $\mu$ , which is a region fixed effect that controls for time-invariant regional differences such as geography, and  $\delta$ , which is a year fixed effect that controls for common global shocks and global trends in extreme temperatures. The identifying assumption for the coefficients of interest is that after controlling for these spatial and temporal averages, Tx5d is plausibly exogenous with respect to the other factors that affect economic growth. Interacting Tx5d with annual average temperature allows the effect of extremes to vary on the basis of the underlying climate in a region. Last, our inclusion of average temperatures and temperature variability ensures that the effect of extremes we identify is independent of other parts of the temperature distribution (e.g., greater variability inducing more frequent crossing of extreme temperature thresholds).

To estimate sampling uncertainty in the regression coefficients, we estimate the parameters in Eq. 1 1000 times using a bootstrap resampling procedure, sampling with replacement from a uniform distribution of regions. Sampling by region—that is, keeping all years from a given region together to account for within-region autocorrelation in growth—is analogous to clustering standard errors by region (28). We also test parametric standard errors clustered by country, which accounts for simultaneous spatial and temporal correlation in growth, shown in table S1.

Year fixed effects may not sufficiently control for time-varying unobserved cofounders since these may be heterogeneous and not globally constant. Hence, we estimate an additional model where we add region-specific linear trends in growth to remove smoothly varying unobserved factors independently for each region, a common technique in the empirical climate-economy literature (27, 57). The results from this regression yield even stronger effects for Tx5d, indicating that our main results should be viewed as conservative (table S1). Last, to examine whether the effects of extreme temperatures persist over time, we estimate a distributed lag version of the regression equation (see the Supplementary Materials).

### Calculating regional growth changes from anthropogenic changes to extreme heat

To isolate the contribution of anthropogenic warming to extreme temperatures, we calculate population-weighted Tx5d at the regional scale from the CMIP6 historical and natural simulations. Counterfactual Tx5d values are calculated as the observed Tx5d time series minus the smoothed difference between the historical and natural simulations (see the Supplementary Materials).

We then apply the coefficients from the distributed lag regression model to the observed and counterfactual Tx5d time series. The difference between them represents the additional growth that would have occurred in the absence of human-induced changes in Tx5d. The result of this calculation is a region-scale time series of the change in economic growth, denoted  $\Delta g$  (eq. S6). Because this calculation only



requires climate data (i.e., the region's average temperature and Tx5d), we are able to calculate this growth difference for all regions, even where observed growth data are not available. The hatching in Fig. 1B shows where these data are not available.

### Predicting continuous regional income time series

Because many regions in our dataset do not contain continuous GDPpc data, we develop a simple and parsimonious statistical model for predicting regional GDPpc data in areas where it is not currently available. We emphasize that we do not apply our empirical regression approach to this constructed data, but only use it in the calculation of accumulated economic damages from warming.

The predictand of interest is regional GDPpc in each year. The two key predictors we use are country-level GDPpc and regional average nighttime luminosity ("nightlights"). Country-level GDPpc is useful for predicting global variation in regional income; regions in high-income countries likely have higher incomes than regions in low-income countries. We find that country GDPpc alone explains some 87% of variation in regional GDPpc in our sample (because these data are in per capita terms, regional population does not appear to provide additional explanatory value). Nightlights are an additional useful predictor for explaining within-country variation in income; regions with higher luminosity at night are likely regions with more economic activity (59–61). All of the following analysis is performed over 1992–2013, which is the longest time period over which the nightlights data are available.

Our main statistical model predicts log regional GDPpc in country  $c$ , region  $r$ , and year  $t$  using country-level GDPpc, regional average nightlights  $NL$ , and their interaction. The interaction term is included because nightlights tend to saturate at high income levels, so their explanatory power lessens as income increases (61). We estimate the following regression model using ordinary least squares

$$\ln \text{GDPpc}_{\text{ctr}} = \beta_0 + \beta_1 \ln \text{GDPpc}_{\text{ct}} + \beta_2 \text{NL}_{\text{ctr}} + \beta_3 \ln \text{GDPpc}_{\text{ct}} * \text{NL}_{\text{ctr}} + \epsilon_{\text{ctr}} \quad (2)$$

All three parameters of interest ( $\beta_1$ ,  $\beta_2$ , and  $\beta_3$ ) are statistically significant ( $P < 0.05$ ) and are shown in table S4. The predicted values from this equation are shown in fig. S8. Uzbekistan and Kenya appear to be outliers, potentially due to errors in the country-level GDPpc data (77). When these countries are included, the predicted data explain ~87% of variation in the observed data; when they are dropped, the predicted data explain ~90% of variation in the observed data (fig. S8).

To estimate and propagate sampling uncertainty in the parameters for this downscaling procedure, we bootstrap the Eq. 2 regression 1000 times, sampling from a uniform distribution of countries with replacement and using all years from a given country to preserve country-level autocorrelation in income. In addition, for each iteration, we add a realization of random noise from a Gaussian distribution with mean zero and variance equal to the variance of the residuals from the statistical model. The result is 1000 realizations of GDPpc for each region-year pair that sample both parametric and residual uncertainty in this downscaling procedure. These realizations are sampled as part of our wider Monte Carlo uncertainty analysis, discussed below.

We test the out-of-sample predictive power of this approach with a 10-fold cross-validation analysis. We split the data into 10 mutually exclusive training and testing datasets, splitting by country to preserve within-country correlations. We estimate the regression of interest

for each training dataset and calculate the root mean squared prediction error for the testing dataset. The regressions tested include our main regression (Eq. 2) and alternative models with several sets of predictors: country-level GDPpc, regional yields of the four major crops (maize, wheat, rice, and soybeans) summed across crops and spatially averaged across regions, regional nightlights, regional area, and regional population. We test models that include each of these predictors alone, the combination of country-level GDPpc and each predictor independently, and a saturated model with all predictors. When nightlights and country-level GDPpc are included in the same model, they are interacted as described above.

All models that include country-level GDPpc have high out-of-sample predictive power, with prediction errors of less than 7% of the average regional log GDPpc (fig. S9). The model with the smallest out-of-sample prediction error includes only country-level GDPpc and regional nightlights, which is why we use it as our main prediction model. The low errors in this out-of-sample prediction procedure support our choice to infer GDPpc for regions where country-level data are available, but regional data are not.

To the best of our knowledge, our analysis is the first to produce a global sample of continuous GDPpc data at the regional level with an explicit treatment of parametric and residual uncertainty. Lessmann and Seidel (61) performed a similar analysis but did not use out-of-sample cross-validation to inform their choice of statistical model and did not generate multiple realizations to sample uncertainty. We make these data available to the community, independent of the replication data for the rest of our analysis, at the following location: [github.com/ccallahan45/Global\\_Subnational\\_Income/](https://github.com/ccallahan45/Global_Subnational_Income/)

### Damages from historical climate change

The climate model analysis yields a time series of the change in growth due to anthropogenic changes in Tx5d for each region ( $\Delta g$ ). We then add this growth change to the downscaled GDPpc time series for each region and reintegrate each region's growth to calculate counterfactual GDPpc (29). The effect of anthropogenic changes in extreme temperatures is calculated as the difference between the observed and counterfactual time series.

Uncertainty in damages is calculated using a Monte Carlo analysis ( $N = 10,000$ ) to incorporate and propagate uncertainty at each step of the causal chain. The individual steps of the analysis yield uncertainty distributions using multiple climate realizations or bootstrapping (in the case of the econometric regression and income downscaling). Each Monte Carlo iteration calculates damages after sampling, with replacement, one value from each of these distributions: one of the 80 climate model realizations, one of the 1000 bootstrapped econometric regression coefficients, and one of the 1000 regional GDPpc time series realizations. When selecting the climate model realizations, we adjust the sampling probabilities so that models with more realizations are reduced in probability, to make each model equally likely to be sampled. The other samples are from uniform distributions.

### SUPPLEMENTARY MATERIALS

Supplementary material for this article is available at <https://science.org/doi/10.1126/sciadv.add3726>

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**Carbon majors and the scientific case for climate liability**

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**Writing in these pages in 2003, Myles Allen considered the limits of climate science and posed an essential question: “Will it ever be possible to sue anyone for damaging the climate?” Twenty years later, we argue that the scientific case for climate liability is closed. Here we detail the scientific and legal implications of an “end-to-end” attribution that links corporate emitters to specific damages from warming. Using emissions data from major fossil fuel firms, peer-reviewed attribution methods, and advances in empirical climate economics, we illustrate the trillions in economic losses attributable to the extreme heat caused by emissions from individual firms. Chevron, the highest-emitting investor-owned firm in our data, for example, caused between \$479 billion and \$1.8 trillion in heat-related losses over 1991-2020, disproportionately harming the tropical regions least culpable for warming. More broadly, we outline transparent, reproducible, and flexible frameworks that formalize how end-to-end attribution could inform litigation by assessing whose emissions are responsible and for which harms. While quantitative linkages between individual emitters and particularized harm were not feasible 20 years ago when Allen first considered the legal implications of attribution science, they are now. Science is no longer an obstacle to the justiciability of climate liability claims.**

Once climate attribution emerged as a field of inquiry, scholars both scientific<sup>1</sup> and legal<sup>2</sup> raised questions about whether climate liability claims could be pursued via common law<sup>3</sup>. Extreme weather events—floods, droughts, extreme heat, and more—upend lives, undermine livelihoods, and damage property. To the extent that such extremes could be tied to climate change, the logic goes, injured parties could seek monetary or injunctive relief through courts<sup>1</sup>. Over the last twenty years, science and law have been engaging a set of challenges that take climate liability from Allen’s 2003 thought experiment into a realistic practice.

Scientifically, the focus has been on advances in attribution, specifically the development of standardized methods codifying a scientific consensus on the role climate change plays in amplifying



extreme events<sup>4</sup>. Such consensus methods have been applied to a variety of events<sup>5–7</sup> from heat waves<sup>8,9</sup> to droughts<sup>10,11</sup>, floods<sup>12</sup>, hurricanes<sup>13,14</sup>, and wildfires<sup>15</sup>. This science has advanced such that events are now attributed in near-real-time<sup>16,17</sup> or in advance using forecast models<sup>18</sup>. The scientific consensus developed around these methods<sup>19</sup> suggests they could meet legal standards for admissibility<sup>20</sup>. By revealing the human fingerprint on events previously thought to be “acts of God,” attribution science has helped make climate change legally legible<sup>21–23</sup>.

Legally, much of the focus has been on assessing whether climate attribution is compatible with existing causation and standing frameworks. Over 100 climate-related lawsuits have been filed annually since 2017, with many more anticipated. The legal theories undergirding these cases generally fall into one of three categories, shaping who is liable and for what conduct<sup>24</sup>. The first centers on the disinformation campaigns mounted by fossil fuel firms, which claimants argue misled investors to the point of fraud<sup>25</sup>. The second targets governments and their regulatory failures to protect citizens’ rights to a stable climate<sup>24</sup>.

In this Perspective, we focus on the last of these theories: that emitters are liable for the damage wrought by warming<sup>26</sup>. Such cases mirror efforts to hold other industries like tobacco<sup>27</sup> and pharmaceuticals<sup>28</sup> liable under legal standards like the duty of care, public nuisance, failure to warn, or strict liability. While these cases—like disinformation-focused cases—use evidence that fossil fuel firms have long been aware of climate change, they specifically attempt to tie these firms to the human costs of their emissions. For example, in 2017, the city of Oakland, California sued British Petroleum (BP) and other firms for causing sea level rise along the California coast<sup>29</sup>. New York City and Rhode Island have brought similar claims<sup>30,31</sup>. Firms like ExxonMobil are a frequent target, with plaintiffs ranging from residents of flooded Alaskan villages to Puerto Rican municipalities damaged by Hurricanes Irma and Maria<sup>32,33</sup>. Attribution science is most useful to this theory of liability, as legal standing for plaintiffs requires that they show causal linkages between emitters and particularized injuries.

The fate of climate liability cases remains uncertain: success, failures, and appeals abound. In 2015, the nonprofit Urgenda won a key ruling that the Dutch government breached its constitutional duty of care by not reducing emissions<sup>34</sup>; more recently, a court ruled that Montana’s efforts to deregulate emissions violated its residents’ right to a healthy environment<sup>35</sup>. In contrast, New York’s case against five fossil fuel companies was dismissed in 2018 on the grounds that judges should not make climate policy. As cases laboriously wind their way through courts around the world, litigation shows no signs of slowing<sup>24</sup>. And as extreme events intensify and losses accumulate—and as political action on climate change lags the urgency of the crisis—more people are turning to the legal system for relief<sup>24</sup>. There is talk of a “coming tsunami of climate litigation” for which courts are woefully unprepared<sup>36</sup>.

Here we illustrate how climate attribution that goes from emissions to impact at the corporate scale is now possible, addressing a major hurdle to climate liability. Using peer-reviewed methods, we estimate the economic losses suffered due to the extreme heat caused by emissions from major fossil fuel firms (“carbon majors”) over 1991 to 2020. We present two actionable frameworks for end-to-end attribution: one considering the accumulated harms from a hazard, like heat waves over 1991-2020, and another considering the harms from a specific event, such as the 2003 European heat wave. The cumulative and event-specific approaches can be applied to myriad scales of emitters and claimants, and extended to different classes of impacts, from heat waves as here, to floods, sea level rise, and more. We also show how each framework can be applied in a way that is agnostic about any particular emitter, instead attributing the emissions contribution required to confidently detect damage. Such a flexible approach helps communities assess responsibility for losses, rather than naming parties *prima facie*. We argue that while this type of end-to-end attribution will provide legal clarity in some respects, the ultimate question of whether climate liability is justiciable will be resolved in courts. More widely, we advocate for the creation of a transparent and objective science-based enterprise to provide peer-reviewed and reproducible attributions and expert testimony to ensure courts have the scientific support to buffer the billowing wave of climate liability.

### **Attribution science and causation**

The scientific and legal enterprises share many characteristics: they are consumed with establishing facts, proving causation, building theories, leveraging frameworks, and exercising prudence. But there are crucial differences: The burden of proof is generally higher in science than in law<sup>37</sup>, as science works to falsify hypotheses and jettison theories<sup>38</sup>, while many legal judgements, such as in U.S. civil law, seek only to prove that something is more likely than not. In the context of climate liability, advances on the scientific side (e.g., attribution) do not necessarily resolve questions on the legal side (e.g., causation, standing). They are different enterprises with different goals. Yet there is reason to believe that advances in attribution can help clarify legal paths to liability, in part by better articulating “but for” causation<sup>2</sup>.

To sue over an injury, a litigant typically must demonstrate “but for” causation: without the actions of the defendant, the plaintiff would not have been injured<sup>2</sup>. This task is often straightforward, like for car accidents, workplace negligence, and others. But in the context of climate liability, it is more difficult, as a plaintiff must provide both “general” and “specific” causation. General causation is concerned with whether something causes a type of harm, such as the way asbestos exposure increases cancer risk. It is held to a high standard of certainty, akin to the 95% statistical significance level adopted in many scientific studies<sup>39</sup>. Specific causation, on the other hand, considers whether a defendant’s actions

caused the particular injury to the litigant: whether a specific worker’s cancer was caused by asbestos in their workplace, for example. Specific causation is often held to a “more likely than not” standard. In his Perspective, Allen hypothesized how attribution science might meet these standards: If global warming has tripled the risk of a flood, then such warming is responsible for two-thirds of its risk, making contributors liable for two-thirds of its harm<sup>1</sup>. This argument provides elements of general, but not specific, causation—would the event have occurred “but for” an emitter’s particular contribution? The role of an individual contributor must be isolated<sup>22,40</sup>, and changes in physical events do not necessarily imply the particularized harms that provide standing.

Hurricane Maria, which motivated a suit by Puerto Rican municipalities<sup>32</sup>, provides an example. Peer-reviewed research has shown that global warming intensified rainfall from the hurricane<sup>13</sup>. While valuable, such analysis does not resolve “but for” causation<sup>41</sup>; it is not clear, for example, how much any one emitter contributed to such rainfall intensification. Moreover, it is unknown how the amount of rainfall translated into socioeconomic injury from the hurricane. Such gaps have been cited as a significant barrier to climate litigation<sup>2,21,42,43</sup> and have been used by fossil fuel firms to argue that plaintiffs lack standing to sue over climate damages<sup>44</sup>.

Scientific advances that resolve this barrier must directly quantify the harm caused by a specific actor’s emissions. This is not a trivial task. The causal chain from emissions to impacts is nonlinear<sup>45</sup> and uncertainties compound from emissions, to atmospheric GHG concentrations, to warming, and finally to socioeconomic impacts<sup>46</sup>. Moreover, emissions and impacts are dislocated in space and time—a flood could occur on the other side of the Earth from the source of emissions, months, years, or decades after such carbon was pulsed to the atmosphere<sup>47</sup>. As a result, scientific approaches that illustrate clear causal linkages from emitters to impacts have been termed the “Holy Grail” of climate litigation<sup>43</sup>.

## **Advances enabling “end-to-end” attribution**

Despite these challenges, two recent advances make end-to-end climate attribution possible. Firstly, physical science can more confidently connect individual emitters to local climate change. Secondly, social science can more confidently connect local climate change to socioeconomic outcomes.

On the first, “source attribution” research<sup>40</sup> has linked emissions from countries<sup>48–50</sup> and carbon majors<sup>51</sup> to increases in global mean surface temperature<sup>52</sup> (GMST), sea level rise<sup>52</sup>, and ocean acidification<sup>53</sup>. Recent efforts have also linked countries’ emissions to extreme climate events<sup>54–57</sup>, though not the human impacts of those events. Source attribution typically uses an emissions-driven climate model to simulate historical and counterfactual climates, where the latter is the same as the historical save for the removal of one emitter’s time-varying emissions (i.e., a “leave-one-out” experiment). The difference between the two simulations represents the contribution of the left-out emitter, providing a test

of “but for” causation<sup>2</sup>: *but for the emissions of said actor, the climate would have been thus*. One could perform these simulations with a coupled Earth system model<sup>58</sup>, but such models are opaque and computationally expensive. A computationally tractable approach is to use reduced-complexity climate models (RCMs) that simulate behavior of the Earth system using a smaller number of equations.

RCMs like MAGICC<sup>59</sup> and FaIR<sup>60,61</sup> have long been part of the consensus methods used in Intergovernmental Panel on Climate Change (IPCC) assessment reports<sup>62</sup> for purposes like simulating mitigation pathways<sup>63</sup>. More recently, RCMs have been applied to source attribution, for tasks such as simulating country-level contributions to global mean temperature change<sup>64,65</sup>. RCMs are zero-dimensional, lacking spatial information. But peer-reviewed methods like pattern scaling<sup>66–68</sup> can address this shortcoming, providing robust statistical relationships between global and local climates that allow scientists to draw maps of local temperature change based on RCM output<sup>69</sup>. Together, RCMs and pattern scaling link the contributions of individual emitters to local temperature changes in an efficient, transparent, and reproducible manner<sup>57,64,65</sup>.

Yet local climate changes do not inevitably imply particularized injuries. To connect individual emitters to impacts, researchers must quantify the economic or social effects of local climate changes. Enter the second major advance: more robust quantifications of the socioeconomic impacts of climate change<sup>70</sup>. Metrics like the “fraction of attributable risk” that Allen posited are not always suitable for quantifying the influence of climate change on human impacts<sup>45,71–73</sup>, though they have been applied to impacts like rainfall losses<sup>74</sup>. Nonlinearities associated with the impacts of extreme events mean that more complex and tailored approaches are necessary to connect GHG emissions to socioeconomic losses. For example, Strauss et al.<sup>75</sup> use hydrodynamic modeling combined with property damage estimates to quantify the anthropogenic contribution to damages from Hurricane Sandy in New York, an example of an emerging field of research that combines event attribution results with damage estimates. To enable a more generalizable framework, we draw on recent peer-reviewed work that uses econometrics to infer causal relationships between climate hazards and human outcomes like income loss<sup>70</sup>. For example, researchers have used empirical methods to show that climate extremes reduce agricultural yields<sup>76</sup>, increase human mortality<sup>77,78</sup>, and depress economic growth<sup>79–81</sup>. In the attribution context, these causal relationships have been applied to quantify the historical costs of climate-driven flooding<sup>82</sup>, crop losses<sup>83</sup>, and reduced global economic output from increases in average<sup>84</sup> and extreme<sup>85</sup> temperatures.

Here we show that emissions directly traceable to carbon majors have increased heat wave intensity globally, and that such additional heat wave intensity has caused quantifiable income losses for people in subnational regions around the world.

## Heat wave damage from carbon majors

The oil, coal, and gas extracted by fossil fuel firms have produced substantial emissions of carbon dioxide and methane over the last 100 years (Fig. 1a). Between 1920 and 2020, Saudi Aramco, Chevron, and ExxonMobil produced an average of 200, 138, and 131 MtC yr<sup>-1</sup> in CO<sub>2</sub> emissions, respectively<sup>51</sup>. Fig. 1a illustrates data since 1920 for comparison, but our analysis uses all available firm-level data (Table S1).

To link these firms to specific impacts from their emissions, we leverage a three-step peer-reviewed end-to-end attribution method<sup>64</sup> centered on extreme heat (Supplementary Material). The goal of this framework is to construct a “counterfactual” world in which a firm’s contribution to local extreme heat change is isolated and removed. We first use the FaIR RCM<sup>86</sup> to translate firms’ emissions into GMST changes (Fig. 1b); next, we apply pattern scaling<sup>68</sup> to calculate resulting subnational changes in extreme heat, defined here as the temperature of the five hottest days in each year, or “Tx5d” (Fig. 1c); lastly, we apply an empirical damage function to calculate income changes due to these extreme heat changes<sup>85</sup> (Fig. 1d). We compare heat-driven economic damages between the historical and counterfactual worlds, with the difference between them corresponding to the firm’s contribution to damages. At all stages, we propagate uncertainties to ensure our findings are robust. We also hold constant non-climate factors in our counterfactuals; for example, we do not consider how removing firms’ emissions could have changed the global trade in oil. Our analysis centers only the temperature effects of the emissions produced by carbon majors.

We first simulate historical GMST change using total emissions with FaIR v2.1.0 over 1000 times, sampling FaIR’s parametric uncertainty, providing a distribution against which we compare our counterfactual leave-one-out simulations. For the latter, we re-simulate GMST change, subtracting each firm’s CO<sub>2</sub> and CH<sub>4</sub> emissions from global emissions. The difference between the observed and each firm’s counterfactual simulation represents the GMST change attributable to that firm (Fig. 1b), revealing that, for example, Chevron is responsible for ~0.024 °C of the more than 1 °C warming in 2020. We then translate these FaIR-based GMST change time series into spatiotemporal patterns of Tx5d change using pattern scaling coefficients estimated from 80 Earth system model simulations, showing that, for example, ExxonMobil is responsible for a 0.036 °C increase in average Tx5d values over 1991-2020 (Fig. 1c).

Finally, we use an empirically derived damage function that generalizes the relationship between extreme heat intensity and economic growth<sup>85</sup> to estimate the consequences of firm-driven Tx5d changes (Fig. 1d). This relationship varies as a function of regional average temperature: warm tropical regions lose more than 1 percentage point (p.p.) in economic growth for each 1 °C increase in the intensity of the hottest five days in each year, whereas temperate regions do not experience large effects<sup>85</sup> (Fig. 1d).

We calculate losses in both the historical and leave-one-out simulations 10,000 times for each region using a Monte Carlo approach (Supplementary Material), taking their difference to provide losses

attributable to the emissions from each carbon major. If this difference is statistically significant ( $p < 0.05$ ) given the uncertainty from the FaIR simulations, pattern scaling, and damage function estimates, the firm has made significant and quantifiable “but for” contributions to economic losses (Supplementary Material). Because changes in annual mean temperature shape the impacts of extreme heat, we also pattern-scale regional annual mean temperature. Our final calculations incorporate both changes in Tx5d itself as well as changes in the average temperatures that moderate the effect of Tx5d<sup>85</sup>. We also account for the economic rebound shown in previous work<sup>85</sup>, whereby the effect of extreme heat is recovered after 2-3 years, meaning we do not assume permanent growth impacts of extreme heat.

The global economy would be \$27 trillion richer were it not for the extreme heat caused by the emissions from the 100 carbon majors considered here (Fig. 2). Gazprom is responsible for more than \$1 trillion in global economic losses from intensifying extreme heat (2020-equivalent \$US), and Saudi Aramco is responsible for more than \$900 billion. The contributions from these two state-owned enterprises are due to their recent and rapid contributions to emissions (Fig. 1a), even though they did not make large contributions to temperature change earlier in the 20<sup>th</sup> century. Chevron, ExxonMobil, and BP have caused \$479 billion, \$364 billion, and \$28 billion in losses, respectively (Fig. 2a). Investor-owned companies (e.g., Chevron, ExxonMobil) are collectively responsible for \$13.7T in losses, while state-owned enterprises (e.g., Saudi Aramco, Gazprom) are responsible for \$13.2T. Ranges in damage estimates can be large, due to the convolution of carbon cycle and climate uncertainties in the FaIR simulations and parametric uncertainties in the pattern scaling and damage function. Yet in all cases, the 99% range for each of the five main firms does not include zero (Fig. 2a), making it virtually certain that each has contributed to large global heat-driven losses.

We use a Kolmogorov-Smirnov test to assess the statistical significance of each firm’s effects in each region and year<sup>64</sup> (Supplementary Material). Consistent with scientific practice, we use an alpha threshold of 0.05 (i.e., the conventional significance standard of 95%, or  $p < 0.05$ ). This test explains why Saudi Aramco’s total damages are lower than Gazprom’s, despite its greater emissions: its contributions to GMST change are more uncertain (Fig. 1b) and therefore fewer of its regional damages are statistically significant. Yet the significance threshold of 95% is more restrictive than the “more likely than not” threshold for evidence in civil cases, which corresponds to an alpha of 0.5<sup>37</sup>. To align our analysis with this legal standard, we re-calculate attributable losses with significance defined as  $p < 0.5$  (red lines in Fig. 2a). A “more likely than not” threshold raises the contributions of all firms. Most strikingly, it raises the damages from BP’s emissions by two orders of magnitude, from \$27B to \$1.1T. On the other hand, it does not change results for groups of emitters (Fig. 2b), as collective contributions are large enough to be significant even under a restrictive standard. These results demonstrate that evidentiary standards can

influence attributed losses and that applying scientific standards may underestimate the damage for which actors could be held liable.

Losses can also be assessed at finer, more legally relevant regional scale, revealing latent inequities in the causes and consequences of global warming (Fig. 2c). Together, extreme heat from the five highest-emitting firms (Fig. 2a) has driven annual GDP per capita reductions exceeding 1% across much of the tropics, particularly in South America, Africa, and Southeast Asia. In contrast, the United States and Europe—where Gazprom, Chevron, ExxonMobil, and BP are headquartered—have experienced milder costs from extreme heat.

Our approach illustrates a cumulative framing of end-to-end attribution, noting that an emitter's impact can encompass multiple events and years. However, much of climate attribution and liability is focused on exceptional singular events, like the 2021 Pacific Northwest heat wave<sup>87</sup>. End-to-end attribution should therefore be able to account for individual extreme events in addition to cumulative exposure. As a proof of concept, we show the contributions of carbon majors to four historic heat waves: India in 1998 (Fig. 3a, e), France in 2003 (Fig. 3b, f), Russia in 2010 (Fig. 3c, g), and the continental U.S. in 2012 (Fig. 3d, h). While each heat wave has been studied extensively (e.g., refs.<sup>6,8,9,83,88</sup>), the contributions of carbon majors have not yet been quantified. Together, the top five firms increased the intensity of the five hottest days corresponding to those events by 0.08 °C, 0.11 °C, 0.27 °C, and 0.09 °C, respectively (Fig. 3a-d), and thus can be tied to losses from those events (Fig. 3e-h). For example, Chevron's emissions are responsible for \$1.2B, \$1.8B, \$1.2B, and \$7.2B in losses from the 1998 Indian, 2003 French, 2010 Russian, and 2012 American events, respectively. Relaxing the statistical significance threshold increases attributable damages for these events by factor of four on average (Fig. 3e-h, red bars). Single-event source attribution also illustrates how firms can be more or less culpable for different events: Chevron and ExxonMobil are linked to losses in India in 1998 at the 95% confidence level due to their high 20<sup>th</sup>-century emissions, while Saudi Aramco, Gazprom, and BP cannot, unless the threshold is relaxed to the “more likely than not” standard.

Collectively, these results illustrate, for the first time, the global economic toll that individual fossil fuel firms have produced due to the extreme heat caused by their emissions of carbon dioxide and methane. The veil of plausible deniability that carbon majors have hid behind for decades is threadbare.

### **Clarifying who is responsible**

How could end-to-end attribution analyses like ours be used? Each case will differ and depend on the motivation of the litigants and their climate context. As presented in Figs. 2 and 3, science can clarify “but for” causation at various scales across a class of hazards, like heat waves, or for a particular event, like the 1998 Indian heat wave. But it is also essential to clarify who is potentially liable. There are many

emitters, and affected communities may want to know who is most liable for impacts they endure—whom do they name as defendant? A nation? A firm? A collective? A sector? Here, too, science can help clarify the legal landscape.

To date, attorneys and litigants have often named defendants as part of the initial legal process, under the assumption that knowing a defendant’s emissions is sufficient to make a claim. Our analysis makes clear, however, that what matters is not simply the magnitude of the emissions, but also the timescale over which they were released and the impact under consideration. Nonlinearities at each step from emissions to impacts imply that claimants could be missing or erroneously including emitters in their claim. And yet indexing through all possible emitters to attribute each of their contributions could be costly. Legal work is expensive and time-consuming, and the need to retain experts could be a crucial barrier to the low-income or under-resourced communities who have the greatest claims for restitution.

Science can help claimants assess potential defendants in a transparent and low-cost way. As an example, we present a strategy for assessing who is responsible for cumulative losses from extreme heat (Fig. 4). In this instance, the analysis asks: “what percentage of global emissions must emitters have released to have caused detectable harm from extreme heat?” Our approach here is straightforward: we repeat our leave-one-out simulations using idealized percent contributions to total 1850-2020 CO<sub>2</sub> and CH<sub>4</sub> emissions, rather than the emissions of any particular firm. Such an approach is actor- and scale-agnostic, meaning it simply presents the minimum contribution required over some time period and some spatial scale to have made a detectable impact. Global losses from extreme heat scale quasi-linearly with emissions contributions (Fig. 4a). While emissions contributions below 1.5% do not have statistically significant impacts, any contribution above 1.5% can be tied to heat-driven losses at the 95% confidence level. At the more-likely-than-not level, this threshold falls to 0.5% (Fig. 4a, red line). Above 3%, the relationship scales such that each additional percent contribution to total 1850-2020 emissions generates an additional \$815 billion in global economic losses from extreme heat.

Such a generalized approach enables litigants to consider emitters at various scales quickly: any individual or group of emitters can be placed in this contribution-damages space to rapidly assess whether their contributions have caused detectable harm, flexibly considering different significance levels. For example, the general relationship between contributions and heat wave damages can be used to link the top five firms (Fig. 4a, orange) or all firms (Fig. 4a, blue) to losses, based on collective emissions. These losses depend on the time period over which the emissions are counted (Fig. 4b), demonstrating key choices that must be made by policymakers, litigants, and courts. If one’s accounting begins in 1990, around the development of the scientific consensus on climate change<sup>49</sup>, heat wave losses attributable to an actor contributing 5% of global emissions tally \$2.1 trillion, contrasting with the \$4.1 trillion when counting from 1850. Yet fossil fuel firms have accurately predicted climate change since the 1970s<sup>89</sup> and



have since used their power and profit to cast doubt on the relationship between fossil fuels and warming<sup>90</sup>. If we use the 1977 date of the first reported successful projection of global warming by ExxonMobil<sup>89</sup>, heat wave losses attributable to an actor contributing 5% of global emissions come to \$3 trillion. These losses are all large and statistically significant, but vary by ~50% across start dates.

Our emitter-agnostic approach can be extended to more legally relevant scales (Fig. 4c) or applied to specific heat wave events, providing a basis from which courts can assess the contributions of actors of interest: if an actor has contributed more than the minimum level required for a significant contribution to losses, there is evidence for causal linkages between that actor's emissions and resulting injuries. This number is less than 3% in many tropical regions but exceeds 5% at higher latitudes, reflecting the unequal spatial structure of the causes and effects of extreme heat (Fig. 2c, top). Relaxing the significance threshold lowers the minimum contribution to less than 2% in tropical regions (Fig. 2c, bottom). We can also assess the minimum contribution for detectable harm for the heat events presented in Fig. 3. For example, we find that any actor contributing at least 2%, 2%, 1.5%, and 1.5% of 1850-2020 emissions can be linked to losses from the 1998, 2003, 2010, and 2012 heat waves, respectively.

### **Remaining work and ways forward**

By clarifying “what” damages and “who” is responsible, our attribution frameworks have flexibility and applicability to many contexts. Extreme heat is but one climate impact, and so as science develops and new impacts are revealed, such as extreme rainfall<sup>91</sup> or El Niño<sup>92</sup>, these costs could be incorporated into a fuller accounting of climate damages attributable to emitters. Given the flexible, open-source nature of RCMs and the maintenance of preexisting pattern scaling libraries<sup>66</sup>, such damage estimates can be easily ported into our framework. For example, Strauss et al.<sup>75</sup> attribute anthropogenic damages from sea level rise using a semi-empirical relationship between GMST change and local sea level rise. Their attribution analyses could therefore be directly linked to our RCM simulations of GMST contributions, demonstrating the modularity of our framework. Finally, performing near-real-time end-to-end attribution in a coordinated fashion following events would allow communities to understand the contributions of individual actors to the losses they suffer.

Scientific enterprises like the World Weather Attribution<sup>16</sup>, which has helped make event attribution a standard practice for science and the public, could be extended to include end-to-end attribution in their workflow, or could be a model for a new scientific body centered on assessing “but for” causation in climate impacts. Recent calls to operationalize extreme event attribution for loss and damage debates have been motivated by the consensus methods that have been developed for event attribution<sup>19</sup>. And just as event attribution has moved from the fringe to the mainstream over the last twenty years, the same could be true of source attribution. A standing scientific body could be an essential

resource for courts and citizens, providing tailored end-to-end attribution analyses and expert testimony, responsibly informing the coming wave of litigation to ensure claims use the best available science.

The validity of the scientific case for climate liability does not mean that claims will succeed in court. Essential questions remain, such as the period over which emissions should be counted. That fossil fuel firms have predicted climate change and its consequences for decades implies a potential “duty of care” violation, meaning that those firms could be liable for emissions occurring before the consensus on climate change emerged<sup>93</sup>. Research using archival methods<sup>94</sup>, computational frame analysis<sup>95</sup>, and interviews<sup>96</sup> has documented the disconnect between the internal and public communications of fossil fuel firms. Advances in this area could add credibility to climate liability cases. Ultimately, however, accounting and framing choices reside beyond the scope of science—they must be made by legal teams and decided by judges and juries. Other legal barriers include legislation like the Clean Air Act, which may displace federal common-law claims<sup>97</sup>, or courts’ perception that these cases inappropriately intervene in policymaking<sup>98</sup>.

Moreover, despite the harm arising from extreme heat, fossil fuels have also produced immense prosperity over the last century. Our results do not reflect the benefits to economic growth that fossil-fueled energy has provided and for which these firms have been handsomely paid. Courts may need to consider how the benefits of energy use are balanced against its externalities and the potential duty of care these firms have to the public<sup>93</sup>. Climate damages are a negative externality from fossil fuels not reflected in the current value of these firms. This disconnect is particularly strong given that these externalities have fallen most severely on the poorest people across the globe—those who have benefited least from fossil fuels or have been exploited for its extraction<sup>99</sup>. More broadly, just as the benefits of a medication do not absolve a manufacturer who fails to warn its customers about side effects, we do not believe that the benefits of fossil fuel use should absolve carbon majors of liability for these devastating externalities<sup>2</sup>, particularly when they have misled the public about the dangers of their products<sup>94</sup>.

As climate disasters accumulate, courts will see more and more climate cases. Formalizing communication and education between the scientific and judicial communities is vital, ensuring that science is useful and that courts recognize its limits. Alongside these efforts, new legal theories and the urgent press of climate disaster could spur courts to embrace climate liability claims<sup>100</sup>. The next twenty years will bring greater clarity on these remaining questions. Here we provide an essential start: the development of rigorous, flexible, transparent, and widely applicable end-to-end attribution frameworks.

In his prescience, Allen posited this moment twenty years ago, considering the extent to which scientific limitations represent an obstacle to climate liability. While legal and policy barriers remain, science is no longer an obstacle to climate liability claims.

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## Competing interests

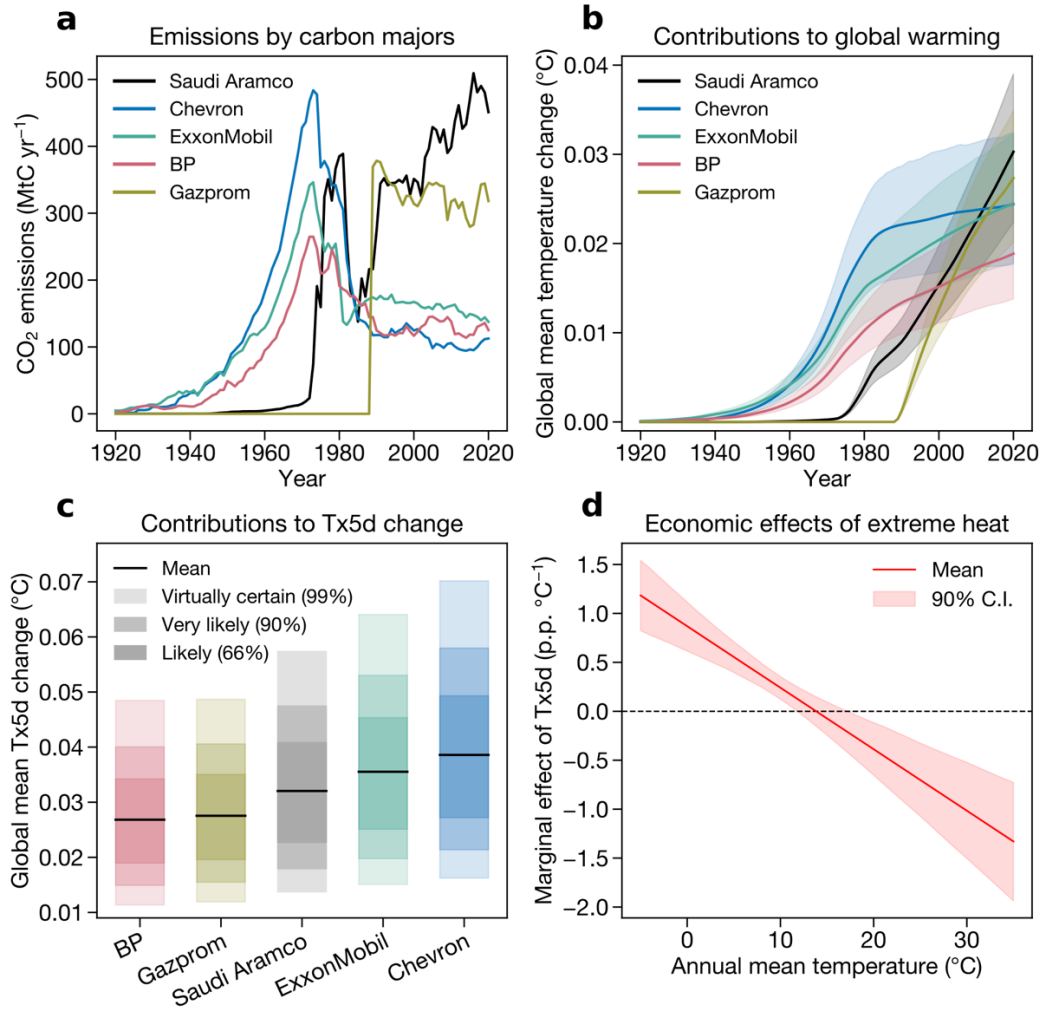
The authors declare no competing interests.

## Author contributions

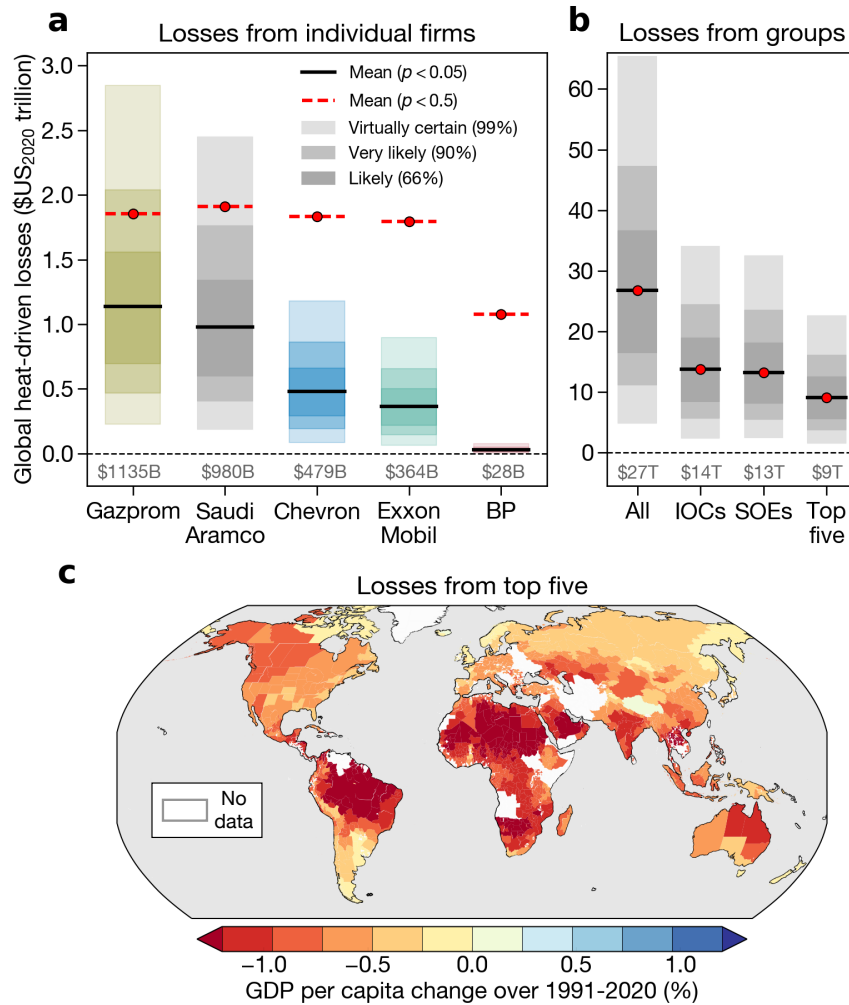
Both authors designed the analysis. C.W.C. performed the analysis. Both authors interpreted the results and wrote the paper.

## Data and code availability

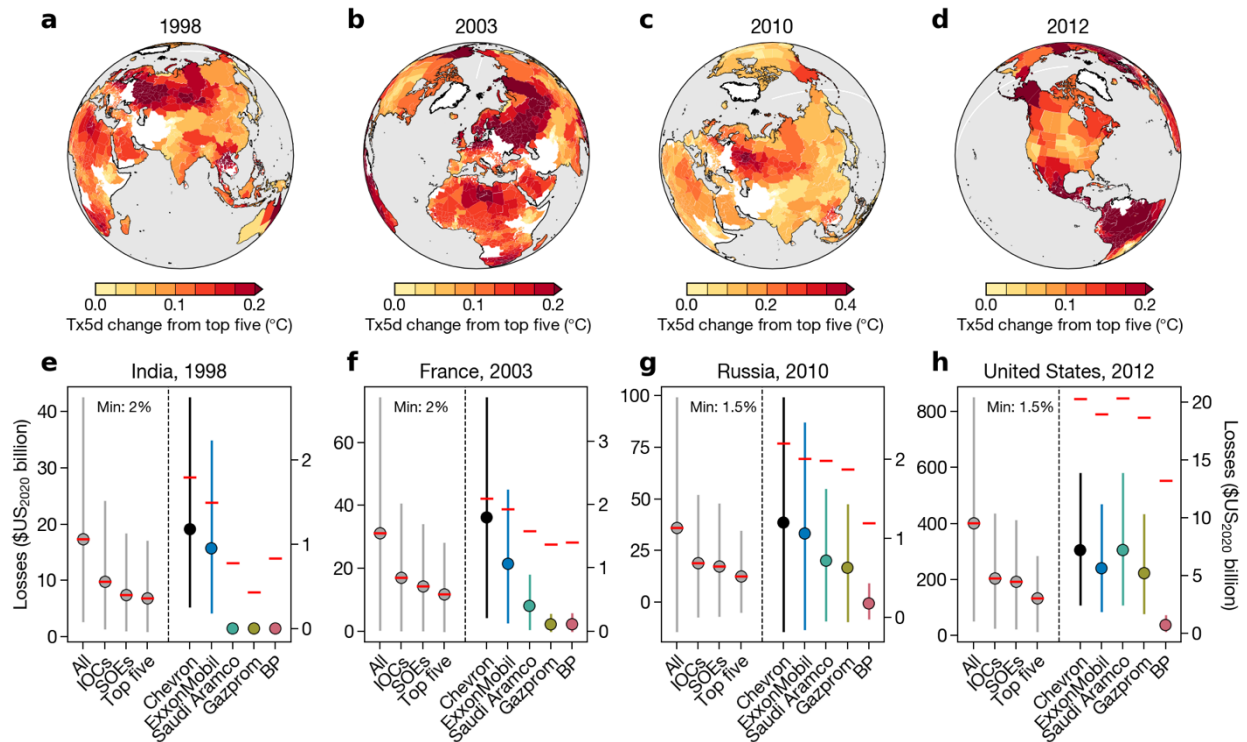
All data and code that support the findings of this study will be made available upon publication at [github.com/ccallahan45/CallahanMankin\\_CarbonMajor\\_Attribution/](https://github.com/ccallahan45/CallahanMankin_CarbonMajor_Attribution/) and archived permanently at [link upon publication].



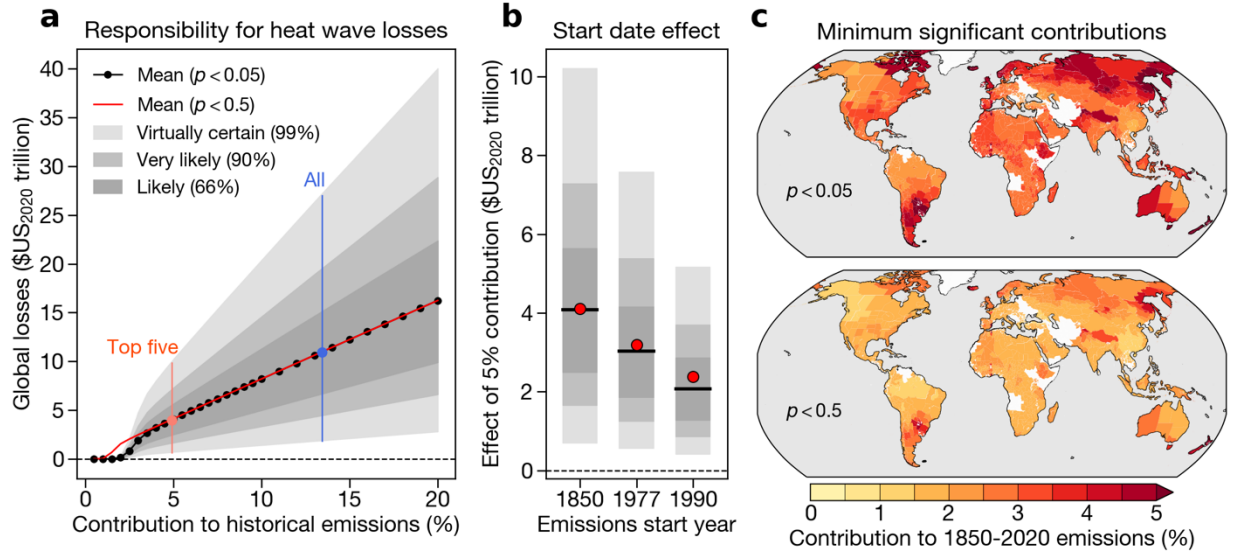
**Fig. 1 | Carbon majors have individually contributed to extreme heat intensification.** A) CO<sub>2</sub> emissions in megatons of carbon (MtC) per year from the five top-emitting fossil fuel firms (“carbon majors”). B) Changes in global mean temperature caused by the cumulative emissions of each carbon major. Vertical axis denotes the magnitude of global warming due to each firm in each year. Solid line shows the mean from 1001 FaIR simulations, each run with a different calibrated parameter set; shading shows the 90% range across the FaIR ensemble. C) Changes in 1991-2020 global average subnational Tx5d (temperature of the five hottest days in each year) from each carbon major, estimated by combining the FaIR simulations with CMIP6-based pattern scaling. Solid line shows the mean and shading shows the IPCC confidence ranges arising from interacting FaIR and pattern scaling uncertainties. D) Marginal economic effect of increases in Tx5d on economic growth in percentage points per degree Celsius (p.p. °C<sup>-1</sup>) across a range of regional annual mean temperature values. Solid line shows the mean estimate and shading shows the 90% confidence interval, based on the observed relationship between Tx5d and economic growth. Positive values indicate that cool regions benefit from higher temperatures whereas negative indicate that warm regions suffer from higher temperatures.



**Fig. 2 | Carbon majors have caused cumulative economic losses from extreme heat irrespective of significance standard.** A) Cumulative global heat-driven economic losses linked to the five top-emitting fossil fuel firms over 1991-2020. Black line shows the mean across 10,000 Monte Carlo simulations convolving all sources of uncertainty and gray shading denotes the IPCC likely (66%), very likely (90%), and virtually certain (99%) ranges. The main analysis uses a significance threshold of  $p < 0.05$ ; red dots and lines show the average losses for each firm if a threshold of  $p < 0.5$  is used, corresponding to a legal standard of “more likely than not.” B) Heat-driven economic losses linked to groups of carbon majors: all, investor-owned companies (IOCs), state-owned enterprises (SOEs), and the top five shown in A. Red dots correspond to a significance threshold of  $p < 0.5$ . In A and B, bottom inset text denotes the average losses linked to each actor or group using the  $p < 0.05$  level. C) Average annual GDP per capita (GDPpc) change in subnational regions due to heat extremes driven by the combined emissions of the top five firms shown in A, evaluated at the 95% confidence level. White regions are those for which we do not have continuous GDPpc data over 1991-2020. Map was generated using cartopy v0.17.0 and regional borders come from the Database of Global Administrative Areas.



**Fig. 3 | Carbon majors have caused losses from individual extreme heat events.** A-D) Average change in regional Tx5d values due to the emissions of the five top-emitting carbon majors in 1998 (A), 2003 (B), 2010 (C), and 2012 (D). E-H) Economic losses due to Tx5d intensification in India in 1998 (E), France in 2003 (F), Russia in 2010 (G), and the continental U.S. in 2012 (H) due to the emissions of carbon majors. In E through H, dot shows the average estimate, lines span the 90% (very likely) range, and inset text denotes the minimum percent contribution to 1850-2020 emissions that can be statistically tied to losses from each event using a  $p < 0.05$  threshold. Red lines in E through H denote the contributions of each carbon major when  $p < 0.5$  is used as the significance threshold rather than  $p < 0.05$ . Maps were generated using cartopy v0.17.0 and regional borders come from the Database of Global Administrative Areas.



**Fig. 4 | The emissions contributions necessary to attribute cumulative economic losses from extreme heat depend on evidentiary standards and the time period considered.** A) Attributable global heat-driven economic losses over 1991-2020 as a function of the percent contribution to global CO<sub>2</sub> and CH<sub>4</sub> emissions over the 1850-2020 period. B) Losses attributable to a 5% contribution to global emissions, when that contribution is assessed starting in 1850 (as in A), 1977, or 1990, and ending in 2020 in all cases. In (A) and (B), black line, dots, and shading correspond to a  $p < 0.05$  threshold whereas red line or dots correspond to a  $p < 0.5$  threshold. C) Minimum statistically significant contribution to economic damages in each subnational region corresponding to thresholds of  $p < 0.05$  (top) and  $p < 0.5$  (bottom). Maps were generated using cartopy v0.17.0 and regional borders come from the Database of Global Administrative Areas.

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## SUPPLEMENTARY MATERIAL

### Carbon majors and the scientific case for climate liability

Christopher W. Callahan & Justin S. Mankin

#### Supplementary Methods

Our approach provides an open-source, transparent, rigorous, modular, and extendable end-to-end attribution that isolates and quantifies particular damages from climate hazard(s) that can be traced back to particular emissions, building on our earlier work in this area<sup>1</sup>.

Here, we present the damage attributable to enhanced extreme heat due to the emissions of particular actors. We measure this damage as subnational GDP per capita loss. We emphasize that this is not the only way to measure the impacts of extreme heat, nor does such an assessment represent the totality of climate damages attributable to any one emitter. As such, our estimates of damages attributable to emitters should be considered lower bounds, as they do not include other hazards and damages that could be traced back to these emissions, nor does income loss represent the total damage associated with extreme heat.

Mechanically, our end-to-end attribution integrates model experiments with three steps: (1) emissions to warming; (2) warming to hazards; and (3) hazards to damages. For the first step, we use a reduced-complexity climate model, which translates emissions into global temperature change, reconciling the carbon cycle and climate response uncertainty (see *Step 1: FaIR simulations*). For the second step, we use a statistical model that translates global temperature change into local changes in the hottest five days of the year (see *Step 2: Pattern scaling*). For the last step, we use an empirical model that estimates the marginal economic damage of the five hottest days of the year (see *Step 3: Damage function*). Different sets of emissions data could be included in Step 1, other hazard models could be ported in at Step 2, and other damage models could be used in Step 3, suggesting the flexibility of the framework.

#### *Step 1: FaIR simulations*

We use the Finite amplitude Impulse Response (FaIR) emissions-driven reduced-complexity climate model (RCM) to quantify the contributions of individual emitters to global mean surface temperature change. FaIR takes input time series of greenhouse gas emissions and natural climate forcings, simulates the carbon cycle and radiative forcing response, and calculates resulting warming, providing an output time series of global mean surface air temperature (GMST). All FaIR simulations are run from 1750 to 2020.

For each firm, our analysis requires comparing three experiments: in the first experiment, we run FaIR in a “natural” scenario, with only naturally occurring historical forcings, like solar variations and volcanic eruptions, preserved. This experiment calculates the time series of GMST in a counterfactual world with no human GHG emissions. In the second experiment, we run FaIR in a “historical” scenario, inputting both total historical human-caused emissions as well as the natural forcings to calculate the GMST we have experienced from observed historical forcing. The difference between the “historical” and “natural” FaIR simulations provides a time series of the *change* in GMST attributable to historical human-caused emissions and allows us to validate the skill of our simulations. Our simulations are skillful, reproducing the experimental results from the Detection and Attribution Model Intercomparison Project<sup>2</sup> (DAMIP) run with the fully coupled Earth System Models participating in the sixth phase of the Coupled Model Intercomparison Project<sup>3</sup> (CMIP6). The IPCC best estimate of human-induced warming over 2010-2019 relative to 1850-1900 is 1.07 °C, with a likely (66%) range of 0.8 °C – 1.3 °C (ref.<sup>3</sup>). The results from our FaIR simulations are consistent with this estimate, with an average warming in 2010-2019 relative to 1850-1900 of 1.05 °C and a 66% range of 0.89 °C – 1.23 °C.

Our third experiment is performed for each emitter separately. This experiment has the same protocol as that for the “historical,” but this time we remove the emissions from a single firm from total historical emissions. This is called a “leave-one-out” experiment; it provides the counterfactual time series of GMST where the chosen firm did not emit. The difference between the time series of “historical” and “leave-one-out” GMST provides a time series of the *change* in GMST attributable to a single emitter.

A “leave-one-out” experimental design does not consider socioeconomic consequences of counterfactual emissions, only thermodynamic ones. As such, our counterfactual approach is agnostic about whether a “leave-one-out” framing implies that the fossil fuel production itself never took place (with opaque and unpredictable market and production implications), or whether it is analogous to a scenario where a firm instead took steps to mitigate or remove the emissions associated with their fossil fuel production.

Each firm’s emissions are time series of carbon dioxide and methane emissions—representing Scope 1 and Scope 3 emissions from fossil fuel production—drawn from data from Heede<sup>4</sup>; we use all available years of emissions data for each firm. Not all firms have data spanning the same number of years as companies were incorporated at different times, but we use all available emissions data to avoid artificially constraining our analysis. Table S1 shows the years over which emissions data are available for the five top-emitting firms in our data.

To sample carbon cycle and radiative forcing uncertainties, we perform each of the above FaIR experiments 1001 times, providing a large perturbed-parameter ensemble for each experiment. The 1001 parameter combinations were developed as part of the IPCC sixth assessment report<sup>5</sup>. Notably, our 1001-

member FaIR parameters are a subset of a larger parameter set of 1.5 million, which was then constrained to be consistent with fully coupled CMIP6 Earth System Models. We therefore run 1001 simulations for the “natural,” “historical,” and each firm-level “leave-one-out” scenarios, sampling each parameter set for each firm. These simulations provide a distribution of GMST changes attributable to each firm for each year, where the range in values is attributable to uncertainties in the carbon cycle and the response of warming to forcing. These parameter sets were downloaded on September 13, 2023, with further information available at the following URL:

[https://docs.fairmodel.net/en/latest/examples/calibrated\\_constrained\\_ensemble.html](https://docs.fairmodel.net/en/latest/examples/calibrated_constrained_ensemble.html)

### *Step 2: Pattern scaling*

The scale of our damages analysis is the subnational region, equivalent to states in the United States or provinces in Canada. This is the scale at which heat waves have been found to affect economic growth<sup>6</sup> (in contrast to the country-level approach of previous studies<sup>7,8</sup>, a finer spatial scale is necessary to account for the effect of heat waves). Following previous work, heat waves are defined here as the five hottest days in each year (denoted “Tx5d”), though other heat metrics could be used.

In order to quantify the effects of carbon majors’ emissions on local extreme heat, it is necessary to link changes in GMST provided by the FaIR simulations to regional changes in Tx5d. Motivated by the strong linear relationship between GMST change and local extreme heat<sup>9</sup>, we use the widely-used pattern scaling method to calculate changes in Tx5d in each region as a linear function of changes in GMST change. To do this, we leverage the “hist” and “hist-nat” experiments conducted as part of the DAMIP protocol for CMIP6, which are the fully coupled analogues to our “historical” and “natural” FaIR experiments outlined above. For each participating model and each experiment, we calculate regional Tx5d. Next, we take the difference between the “hist” and “hist-nat” experiments in both GMST and regional Tx5d over the 1991-2020 period to calculate anthropogenic changes in those quantities. We then linearly regress the time series of anthropogenic Tx5d change onto the time series of anthropogenic GMST change for each region to yield a pattern scaling coefficient that represents the marginal sensitivity of local Tx5d change to GMST change in units of “degree of regional Tx5d change per degree of GMST change.” Multiplying these coefficients with the firm-level sets of FaIR simulations that provide the GMST change attributable to each emitter yields the Tx5d change due to each carbon major in each subnational region (Fig. 1c). We use 1991-2020 as the time period of this analysis to match the time period of the damages analysis.

We perform this local pattern scaling regression separately for each of 80 CMIP6 climate model simulations, specifically those which have hist and hist-nat simulations available for daily high surface air temperature (“tasmax”). For the CMIP6, only 8 distinct models are available, but we use as many

ensemble members for each model as possible. This choice means that some models are overrepresented in this ensemble but ensures that we are sampling pattern scaling uncertainty due to both model structure and internal climate variability. When we perform our final Monte Carlo uncertainty assessment (see *Uncertainty and statistical significance*), we adjust the model sampling probabilities so that models with fewer realizations are equally likely to be sampled as models with more<sup>6</sup>.

### *Step 3: Damage function*

We use a damage function that relates changes in local Tx5d to changes in GDP per capita growth (“economic growth”) in subnational regions. This function was derived following peer-reviewed methods of ref.<sup>6</sup>, using a panel regression of observed Tx5d and observed GDP per capita growth in a global sample of regions over 1979-2016, isolating the causal effect of year-to-year changes in extreme heat from other geographic or time-trending correlates. The estimated effects of Tx5d on economic growth are spatially heterogeneous, with negative effects of extreme heat in warm regions (regions with annual mean temperature above ~14 °C), but negligible or positive effects in cool regions. The disproportionate negative effect of marginal changes in Tx5d in warm tropical regions could occur due to both their underlying warmth, which may place them closer to physiological thresholds for human health or agriculture, as well as the lower income in tropical regions, which may make them more economically vulnerable to climate stress. Uncertainty in these subnational damage function coefficients is estimated by bootstrap resampling the regression, producing a distribution of 1000 coefficients that reflect sampling uncertainty in our estimates.

To assess heat-driven damage attributable to individual emitters, we integrate the three steps outlined above, calculating economic changes in the “historical” and “leave-one-out” scenarios for each firm, relative to the “natural” scenario which only includes solar and volcanic forcing. We do the following:

- 1) First, we calculate the change in each region’s Tx5d values due to the difference in Tx5d between the pattern-scaled FaIR “historical” (or “leave-one-out”) simulation and the pattern-scaled FaIR “natural” simulation. This difference is then subtracted from the observed, real-world time series of Tx5d for each region, providing counterfactual subnational annual-scale time series of Tx5d. This common “delta method” ensures that the Tx5d differences are benchmarked to the observed climate, both to bias-correct the model predictions and to impute realistic timing to interannual variability.
- 2) The difference between observed and counterfactual Tx5d is then multiplied by the damage function coefficients to calculate a change in each region’s economic growth, due to the change in Tx5d between the “natural” and “historical” or “leave-one-out” experiments.

- 3) We then add this difference in economic growth to observed economic growth. This provides a counterfactual trajectory of economic growth consistent with the included emissions. Higher counterfactual economic growth values than those observed in the real world implies damages from emitter-driven Tx5d changes—i.e., a region *would have* grown faster *but for* the effect of the extreme heat attributable to the included emissions.
- 4) We then put these economic changes in dollar terms by taking these counterfactual economic growth time series from each emitter and re-integrating each region's GDP per capita time series. Further details on this procedure are available in Callahan and Mankin<sup>6</sup> and Diffenbaugh and Burke<sup>10</sup>. We now have, for each region, a time series of per capita GDP damages in the historical world and a time series of per capita GDP damages in a world with one emitter removed.
- 5) Finally, we take the difference between the historical damage estimate and the leave-one-out damage estimate to calculate the contributions of individual firms. Further details on this procedure are available in Callahan and Mankin<sup>1</sup>.

The effect of extreme heat on economic growth is not permanent. In previous work<sup>6</sup>, we observed a rebound effect whereby economic growth accelerates in the years following heat waves—for example, as crops are resown or people return to work. This effect appears to last three years. Neglecting such a rebound effect could lead to overestimates of the effect of heat waves on long-term growth. We therefore account for this recovery in our damage estimates, allowing Tx5d changes to affect both contemporary and future economic growth such that no single heat wave has a permanent effect. Additionally, because changes in annual mean temperature moderate the effect of Tx5d change, we perform a similar pattern scaling analysis with regional annual mean temperature. Following previous work, the final damages calculations incorporate both changes in Tx5d itself as well as changes in the underlying annual mean temperature values that moderate the effect of Tx5d<sup>6</sup>.

### *Predicting regional income*

Our analysis requires continuous GDP per capita time series order to integrate counterfactual economic growth and calculate counterfactual income. Many regions around the world, especially those in the poorest and warmest areas of the tropics—those that are most strongly affected by extreme heat—do not have such subnational data available, making it difficult to assess the impacts of climate change in those regions. To fill this gap, we extend the regional GDP per capita prediction procedure outlined in Callahan and Mankin<sup>6</sup> to predict subnational GDP per capita from 1991-2020.

This procedure takes three inputs: country-level GDP per capita (GDPpc) data from the World Bank World Development Indicators, gridded nighttime luminosity data from satellites, and subnational

GDPpc (from the regions where such data is available) from the DOSE dataset collected by Wenz et al.<sup>11</sup>. We estimate a multiple regression model where observed regional GDPpc is regressed on the corresponding country's GDPpc, regional average nighttime luminosity, and their interaction<sup>12</sup>. (To perform this procedure over 1991-2020, we linearly extrapolate regional nightlights beyond their original 1992-2013 time boundaries.) This regression model skillfully explains variation in regional GDPpc, with an  $R^2$  of approximately 0.9, and has performed well in out-of-sample cross-validation tests<sup>6</sup>. We then predict regional GDPpc in the regions where it is not available, using the country-level GDPpc and nightlights data in these regions. There are some countries where even country-level GDPpc data is not continuously available, such as Uzbekistan and Kenya, and in these regions we do not produce regional GDPpc data (see, for example, the white regions in Fig. 2).

We use the US GDP deflator to correct for inflation and convert each dollar to 2020-equivalent dollars.

This procedure inherently introduces uncertainty in our final estimates, and we sample this uncertainty in two ways following Callahan and Mankin<sup>6</sup>. First, we bootstrap the multiple regression model 250 times, resampling by country with replacement to account for within-country autocorrelation in growth. Second, in each bootstrap iteration, we add random noise to the predictions with amplitude equal to the standard deviation of the estimation model's residuals. This procedure ensures that the uncertainty from this prediction procedure is reflected in our final damage estimates.

We emphasize that we do not use these GDPpc reconstructions in the original regression estimates that produce the damage function, only in the process of calculating absolute GDPpc losses from changes in economic growth.

### *Event-specific estimates*

To quantify the influence of carbon majors on damages from specific events, we use a similar method as in our main analysis. The key difference is that we only calculate the damages from the change in Tx5d and average temperature in the year of the event. In practice, this means we set the Tx5d and average temperature values in the leave-one-out simulation equal to the observed values in all years, except the year of the event. For example, we calculate damages for India in 1998 by setting the historical and leave-one-out Tx5d and temperature values to be exactly the same as the observed values, except for in 1998. We then repeat our damage calculation, with damages only being produced by the climate change in 1998 and not any other year. We also note that these heat waves happen to coincide with the Tx5d in each case we present. We would not always expect that to be the case, as damaging heat waves may not always include the five hottest days of the year. In such cases, other heat metrics or approaches may be appropriate.

As described above, heat waves produce an economic rebound in the years following the event. As such, we continue to account for the economic recovery in these single-event estimates by allowing Tx5d changes to affect growth in the year of the event as well as the two years following it. Previous work found that heat waves affect growth in both the year of the event as well as two years afterwards, before regions “catch up” to their previous growth rate in the third year following the event. Critically, this does not imply that these events have no effect on economies; it simply means that that effect is transient rather than permanently accumulating. Further discussion of this issue can be found in Callahan and Mankin<sup>6</sup>

When we present country-level damage estimates for these individual events, we sum damages across all regions in the chosen country for that year and the 2 years following. For example, for India in 1998, the damage estimates presented in Fig. 3 represent losses in 1998, 1999, and 2000, induced by the 1998 heat wave, before India catches back up to its original economic trajectory in 2001 and damages are zero thereafter. For the United States in 2012, we exclude Hawaii and Alaska from this calculation to only calculate damages for the contiguous U.S.

#### *Uncertainty and statistical significance*

Our damage calculations reflect uncertainty from the FaIR simulations, pattern scaling, damage function estimates, and regional income prediction. To propagate these uncertainties into our final estimates, we use a Monte Carlo approach, sampling uncertainty with 10,000 iterations. In each iteration, we sample one of the 1001 FaIR simulations, one of the 80 climate model estimates of the pattern scaling coefficients (keeping all regional coefficients together from a single climate model), one of the 1000 damage functions from the bootstrap estimate, and one of the 250 regional GDPpc predictions.

Our damages analysis involves differencing two estimates: damages with and without a certain emitter. Each of these damage estimates has 10,000 values for each region and year. To test whether a firm’s effect is statistically significant, we use a Kolmogorov-Smirnov test in each region and year to test whether the distributions with and without that firm are statistically distinct. If these two distributions are distinct with an alpha of 0.05 (i.e., significance requires  $p < 0.05$ ), the firm has made statistically significant and quantifiable “but for” contributions to economic losses. If a given region and year is not significant, it is discarded and not added to a firm’s total damages (e.g., the numbers shown in Fig. 2).

When we alter our threshold for the test of significance, we simply repeat our analysis with an alpha threshold of 0.5 rather than 0.05.

## Supplementary Tables

Firm Name	Headquarters	Start Year	End Year
Saudi Aramco	Saudi Arabia	1938	2020
Gazprom	Russia	1989	2020
Chevron	United States	1912	2020
ExxonMobil	United States	1884	2020
BP	United Kingdom	1913	2020

**Supplementary Table 1: Availability of emissions data for top five firms.** This table shows the name (first column), country of headquarters (second column), first year of available emissions data (third column), and last year of available emissions data (fourth column) for the five top-emitting firms in our data. Data is from Heede<sup>4</sup>.

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## ACADEMIC APPOINTMENTS

**Dartmouth College** **Hanover, NH**  
**2023 -** Associate Professor, Department of Geography  
**2018 - 2023** Assistant Professor, Department of Geography  
Faculty Affiliate, Ecology, Evolution, Environment & Society (EEES)  
Adjunct Assistant Professor, Department of Earth Sciences  
**Lamont-Doherty Earth Observatory (LDEO) of Columbia University** **Palisades, NY**  
**2018 -** Adjunct Associate Research Scientist, Division of Ocean & Climate Physics  
**2015 - 2018** Postdoctoral Research Fellow, Division of Ocean & Climate Physics  
**NASA Goddard Institute for Space Studies** **New York, NY**  
**2015 - 2017** Postdoctoral Research Fellow, Joint Appointment with LDEO

## EDUCATION

**Ph.D., Stanford University** **Stanford, CA**  
Climate Science, September 2015  
**M.P.A., Columbia University** **New York, NY**  
Environmental Science & Policy, May 2010  
**M.Sc., The London School of Economics** **London, UK**  
Global Politics & Development Economics, October 2008  
**B.A., Columbia University** **New York, NY**  
Political Science, May 2004

## PUBLICATIONS

★ Denotes research where Mankin is lead or senior author (i.e., last author, per Vancouver Protocol); underlined are: PI-advised (P)ostdoc, (G)rad student, (U)ndergrad, and (R)esearch Assistant

Total peer-reviewed papers published: 54. Total citations: ~4,700; h-/i-10 index: 32/46 (based on Google Scholar)

## MANUSCRIPTS SUBMITTED OR IN REVISION

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56. ★Li, Z. (P), J. E. Smerdon, R. Seager, N. Siebert (R), & **J. S. Mankin**, Emergent trends complicate interpretation of the United States Drought Monitor, *under review*.
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#### PEER-REVIEWED PUBLICATIONS

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##### 2023

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52. ★Callahan, C. (G), N. J. Dominy, J. M. DeSilva, & **J. S. Mankin**, Global warming, home runs, and the future of America’s pastime, *Bulletin of the American Meteorological Society* (2023) 10.1175/BAMS-D-22-0235.1.
51. ★Gottlieb, A. (G) & **J. S. Mankin**, Snow drought & its impacts: insights from quantifying and sourcing specific uncertainties, *Bulletin of the American Meteorological Society* (2023).

##### 2022

50. ★Callahan, C. (G) & **J. S. Mankin**, Globally unequal effect of extreme heat on economic growth, *Science Advances* (2022) 10.1126/sciadv.add3726.
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31. Qin, Y., J. T. Abatzoglou, S. Siebert, L. S. Huning, A. AghaKouchak, **J. S. Mankin**, C. Hong, D. Tong, S. J. Davis, N. D. Mueller, Agricultural vulnerability to changing snowmelt, *Nature Climate Change* (2020) 10.1038/s41558-020-0746-8.

30. ★He, Y. (P), E. Lee, **J. S. Mankin**, Seasonal tropospheric cooling in Northeast China associated with cropland expansion, *Environmental Research Letters* (2020) 10.1088/1748-9326/ab6616.

29. Winter, J. M., H. Huang, E. Osterberg, **J. S. Mankin**, Anthropogenic impacts on the exceptional precipitation of 2018 in the Mid-Atlantic United States, *Bulletin of the American Meteorological Society* (2020) 10.1175/BAMS-19-0172.1

## 2019

28. Lehner, F., A. W. Wood, J. A. Vano, D. M. Lawrence, M. P. Clark, **J. S. Mankin**, The potential to reduce uncertainty in regional runoff projections from climate models, *Nature Climate Change* (2019) 10.1038/s41558-019-0639-x.

27. ★**Mankin, J. S.**, R. Seager, J. E. Smerdon, B. I. Cook, A. P. Williams, Mid-latitude freshwater availability reduced by projected vegetation responses to climate change, *Nature Geoscience* (2019) s41561-019-0480-x.

26. ★Raymond, C. (G), & **J. S. Mankin**, Coastal moderation of extreme heat in the United States, *Environmental Research Letters* (2019) 10.1088/1748-9326/ab495d.

25. ★Coffel, E. (P), B. Keith, C. Lesk, E. Bower, J. Lee, R. M. Horton, **J. S. Mankin**, More concurrently hot and dry years in the Nile Basin despite increasing precipitation, *Earth's Future* (2019) 10.1029/2019EF001247.

24. ★Coffel, E. (P), R. M. Horton, J. M. Winter, **J. S. Mankin**, Nonlinear increases in extreme temperatures paradoxically dampen increases in extreme humid-heat, *Environmental Research Letters* (2019) 10.1088/1748-9326/ab28b7.

23. Schultz, K. & **J. S. Mankin**, Is temperature exogenous? Conflict Related Uncertainty in the Instrumental Climate Record in Sub-Saharan Africa, *American Journal of Political Science* (2019) 10.1111/ajps.12425.

22. Bishop, D., A. P. Williams, R. Seager, A. M. Fiore, B. I. Cook, **J. S. Mankin**, D. Singh, J. E. Smerdon, M. P. Rao, Investigating the causes of increased 20th-century precipitation over the southeastern United States, *Journal of Climate* (2019) 10.1175/JCLI-D-18-0244.1.

## 2018

21. Trugman, A. T., D. Medvigy, **J. S. Mankin**, W. R. L. Anderegg, Soil moisture drought as a major driver of carbon cycle uncertainty, *Geophysical Research Letters* (2018) 10.1029/2018GL078131.

20. Cook, B. I., **J. S. Mankin**, K. Anchukaitis, Climate change and drought: from past to future, *Current Climate Change Reports* (2018) 10.1007/s40641-018-0093-2.

19. ★ **Mankin, J. S.**, R. Seager, J. E. Smerdon, B. I. Cook, A. P. Williams, R. M. Horton, Projected blue water tradeoffs with CO<sub>2</sub>-enriched ecosystems, *Geophysical Research Letters* (2018) 10.1002/2018GL077051.

18. Skinner, C. B., C. J. Poulsen, **J. S. Mankin**, Amplification of heat extremes by plant CO<sub>2</sub> physiological forcing, *Nature Communications* (2018) 10.1038/s41467-018-03472-w.

17. Diffenbaugh, N. S., D. Singh, **J. S. Mankin**, Probability of unprecedented climate events: comparing historical changes with the UN aspirational targets and NDC commitments, *Science Advances* (2018) 10.1126/sciadv.aao3354.

16. Ault, T. R., S. St. George, J. E. Smerdon, S. Coats, **J. S. Mankin**, C. Carrillo, B. I. Cook, S. Stevenson, A robust null hypothesis for the potential causes of megadrought in western North

America, *Journal of Climate* (2018) 10.1175/JCLI-D-17-0154.1.

15. Cook, B. I., A. P. Williams, **J. S. Mankin**, R. Seager, J. E. Smerdon, D. Singh, Revisiting the leading drivers of Pacific coastal drought variability in the Contiguous United States, *Journal of Climate* (2018) 10.1175/JCLI-D-17-0172.1.

## 2017

14. Swain, D. L., D. Singh, D. Horton, **J. S. Mankin**, T. Ballard, N. S. Diffenbaugh, Remote linkages to anomalous winter atmospheric ridging over the northeastern Pacific, *Journal of Geophysical Research-Atmospheres* (2017) 10.1002/2017JD026575.

13. Williams, A. P., Cook, B. I., Smerdon, J. E., Bishop, D. A., Seager, R., **Mankin, J. S.**, The 2016 southeastern US drought: an extreme departure from centennial wetting and cooling, *Journal of Geophysical Research - Atmospheres* (2017) 10.1002/2017JD027523.

12. Smerdon, J. E., Luterbacher, J., Phipps, S. J., (alphabetical thereafter), Comparing data and model estimates of hydroclimate variability and change over the Common Era, *Climate of the Past* (2017) 10.5194/cp-2017-37.

11. ★ **Mankin, J. S.**, J. E. Smerdon, B. I. Cook, A. P. Williams, R. Seager, The curious case of projected 21st-century drying but greening in the American West, *Journal of Climate* (2017) 10.1175/JCLI-D-17-0213.1.

10. Diffenbaugh, N. S., D. Singh, **J. S. Mankin**, A. Charland, M. Haugen, D. E. Horton, D. L. Swain, D. E. Touma, M. Tsiang, B. Rajaratnam, Quantifying the influence of historical global warming on the probability of unprecedented extreme climate events, *Proceedings of the National Academy of Sciences* (2017), 10.1073/pnas.1618082114.

9. ★ **Mankin, J. S.**, D. Viviroli, M. M. Mekonnen, A. Y. Hoekstra, R. Horton, J. E. Smerdon, and N. S. Diffenbaugh, Influence of internal variability on population exposure to hydroclimatic changes, *Environmental Research Letters* (2017) 10.1088/1748-9326.

## 2016

8. Ault, T., **J. S. Mankin**, B. I. Cook, J. E. Smerdon, Relative impacts of mitigation, temperature, and precipitation on 21st Century megadrought risk in the American Southwest, *Science Advances* (2016) 10.1126/sciadv.1600873.

7. Horton, R., **J. S. Mankin**, C. Lesk, E. Coffel, C. Raymond, A review of recent advances in research on extreme heat events, *Current Climate Change Reports* (2016) 10.1007/s40641-016-0042-x.

6. Coats, S. & **J. S. Mankin**, The challenge of accurately quantifying future megadrought risk in the American Southwest, *Geophysical Research Letters* (2016) 10.1002/2016GL070445.

5. Singh, D., D. L. Swain, **J. S. Mankin**, D. E. Horton, L. Thomas, N. S. Diffenbaugh, Recent amplification of the North American winter temperature dipole, *Journal of Geophysical Research: Atmospheres* (2016) 10.1002/2016JD025116.

## 2015

4. **Mankin, J. S.**, D. Viviroli, D. Singh, A. Y. Hoekstra, and N. S. Diffenbaugh, The potential for snow to supply human water demand in the present and future, *Environmental Research Letters* (2015) 10.1088/1748-9326/10/11/114016.

3. ★ **Mankin, J. S.**, N. S. Diffenbaugh, Influence of temperature and precipitation variability on near-term snow trends, *Climate Dynamics*, **45** 1099-1116 (2015) 10.1007/s00382-014-2357-4.

## < 2015

2. Siegfried, T., T. Bernauer, R. Guennet, S. Sellars, A. W. Robertson, **J. S. Mankin**, P. Bauer-Gottwein, Will Climate Change Exacerbate or Mitigate Water Stress in Central Asia?, *Climatic Change*, **112** (3-4) 881 (2012) DOI 10.1007/s10584-011-0253-z.

1. ★ **Mankin, J. S.**, Gaming the system: how Afghan opium underpins local power, *Journal of International Affairs*, **63** (1) 195 (2009).

#### PEER-REVIEWED BOOK CHAPTERS

1. Moore, F., **J. S. Mankin**, A. H. Becker, Disciplines: Integrating Climate and Social Sciences, Chapter 4 in *Climate Cultures: Anthropological Perspectives on Climate Change*. Jessica Barnes and Michael Dove (eds). New Haven: Yale University Press (2015).

#### DATASETS

1. National-scale attribution of historical climate damages, (2022) DOI pending. Available at: [https://rcweb.dartmouth.edu/CMIG/national\\_attribution\\_2022/prod/](https://rcweb.dartmouth.edu/CMIG/national_attribution_2022/prod/). These data are being used in ongoing climate litigation by Our Children’s Trust in their national court case (Juliana v. United States) and international cases (e.g., in Canada’s LaRose v. Her Majesty, among others in development). Our paper is also the basis of an advising opinion being written by the International Court of Justice for the UN on questions of Loss & Damage.

#### OTHER PUBLICATIONS

14. ★**Mankin, J. S.**, The people have a right to climate data, *The New York Times*, 20 January 2023.

13. ★Lesk, C. (P), **J.S. Mankin** & National Center for Atmospheric Research Staff (Eds), The Climate Data Guide: Making sense of data from Land Surface Models (LSMs). Retrieved from <https://climatedataguide.ucar.edu/climate-data/making-sense-data-land-surface-models-lsms>, Sep 2023.

12. ★**Mankin, J. S.** & C. Callahan (G), The other climate change, *The Los Angeles Times*, page A11, 25 May 2023.

11. ★C. Callahan (G) & **Mankin, J. S.**, MLB home run counts are rising and global warming is playing a role, *The Conversation*, 7 April 2023.

10. ★**Mankin, J. S.** & C. Callahan (G), The Scientific Case for Climate Liability and Loss and Damage Claims, *Lawfare*, 2022.

9. ★**Mankin, J. S.**, The American West’s drought isn’t a disaster. It’s our new, permanently arid normal, *The Washington Post*, 2021.

8. Fu, R., I. Simpson, **J. S. Mankin**, A. Hoell, D. Barrie, Fueled by climate change, costly South-west drought isn’t going away, *The Washington Post*, 2021.

7. ★Coffel, E. (P) & **J. S. Mankin**, Thermal power generation disadvantaged under global warming, *Carbon Brief*, 2021.

6. Fu, R., A. Hoell, **J. S. Mankin**, I. Simpson, Addressing drought-heatwave-wildfire interactions, *EOS*, 2021.

5. ★Coffel, E. (P) & **J. S. Mankin**, More rain but less water in the Nile Basin, *The Conversation*, 13 January 2020.

4. ★**Mankin, J. S.**, et al., Will plants help make the planet wetter or drier in a changing climate?, *Carbon Brief*, 5 November 2019.

3. Schultz, K. & **J. S. Mankin**, The weather stations that monitor climate change are at risk. This is why, *The Washington Post*, 22 April 2019.
2. **Mankin, J. S.**, Rotten to the core, *Foreign Policy*, (2011).
1. **Mankin, J. S.**, Preventive semantics, *Foreign Policy*, 146 (2005).

## GRANTS

### EXTERNAL AGENCIES CURRENT & PENDING

10. **NASA FINESST**, PI, FI Maggie O'Shea, *pending*.
9. **NSF Human-Environment and Geographical Sciences**, lead PI, *pending*, Internal climate variability and the distribution of climate adaptation benefits.
8. **NSF Hydrologic Sciences**, lead PI, with UCSB and UCLA, *pending*, Collaborative Research: A regional-scale framework for determining the hydrologic legacies of wildfire in western North America, (\$990,846; \$330,000 to Dartmouth).
7. **NOAA Climate Variability & Predictability**, co-I, with Y. Jiang, J. Smerdon, and R. Seager of Columbia University, *pending*, 9/2024 - 8/2027, The impact of land surface conditions on the evolution and predictability of ocean-driven hydroclimate extremes in the western U.S.
6. **NSF Climate & Large Scale Dynamics**, co-PI, with Syracuse University, 9/2023-8/2026, Agriculture as a driver of regional climate extremes.
5. **Aspen Global Change Institute**, co-PI, with Cornell *awarded*, Future resilience and risk of terrestrial water availability: towards an integrated perspective on water, plants, and climate.
4. **Department of Energy**, co-PI, with J. Smerdon and R. Seager of Columbia University, 9/2021 - 8/2024, The Role of Vegetation in Past and Future Global Hydroclimatic Change.
3. **NSF Human-Environment and Geographical Sciences**, co-PI, the lead PI is my postdoc E. Coffel who wrote it under my direction and is now a professor at Syracuse University, 7/2021 - 6/2024, The Crop-Climate Feedback Cycle and its Implications for Global Food Production.
2. **NSF Graduate Research Fellowship**, for Mankin advisee C. Callahan, 2021-2023 (\$102,000 to Dartmouth).
1. **NOAA Modeling, Analysis, Predictions and Projections**, lead PI, with J. Smerdon, B. Cook, and R. Seager of Columbia University, 9/2020 - 8/2023, Regional Influences of Vegetation on Complex Droughts in North America.

### INTERNAL: SUCCESSFUL AND PENDING

- Wright Center for the Study of Computation and Just Communities**, lead PI, National Attribution of Historical Climate Damages: Data in Service of Climate Litigation, Dartmouth, 2022.
- Neukom Institute CompX**, lead PI, Assessing adaptation feedbacks to present and future climate extremes, Dartmouth, 2020-21.
- Rockefeller Center**, lead PI, Estimating the time of emergence and distribution of climate adaptation benefits for climate decision-making, Dartmouth, 2020-21
- Walter and Constance Burke Research Initiation Award**, lead-PI, The role of vegetation in shaping present and future aridity and drought, 2018
- Earth Institute** lead PI, Columbia University, 2015-2017.
- Earth Institute Cross-Cutting Initiative**.
- E-IPER Graduate Summer Research Grant**, 2012.
- McGee Grant**, Stanford University, School of Earth Sciences, 2011.



## FELLOWSHIPS

**Fellow**, Petitt Family Foundation, 2023.

**Junior Faculty Fellowship**, Dartmouth College, 2021-2022.

**Earth Institute Postdoctoral Fellowship**, Lamont-Doherty Earth Observatory & The Center for Climate Systems Research, 2015-2017.

**Northeast Climate Science Center Fellowship**, The Center for Climate Systems Research & University of Massachusetts, Amherst, 2015-2017.

**Predoctoral Science Fellowship**, Center for International Security and Cooperation (CISAC), Stanford University, tuition and stipend, 2014-2015.

**Stanford Center on International Conflict and Negotiation (SCICN) Fellowship**, Stanford Law School, 2012-2013.

**Margaret Jonsson Family Foundation Fellowship**, School of Earth Sciences, Stanford University, tuition and stipend, 2010-2014.

**Environmental Science Academic Fellowship**, Columbia University, 2010.

## ACADEMIC HONORS AND AWARDS

**Climate Science Leader**, Climate Judiciary Project, Environmental Law Institute, Washington, D.C., 2023.

**Institute of Physics (IOP) Publishing**, 2022 Outstanding Reviewer Awards.

**The Bulletin of the American Meteorological Society Research Highlight**, Observing, measuring, and assessing the consequences of snow drought, 2022.

**Institute of Physics (IOP) Publishing**, Trusted Reviewer Status (top 15% of reviewers), 2021.

**American Geophysical Union Article Highlight**, Invited Commentary by Clara Deser on “The value of initial condition large ensembles to robust adaptation decision-making” by Mankin et al., *Earth’s Future*, (2020) <https://doi.org/10.1029/2020EF001854>.

**Named Co-Lead**, National Oceanic and Atmospheric Administration (NOAA) Drought Task Force IV, 2020.

**Editor’s Citation for Outstanding Reviewing**, *Institute of Physics (IOP Publishing)*, 2016.

**Environmental Research Letters Editors’ Highlight of 2015**, April 2016.

**Institute of Physics Select Article**, “The potential for snow to supply human water demand in the present and future”, *ERL*, November 2015.

**Environmental Research Letters Monthly Highlights Collection**, November 2015.

**Rising Environmental Leadership Program (RELP)**, Woods Institute for the Environment, Stanford University, 2012-2013.

**Andrew Wellington Cordier Essay Winner**, Columbia University, 2009.

**Distinction**, MSc. Thesis, London School of Economics, 2008.

## ACADEMIC SERVICE

### PROFESSIONAL

**Associate Editor**, *Journal of Climate*, American Meteorological Society, 2023-present

**Associate Editor**, *Earth’s Future*, American Geophysical Union, 2022-present

**Co-Chair**, 37th Conference on Climate Variability and Change at AMS 2024

**Member**, American Meteorological Society Committee on Climate Variability and Change (AMS)

CVC), 2020-present

**Committee Member**, Earth's Future Editor-in-Chief Search Committee, 2023

**Chair**, American Meteorological Society CVC STAC Awards Committee, 2021-2023

**Member**, American Meteorological Society CVC STAC Awards Committee, 2023-present

**Co-lead**, National Oceanic and Atmospheric Administration Drought Task Force (NOAA DTF), 2020-2023

**Member Representative**, University Corporation for Atmospheric Research (UCAR) for Dartmouth College, 2020-present

**Senior Anti-Corruption Advisor**, NATO International Security Assistance Force (ISAF), 2012

**Advisor**, U.S. House of Representatives, Subcommittee on Environment of the House Committee on Science, Space, and Technology Majority, 2022.

#### DARTMOUTH

**Member**, Committee on Standards, 2023-present

**Member**, Irving Strategic Working Group, 2024-present

**Member**, Curriculum Committee, Department of Geography, 2023-present

**Member**, Dartmouth Climate Solutions Working Group Organizing Committee, 2023-present

**Chair**, Curriculum Committee, Dartmouth EEES PhD program, 2020-2022

**Member**, Curriculum Committee, Dartmouth EEES PhD program, 2022-present

**Member**, Committee on the Faculty (COF), Dartmouth, 2020-2021

**Member**, Program Chair Selection Committee, Dartmouth EEES PhD program, 2021-present

**Advisory Board Member**, Irving Institute Faculty Advisory Board, 2022-present

**Member**, Ad Hoc Group on Energy for Dartmouth Sustainability Office, 2022-2023

**Member**, Design Initiative at Dartmouth (DIAD) Steering Committee, 2022-present

**Faculty Advisor**, Center for Environmental Leadership Training (CELT), 2022-present

#### RESEARCH

**Referee for** National Science Foundation (Climate & Large Scale Dynamics; Human-Environment and Geographical Sciences; Paleo Perspectives on Climate Change; Human Networks and Data Science), National Oceanic and Atmospheric Administration, Department of Energy, Human Frontier Science Program, Swiss National Science Foundation, Journal of Climate, Geophysical Research Letters, Journal of Hydrology, Water Resources Research, Earth's Future, Biogeosciences, Climate Dynamics, Climatic Change, Environmental Research Letters, Nature Climate Change, Agricultural and Forest Meteorology, PNAS, Nature Communications, Nature Water, Journal of Geophysical Research-Atmospheres, Earth-Science Reviews, npj Climate Science, PlosOne, Science Advances

**Session Convener**, American Geophysical Union (AGU) 2023, 'Drought: Mechanisms and Impacts in the Past, Present, and Future'; American Geophysical Union (AGU) 2022, 'Drought: Mechanisms and Impacts in the Past, Present, and Future'; American Meteorological Society (AMS) 2022, 'Land-Atmosphere Interactions'; American Geophysical Union (AGU) 2021, 'Drought: Mechanisms and Impacts in the Past, Present, and Future'; American Meteorological Society (AMS) 2021, 'Down-scaling and Regional Climate Change'; American Geophysical Union (AGU) 2020, 'Understanding

the Terrestrial Hydrological Response to Atmospheric CO<sub>2</sub>: Constraints from the Geologic Past and Insights into the Future'; American Meteorological Society (AMS) 2020, 'The use of large ensembles in understanding climate variability and change', January 2020

**Seminar organizer**, Dartmouth's 'Critical Data' seminar series, 2019-2020; Lamont-Doherty Earth Observatory Division of Ocean & Climate Physics Seminar, 2016-2017

**Conference organizer**, PAGES2k PMIP3 Workshop planning committee, Lamont-Doherty Earth Observatory, June 1-3 2016

**OSPA Judge**, AGU 2016 Fall Meeting; AMS 2020 Annual Meeting; AMS 2021 Annual Meeting; AGU 2021 Annual Meeting; AMS 2022 Annual Meeting

**E-IPER Student Representative** to the Executive Committee, Stanford University, 2011-2012

**Professional societies**, Member, American Geophysical Union (AGU), 2010-present; American Meteorological Society (AMS), 2012-present; American Association of Geographers (AAG) 2017-present

#### ACADEMIC CERTIFICATIONS

**National Center for Atmospheric Research (NCAR)**, Boulder, CO, USA  
Community Land Model Workshop **September 2016**

**National Centre of Competence in Research, Climate (NCCR)**, Grindewald, Switzerland  
NCCR Swiss Climate Research Summer School **Summer 2013**

**National Center for Atmospheric Research (NCAR)**, Boulder, CO, USA  
Community Earth System Model (CESM) Workshop **Summer 2012**

#### ADVISEES

Lead advisor for three PhD students, four postdocs, and ten undergraduate students

##### GRADUATE STUDENTS

**Callahan, Christopher**, PhD student, EEES program, Dartmouth, NSF GRFP funded, lead advisor (2018-2023), now postdoc at Stanford

**Gottlieb, Alex**, PhD candidate, EEES program, Dartmouth, DOE funded, lead advisor (2019-present)

**Lane, Erin**, PhD candidate, EEES program, Dartmouth, committee member (2021-present)

**Perlmutter, Flora**, PhD student, EEES Program, Dartmouth, NSF GRFP funded, lead advisor (2022-present)

**O'Shea, Maggie**, PhD student, EEES program, Dartmouth, lead advisor (2023-present)

##### POSTDOCTORAL FELLOWS

**Coffel, Ethan**, Postdoctoral Fellow, Neukom Institute, Dartmouth, lead advisor (2018-2020), now Asst. Prof. at Syracuse University

**He, Yaqian**, Postdoctoral Fellow, Department of Geography, Dartmouth, lead advisor (2018-2020), now Asst. Prof. at University of Central Arkansas

**Lesk, Corey**, Postdoctoral Fellow, Neukom Institute, Dartmouth, lead advisor (2022-)

**Li, Zhiying**, Postdoctoral Fellow, Department of Geography, Dartmouth, lead advisor (2021-2023) now Asst. Prof. at Indiana University

**von Fromm, Sophie**, Postdoctoral Fellow, Neukom Institute, Dartmouth, co-advisor (2023-)

##### UNDERGRADUATE STUDENTS

**Liu, Joanne**, Women in Science Program Fellow (WISP), Dartmouth undergraduate (2019-2019)

**Martinez, Emily**, Junior Research Fellow, Neukom Scholar, Dartmouth undergraduate (2019-

2022)

**Rust, Elise**, Senior Honors Thesis QSS, Dartmouth undergraduate (2020-2021)

**Zamora Castillo, Santiago**, Dartmouth undergraduate (2020-2020)

**Siebert, Noel**, Dartmouth undergraduate (2020-2023)

**Pronichenko, Katya**, Dartmouth Sophomore Research Scholar (2021-present)

**Adobamen, Anna**, Women in Science Program Fellow (WISP), Dartmouth undergraduate (2021-2021)

**Kulasingham-Poon, Meghan**, Women in Science Program Fellow (WISP), Dartmouth undergraduate (2021-present)

**Yildirim, Ulgen**, Women in Science Program Fellow (WISP), Dartmouth undergraduate (2021-2021)

**Gerber, Annabel**, Women in Science Program Fellow (WISP), Dartmouth undergraduate (2021-present)

**Moon, Zoe**, Women in Science Program Fellow (WISP), Dartmouth undergraduate (2022-present)

**Bryant, Grace**, Senior Honors Thesis Student, Earth Sciences, Dartmouth undergraduate (2022-2023)

**Simon, Erica**, Neukom Scholar, Dartmouth undergraduate (2022-present)

**Lertbunnaphongs, Buntida “Beam”**, ENVIS scholar, Dartmouth undergraduate (2023-present)

## TEACHING

★ Denotes an original course developed by Mankin for Dartmouth students

### 1. GEOG 01.01: The Natural Environment

Lower-division course that introduces students to the study of the physical environment using a systems approach. The lab-based course examines how energy, mass, and momentum are exchanged through physical world, the sets of feedbacks a processes such exchange generates, and how those determine the varied forms of life on Earth. Offered SP 2021

### 2. ★ GEOG 16.01: A Climate for Human Security

Mid-division course that examines how the biogeophysics of the the climate system shape human welfare and security; assumes a knowledge of the physics of global warming (e.g., GEOG 5) and statistics. Topics include climate projections, climate variability, climate uncertainty, climate sensitivity, and the carbon budget, the consumptive and paradoxical dimensions of the climate problem, the differences between 1.5°C and 2°C worlds, climate and political violence, mitigation, adaptation, and geoengineering. Offered SU 2019, SP 2021, SP 2023

### 3. ★ GEOG 18.01/EEES 140: Climate Extremes on a Warming Planet

Mid-division course on the physics, impacts, and future of extreme weather and climate with a parallel graduate-level offering (EEES 140). The cloud-based python notebook problem sets developed by Mankin for the class led GEOG 18.01 to be selected as the pilot class for Dartmouth’s Data Science Infused for Undergraduate STEM Education Project (DIFUSE), which is an NSF-funded project to develop data science applications in Dartmouth undergraduate classrooms. Assumes no prior knowledge of atmospheric science or programming. Offered SP 2019, SP 2020, SU 2020, SP 2023

### 4. ★ GEOG 60.01/EEES 160: Earth System Modeling

Upper division course with a parallel graduate-level offering (EEES 160) introduces the concepts (theory and practicalities) related to the science and art of numerical modeling generally, and process-based modeling for climate science, specifically. Students build and work with a range of models, from simple, zero-dimensional radiation balance models to compiling and running fully-coupled global-scale Earth System Model experiments on a supercomputer (NCAR’s Cheyenne cluster). Students learn the potentials and pitfalls of modeling more generally, while positioning a rational evaluation of models and their place in society, especially around predictions of climate change. Assumes knowledge of scientific computing, linear algebra, vector calculus, statistics, and differential equations. Offered W 2023

INVITED  
WORKSHOPS

10. *upcoming* Continental Weather and Climate Workshop, Harvard University, Cambridge, MA, USA *June 14-16, 2024.*
9. *upcoming* National Academies Workshop on Climate Change and Human Migration: An Earth Systems Science Perspective, National Academies of Sciences, Engineering, and Medicine, Washington, D.C., USA *March 18-19, 2024.*
8. Continental Weather and Climate Workshop, Harvard University, Cambridge, MA, USA *June 14-16, 2023.*
7. Assessing Drought in a Changing Climate, National Integrated Drought Information System (NIDIS) and the USDA Climate Hubs, Boulder, CO, USA, *29 February 2023.*
6. Environmental Law Institute, Climate Leaders Judiciary Project, Washington, D.C., USA, *27-28 February 2023.*
5. Rapid Attribution Workshop, National Oceanic and Atmospheric Administration, Boulder, CO, USA, *24-25 May 2022.*
4. Continental Climate Change: Simple Models to Understand the Future, University of St. Andrews, Scotland, UK, *15 June, 2022.*
3. United States Climate Modeling Summit (US-CMS) on Land-Atmosphere Interactions and Extremes, NOAA Center for Weather and Climate Prediction, College Park, MD, USA, *April 4, 2018.*
2. NSF-EASM Workshop on Surviving peak drought and warming in the Southwest, University of Arizona, Tucson, AZ, USA, *March 29-30, 2018.*
1. PAGES2K / PMIP3 Hydroclimate Workshop, Lamont-Doherty Earth Observatory, Palisades, NY, USA, *June 1-3, 2016.*

PRESENTATIONS

INVITED TALKS (SELECTED)

42. *upcoming* Harvard University Center for the Environment, Harvard University, Cambridge, MA, USA *June 14, 2024.*
41. *upcoming* National Academies of Sciences, Engineering, and Medicine, Washington, D.C., USA *March 18, 2024.*
40. Grantham Institute, London School of Economics, London, England, UK *November 20, 2023.*
39. Smith School of Enterprise and the Environment, University of Oxford, Oxford, UK *October 12, 2023.*
38. Department of Earth and Planetary Sciences, Harvard University, Cambridge, MA, USA *June 15, 2023.*
37. Earth Research Institute, University of California, Santa Barbara, Santa Barbara, CA, USA *May 19, 2023.*
36. K. Douglas Nelson Seminar, Department of Earth and Environmental Sciences, Syracuse University, Syracuse, NY, USA *6 April 2023.*
35. Advances in Climatology, American Association of Geographers Annual Meeting, Denver, CO, USA *23 March 2023.*
35. Environmental Law Institute, Washington, D.C., USA *28 February 2023.*
34. Irving Energy Institute, Faculty Seminars on Energy and Climate, Dartmouth College, Hanover, NH, USA *17 February 2023.*
33. Department of Earth and Atmospheric Sciences, Cornell University, Ithaca, NY, USA *19 October 2022.*

32. Department of Atmospheric Sciences, Texas A&M, College Station, TX, USA *21 September 2022.*
31. The causes and consequences of the Western U.S. drought, Rapid Attribution Workshop, NOAA-CIRES, Boulder, CO, USA *24 May 2022.*
30. School of Earth and Environmental Sciences, University of St. Andrews, Fife, Scotland, UK *15 June 2022.*
29. School of Ocean and Earth Science and Technology (SOEST), University of Hawaii, Manoa *19 November 2021.*
28. Science Pub of Vermont, Brandon, VT, USA *7 November 2021.*
27. Department of Earth System Science, University of California, Irvine, Irvine, CA, USA *12 April 2021.*
26. NOAA Drought Task Force Monthly Meeting, Teleconference, USA *8 January 2021.*
25. Department of Earth, Environmental and Planetary Sciences, Rice University, Houston, TX, USA *20 February 2020.*
24. Department of Environmental Science, University of Virginia, Charlottesville, VA, USA *13 February 2020.*
23. Department of Environmental, Earth and Atmospheric Sciences, University of Massachusetts-Lowell, Lowell, MA, USA *17 October 2019.*
22. American Geophysical Union, Washington, D.C., USA, *12 December 2018.*
21. American Geophysical Union, New Orleans, LA, USA, *13 December 2017.*
20. Center for Lifetime Study, Marist College, Poughkeepsie, NY, USA, *3 October 2017.*
19. Pacala lab, Princeton University, Princeton, NJ, USA, *3 May 2017.*
18. Department of Earth & Planetary Sciences, Brown University, Providence, RI, USA, *1 May 2017.*
17. Sustainable Development Program (*guest lecture*), Columbia University, New York, NY, USA, *24 May 2017.*
16. School of the Environment, Washington State University, Vancouver, WA, USA, *9 February 2017.*
15. Department of Earth Sciences, University of Minnesota, Minneapolis, MN, USA, *6 February 2017.*
14. Department of Environmental Science, American University, Washington, DC, USA, *31 January 2017.*
13. Department of Geography, Dartmouth College, Hanover, NH, USA, *16 January 2017.*
12. Society, Water, and Climate, The University of Utah, Salt Lake City, Utah, USA, *29 November 2016.*
11. Urban Ecology Studio, Graduate School of Architecture, Planning, and Preservation, Columbia University, New York, NY, USA, *30 June 2016 and again 28 September 2016.*
10. Department of Earth & Planetary Sciences Seminar, Northwestern University, Evanston, IL, USA, *19 February 2016.*
9. Earth Matters Series, “A Matter of Degrees”, School of Continuing Education, Stanford University, Stanford, CA, USA, *24 February 2015.*
8. Ocean & Climate Physics Seminar, Lamont-Doherty Earth Observatory, Palisades, NY, *20 February 2015.*

7. Center for International Security and Cooperation (CISAC), Freeman Spogli Institute (FSI), Stanford, CA, USA, 15 January 2015.
6. Stanford Center on International Conflict and Negotiation (SCICN), Stanford, CA, 28 May 2013.
5. Knowledge transfer program (KTP), University of Reading, Reading, UK, 4 May 2012.
4. Policy & Economic Research Roundtable (PERR), Stanford University, Stanford, CA, USA, 27 January 2012.
3. National Conference on Science, Policy and the Environment (NCSE): Environment and Security, Washington, DC, USA, 18 January 2012.
2. Center for International Security and Cooperation (CISAC), Hewlett Foundation, CA, USA, 17 January 2012.
1. NATO ISAF HQ CJIATF-Shafafiyat, Kabul, Afghanistan, 30 January 2011.

CONTRIBUTED TALKS (SELECT 1<sup>st</sup> AUTHOR ONLY)

9. **Mankin, J.S.**, Nonlinear plant responses to carbon dioxide and climate diminish water availability, American Geophysical Union Annual Meeting, Chicago, IL, USA, 12 December 2022.
8. **Mankin, J.S.**, The causes, consequences, and future of the ongoing Western U.S. drought, American Association of Geographers, New York, NY, USA 27 February 2022.
7. **Mankin, J.S.**, H. Singh, J. E. Smerdon, B. I. Cook, R. Seager, Impact of vegetation on historical North American droughts and the implications for a future greenhouse world, American Geophysical Union Annual Meeting, Washington, D.C., USA, 7 December 2020.
6. **Mankin, J.S.**, R. Seager, J. E. Smerdon, B. I. Cook, A. P. Williams, Will plants ameliorate or amplify drought risks under global warming? American Geophysical Union Annual Meeting, Washington, D.C., USA, 10 December 2018.
5. **Mankin, J. S.**, Blue water tradeoffs with ecosystems in a CO<sub>2</sub>-enriched climate, American Association of Geographers, New Orleans, LA, USA 11 April 2018.
4. **Mankin, J. S.**, J. E. Smerdon, B. I. Cook, A. P. Williams, R. Seager, Transpiration-driven aridification of the American West in 21st century model projections, American Geophysical Union Annual Meeting, San Francisco, CA, USA, 12 December 2016.
3. **Mankin, J. S.**, Climate certainty, uncertainty and human water availability in a warming world, Stanford University, Stanford, CA, USA, 12 June 2015.
2. **Mankin, J. S.**, D. Viviroli, M. M. Mekonnen, A. Y. Hoekstra, and N. S. Diffenbaugh, Quantifying the crucial role of snow in supplying human water demand. American Geophysical Union Annual Meeting, San Francisco, CA, USA, 15 December 2014.
1. **Mankin, J. S.**, M. Scherer, and N. S. Diffenbaugh, Diagnosing the inter-model spread in snow water equivalent over Central and Southwest Asia. Stanford School of Earth Sciences Review, CA, USA, 12 April 2013.

SKILLS &  
MISCELLANY

**Technical:** Unix/Linux shell, Python/Jupyter, NCL, R, Matlab, ArcGIS, ENVI, git, HTML, CSS  
**L<sup>A</sup>T<sub>E</sub>X**  
**Clearance:** Top Secret (TS/SCI) clearance, granted 2004; NATO Secret as of 2011

SCIENTIFIC  
COMMUNICATION &  
OUTREACH

**Media interviews and coverage of research (truncated):** The New York Times, The Washington Post, The Los Angeles Times, The Guardian, AP, Reuters, AFP, CNN, CBS, NPR, PBS, Bloomberg, BBC, Scientific American, Nature, Accuweather, CNBC, National Geographic, The At-

lantic, The Weather Channel, FSRN, Axios, The Christian Science Monitor, Phys.org, CarbonBrief, Environmental Research News, Salon, USA Today.

**Documentary films:** Climate in Therapy (2023) <https://www.imdb.com/title/tt18163368>

Updated: *January 2024*

<http://jsmankin.github.io>



Testimony from Dr. Justin S. Mankin  
Senate Natural Resources & Energy Committee S. 259  
Thursday, March 21, 2024

(Slide 1): Good morning.

(Slide 2): My name is Justin Mankin. I am a professor of Geography at Dartmouth and an associate research scientist in the Division of Ocean & Climate Physics at Lamont-Doherty Earth Observatory of Columbia University<sup>i</sup>. At Dartmouth I direct the Climate Modeling & Impacts Group<sup>ii</sup> where we work to understand the human impacts of global warming. Our goal is to improve our understanding of the consequences of warming for people and the things they value and to inform the difficult decisions those consequences will compel. My group's research has been published in leading peer-reviewed scientific journals, like *Science*, *Nature*, and the *Proceedings of the National Academy of Sciences*<sup>iii</sup>. I hold an undergraduate degree and a Masters of Public Administration from Columbia University, a Master of Science from the London School of Economics, and a PhD in climate science from Stanford University.

I am here to provide testimony on S.259:

(Slide 2): If there is one point you should take away from my testimony today it is that:

- **Using peer-reviewed, consensus scientific methods, scientists can *quantify* the economic losses a region like Vermont has endured from the impacts of global warming to date, trace those losses back to particular emitters, and provide estimates of future losses<sup>iv,v,vi</sup>.**

(Slide 4): If you were to take away a second point from my testimony today it is that:

- **Any accounting of damages, such as the kind proposed by S.259 is, in my opinion, likely to be an undercounting of the true losses a region like Vermont has suffered. That is because these climate damage cost accounting methods are inherently conservative, focus on a single impact or hazard at a time, and are often limited by data.**

(Slide 5): In general, there are three sets of costs to consider in assessing total damage due to climate change<sup>vii</sup>, and there are different methods to estimate each of these.

- The first is the cost of the damage promulgated by historical emissions. So these are the costs that have already manifested in Vermont's economy owing to the hazards from the human-caused global warming to date.

(Slide 6):

- The second set of costs to consider are the costs that will arise from future hazards, which have their origins in historical emissions. The effects of carbon dioxide (CO<sub>2</sub>) are cumulative, and CO<sub>2</sub> has a very long residence time in our atmosphere, such that some fraction of the first ton released at the dawn of the industrial revolution is still up there,

warming our climate and generating impacts<sup>viii</sup>. This means that the emissions already released from fossil fuel combustion, and to which we can already attribute historical climate damages in a place like Vermont, will continue to cause Vermont damage into the future.

(Slide 7):

- The last cost to consider is the cost from future emissions. Decarbonizing our economy will take time and will itself be energy intensive; to the extent that it is reliant on fossil fuels, future emissions will generate future impacts, and those impacts, costs.

There are peer-reviewed and scientifically defensible approaches to calculating the costs attributable to each of these terms, implying that the Treasurer would have options in how best to approach any accounting. In general they all rely on some kind of “attribution” of losses, typically using quantitative models to estimate what Vermont’s climate and economy would have been like without warming from particular sets of emissions, such as those emissions sourced to particular fossil fuel firms, like those generated by Rick Heede.

(SLIDE 8): Briefly, climate attribution science is a well-established consensus science, informing synthesis reports like the Intergovernmental Panel on Climate Change<sup>ix</sup> and the National Climate Assessment<sup>x</sup>. Such attribution methodologies have been used to establish causal links between global warming and various climate hazards, like floods<sup>xi</sup>, droughts<sup>xii</sup>, heat waves<sup>xiii</sup>, snow loss<sup>xiv</sup>, tropical cyclones<sup>xv</sup>, among others. Similarly, there is considerable peer-reviewed, consensus work that documents and attributes the monetary losses from climate impacts—so called “climate damage assessments”<sup>xvi</sup> that connect climate-related extremes, like heat waves or floods, to policy-legible socioeconomic outcomes, like lives or income lost. With these damage estimates, decision-makers can then better understand the costs of climate inaction and weigh them against the net benefits of adaptation and mitigation.

These attribution methods rely on comparing outcomes in two groups, just like in a medical drug trial. In a drug trial, participants are randomly assigned into treatment and control groups. The individuals in the treatment group, get the drug, those in the control group do not, and the medical outcomes among the two groups are compared to assess the efficacy of the treatment.

We can extend this toy example to climate attribution in general. We compare outcomes in a world with versus without climate change or without particular sets of emissions. The distinction here is that we use models, rather than a randomized control trial, to construct the control group, or counterfactual world without climate change.

(SLIDE 7): I am happy to delve more into the mechanics of the approaches we use in my group if the Committee has questions. I also include three scientific manuscripts with my testimony today, documenting our work and methods. We have applied this framework to assess the income lost due to historical emissions-driven changes in average temperature and heat waves. I note, however, that it can eventually be extended to other hazards, like floods, or drought, and to other damages, like mortality or morbidity, depending on the use case.

(SLIDE 8): What we know from these individual damage assessments is that the costs of climate change to date are far higher than previously understood. Because the costs attributable to individual hazards are so large, and because they focus on quantities that are easily measured, it is my assessment that any accounting of the damages to date are an undercounting, and are therefore conservative.

Thank you for the opportunity to speak with you today and I will standby for your questions.

---

<sup>i</sup> See enclosed academic c.v.

<sup>ii</sup> Website: <https://jsmankin.github.io/>

<sup>iii</sup> E.g., Callahan & Mankin, *Climatic Change* (2022); Callahan & Mankin, *Science* (2023); Gottlieb & Mankin, *Nature* (2024); Callahan & Mankin, *Science Advances* (2022); Callahan & Mankin, minor revisions, *Nature* (2024).

<sup>iv</sup> E.g., Callahan & Mankin, *Science Advances* (2022); Callahan & Mankin, *Climatic Change* (2022); Diffenbaugh & Burke, *PNAS* (2019); Burke, Hsiang, Miguel, *Nature* (2015).

<sup>v</sup> E.g., Callahan & Mankin, *Science Advances* (2022); Callahan & Mankin, minor revisions, *Nature* (2024).

<sup>vi</sup> EPA Report on the Social Cost of Greenhouse Gases: Estimates Incorporating Recent Scientific Advances: [https://www.epa.gov/system/files/documents/2023-12/epa\\_scghg\\_2023\\_report\\_final.pdf](https://www.epa.gov/system/files/documents/2023-12/epa_scghg_2023_report_final.pdf)

<sup>vii</sup> Burke et al. *NBER Working Paper 3165* (2023).

<sup>viii</sup> Matthews & Caldeira, *Geophysical Research Letters* (2008).

<sup>ix</sup> E.g., Bindoff et al., 2013: Detection and Attribution of Climate Change: from Global to Regional. In: *Climate Change 2013: The Physical Science Basis. Contribution of Working Group I to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change*, Cambridge University Press, Cambridge, United Kingdom and New York, NY, USA. [https://www.ipcc.ch/site/assets/uploads/2018/02/WG1AR5\\_Chapter10\\_FINAL.pdf](https://www.ipcc.ch/site/assets/uploads/2018/02/WG1AR5_Chapter10_FINAL.pdf)

<sup>x</sup> USGCRP, 2023: Fifth National Climate Assessment. U.S. Global Change Research Program, Washington, DC, USA. <https://nca2023.globalchange.gov/chapter/3#key-message-5>

<sup>xi</sup> Pall et al., *Nature* (2011).

<sup>xii</sup> Diffenbaugh, Swain, & Touma, *Proceedings of the National Academy of Sciences* (2015).

<sup>xiii</sup> Callahan & Mankin, *Science Advances* (2022).

<sup>xiv</sup> Gottlieb & Mankin, *Nature* (2024).

<sup>xv</sup> Patricola & Wehner *Nature* (2018).

<sup>xvi</sup> E.g., Carleton, et al., *Q. J. Econ.* (2022); Hsiang, et al., *Science* (2017); Auffhammer et al., *Rev. Environ. Econ. Policy* (2013); Carleton & Hsiang, *Science* (2016); Diffenbaugh and Burke *PNAS* (2019).

# Senate Natural Resources & Energy Committee Testimony for S.259

March 21, 2024

Justin Mankin  
[mankin@dartmouth.edu](mailto:mankin@dartmouth.edu)



DARTMOUTH | CLIMATE MODELING  
& IMPACTS GROUP



Lamont-Doherty Earth Observatory  
COLUMBIA UNIVERSITY | EARTH INSTITUTE

---

can scientists attribute the damages  
from climate change to particular  
emitters?

can scientists attribute the damages  
from climate change to particular  
emitters?

yes, we now can.

can scientists attribute the damages  
from climate change to particular  
emitters?

yes, we now can.

any estimates are likely conservative.

# THE COSTS OF EMISSIONS

---

1.

$$\begin{array}{c} \text{TOTAL LOSS} \\ \text{FROM EMISSIONS} \end{array} = \begin{array}{c} \text{DAMAGE FROM} \\ \text{HISTORICAL EMISSIONS} \end{array}$$



# THE COSTS OF EMISSIONS

---

$$\begin{array}{ccccc} & & 1. & & 2. \\ \text{TOTAL LOSS} & & \text{DAMAGE FROM} & & \text{FUTURE DAMAGE FROM} \\ \text{FROM EMISSIONS} & = & \text{HISTORICAL EMISSIONS} & + & \text{HISTORICAL EMISSIONS} \end{array}$$

# THE COSTS OF EMISSIONS

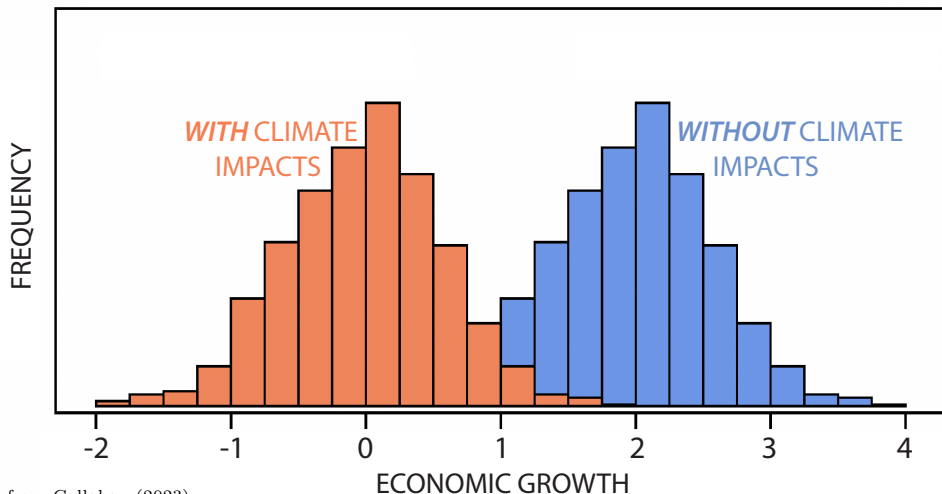
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$$\begin{array}{ccccccc} & & 1. & & 2. & & 3. \\ \text{TOTAL LOSS} & & \text{DAMAGE FROM} & & \text{FUTURE DAMAGE FROM} & & \text{FUTURE DAMAGE FROM} \\ \text{FROM EMISSIONS} & = & \text{HISTORICAL EMISSIONS} & + & \text{HISTORICAL EMISSIONS} & + & \text{FUTURE EMISSIONS} \end{array}$$

# CLIMATE ATTRIBUTION

---

## ECONOMIC GROWTH *WITH* VERSUS *WITHOUT* CLIMATE IMPACTS



can scientists attribute the damages  
from climate change to particular  
emitters?

yes, we now can via several approaches.  
and our cost estimates are conservative.

**From:** Moore, Julie  
**Sent:** Tuesday, April 2, 2024 2:43 PM  
**To:** Gendron, Maggie; Brackin, Stephanie; Coster, Billy  
**Subject:** FW: Climate: How to make polluters pay

Oh boy!



**Julia S. Moore, P.E.** | Secretary (she/her)  
Vermont Agency of Natural Resources  
1 National Life Dr, Davis 2 | Montpelier, VT 05620-3901  
802-828-1294 office  
[julie.moore@vermont.gov](mailto:julie.moore@vermont.gov)  
[anr.vermont.gov](http://anr.vermont.gov)

*The Agency of Natural Resources supports telework and there are times when I may be working from another location. I am generally available to connect by phone and email during business hours. I am also available to meet in-person upon request.*

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Impacted Vermonters can find resources and referrals by visiting [Vermont.Gov/Flood](http://Vermont.Gov/Flood).

----- Forwarded message -----

From: **The New York Times** <[nytdirect@nytimes.com](mailto:nytdirect@nytimes.com)>  
Date: Tue, Apr 2, 2024 at 2:26 PM  
Subject: Climate: How to make polluters pay

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**The New York Times**

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**Climate Forward**

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The state of Vermont is one of several states in the Northeast that suffered from devastating floods last summer. Hilary Swift for The New York Times

## How to make polluters pay



By [Manuela Andreoni](#)

Senior Newsletter Writer, Climate

Around the world, governments, nonprofits and even some [everyday people](#) are coming up with strategies to force fossil fuel companies to pay for their contributions to climate change.

The European Union is pushing countries to come up with a [global approach](#), dozens of countries and states have passed taxes on carbon emissions, and a growing number of citizens are filing lawsuits against the oil and gas industry.

But what if governments could simply charge companies for the costs of climate change? These efforts are often described as “climate superfunds,” a reference to the 1980 U.S. law that forced companies to pay for toxic waste cleanup.

At least four states are considering versions of these bills, and tiny Vermont may soon be the first state to pass one. The idea behind the Vermont bill is simple: the state would calculate the damage caused by climate change and charge companies according to the share of emissions they produced.

Vermont’s Senate passed a measure on Tuesday and it will now head toward a vote in the House, where it has support from at least two thirds of members. You may remember that it was one of several states in the Northeast that suffered [from devastating floods last summer](#), killing at least 10 people and causing [\\$2.2 billion in damages](#).

“Taxpayers alone can’t bear these costs,” said Anthony Iarrapino, a lobbyist who garnered support for the bill for the Conservation Law Foundation. “It’s only fair to look to these immensely profitable corporations whose products and activities are the root causes of the crisis we are in and say, ‘You should pay your fair share and help clean up the mess.’”

## What the bill does

We don’t know exactly which companies would be charged under Vermont’s bill, but it would cover companies that produced more than one gigaton of carbon emissions between 1995 and 2024 and have some sort of commercial relationship with the state.

State officials haven’t yet calculated how much money they would raise with the bill, but it’s fair to assume it would be in the hundreds of millions of dollars. A group of U.S. senators calculated a federal climate superfund would raise [\\$500 billion](#), and New York officials said a statewide measure [would collect \\$30 billion](#).

“The underlying goal of this bill is not about reducing carbon emissions,” Senator Nader Hashim said on the Vermont Senate floor last week. “This is about reducing the costs for Vermont taxpayers.”

The original [Superfund law](#) was signed in 1980, two years after a toxic landfill in Love Canal, a neighborhood of Niagara Falls, N.Y., was recognized [as a public threat](#).

The Vermont bill was inspired by [a proposal](#) by a group of U.S. senators, including Sen. Bernie Sanders, in 2021. The national bill did not advance, but it spawned several state-level climate superfund measures. The New York Senate passed a similar [bill last year](#), but because Gov. Kathy Hochul didn’t include it in the budget, it will need to be passed again. Massachusetts and Maryland have also introduced climate superfund bills, and California and Minnesota are expected to do so soon, [according to E&E News](#).

It’s unclear whether Vermont Gov. Phil Scott, a Republican, will sign the measure, though it has had [some bipartisan support](#). Four Republican senators voted to pass the bill on to the House, including one lawmaker who had previously voted against it because he simply didn’t want Vermont to be the first to face off against multibillion dollar corporations in court, a prospect many deem likely.

The oil and gas industry oppose the bill. According to [Heatmap](#), the American Petroleum Institute, a lobbying group, submitted testimony to the Vermont senate warning about the challenge of accurately attributing climate change to specific damages in the state and that emissions by each company can’t be determined accurately enough.

## The science that makes it possible

There’s an intrinsic challenge in assessing who should pay for fossil fuel pollution: How do you prove who’s responsible?

Climate change is both global and gradual. Burning fossil fuels in the United States now will impact communities in, say, Africa for years to come. And it's highly complex — and not always definitive — to link a specific event to climate change.

But attribution science, as the field is known, has made big strides in the last few years.

Scientists have created computer models that contrast our planet to a hypothetical one in which humans [didn't burn fossil fuels](#). That allows them to know, in a matter of weeks, which disasters can be linked climate change. For example, attribution science told us that the drought in the Amazon rainforest last year was [fueled by climate change](#), but the [wildfires in Chile weren't](#).

If the climate superfund bill becomes law in Vermont, the state plans to work with scientists to figure out just how much of the damage was caused by climate change. Then, they will calculate what each oil and gas company contributed to it.

For that, they will very likely use a database called “Carbon Majors.” Richard Heede, the climate researcher who created it, told me he has collected thousands of corporate reports from 122 companies across the world detailing how much fossil fuels they have produced in the last decades. Using that, he can calculate a company's share of global heat-trapping gas emissions.

Another key puzzle piece: The work by researchers and journalists to [uncover documents](#) suggesting that fossil fuel companies have known for decades that their activities were harmful to the climate.

Taken together, some Vermont lawmakers believe they have all of the necessary ingredients to make fossil fuel polluters responsible for the damage they've caused.

“We can measure just how much worse storms are now because of climate change,” state senator Anne Watson told her colleagues in Vermont. “It's time for us to hold fossil fuel companies accountable for the damage they have caused.”

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**SIEMENS**





Mammoth Climeworks in Hellisheidi, Iceland. Francesca Jones for The New York Times

## Can we engineer our way out of the climate crisis?

On a windswept Icelandic plateau, an international team of engineers and executives is powering up an innovative machine designed to alter the very composition of Earth's atmosphere.

If all goes as planned, the enormous vacuum will soon be sucking up vast quantities of air, stripping out carbon dioxide and then locking away those greenhouse gases deep underground in ancient stone — greenhouse gases that would otherwise continue heating up the globe.

Just a few years ago, technologies like these, which attempt to re-engineer the natural environment, were on the scientific fringe. They were too expensive, too impractical, too sci-fi. But with the dangers from climate change worsening, and the world failing to meet its goals of slashing greenhouse gas emissions, they are quickly moving to the mainstream among both scientists and investors, despite questions about their effectiveness and safety.

Researchers are studying ways to block some of the sun's radiation. They are testing whether adding iron to the ocean could carry carbon dioxide to the sea floor. They are hatching plans to build giant parasols in space. And with massive facilities like the one in Iceland, they are seeking to reduce the concentration of carbon dioxide in the air.

As the scale and urgency of the climate crisis has crystallized, "people have woken up and are looking to see if there's any miraculous deus ex machina that can help," said Al Gore, the former vice president. — *David Gelles*

[Read the full story here](#), part of a series on the potentially risky ways humans are starting to

manipulate nature to fight climate change. More coverage is coming soon.

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## OTHER CLIMATE NEWS



[Mark Abramson for The New York Times](#)

### **New Pollution Rules Aim to Lift Sales of Electric Trucks**

[The latest in a string of ambitious climate regulations aims to clean up the heaviest polluters on the road. But truckers are worried.](#)

**[By Coral Davenport and Jack Ewing](#)**



[Andri Tambunan for The New York Times](#)

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[Decades of buried trash is releasing methane, a powerful greenhouse gas, at higher rates than previously estimated, the researchers said.](#)

**[By Hiroko Tabuchi](#)**

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[Ivor Prickett for The New York Times](#)

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[Farm protests are changing not only Europe's food system but also its politics, as the far right senses an opportunity.](#)

**[By Roger Cohen and Ivor Prickett](#)**



## **India's Silicon Valley Faces a Water Crisis That Software Cannot Solve**

[Bengaluru gets plenty of rain. But the city did not properly adapt as its soaring population strained traditional water sources.](#)

**[By Damien Cave and Atul Loke](#)**





[Samuel Lam, via Associated Press](#)

## **In Move to Protect Whales, Polynesian Indigenous Groups Give Them ‘Personhood’**

[Indigenous leaders of New Zealand, Tahiti and the Cook Islands signed a treaty that recognizes whales as legal persons. Conservationists hope it will lead to legal protections.](#)

**[By Remy Tumin](#)**

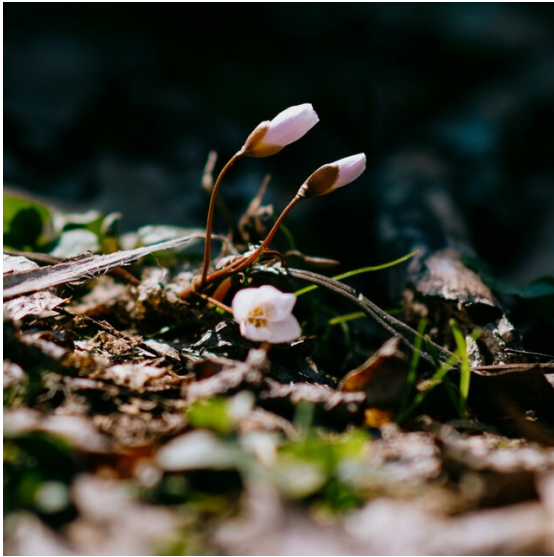


[Miguel Schincariol/Agence France-Presse — Getty Images](#)

## **Heat Waves Are Moving Slower and Staying Longer, Study Finds**

[Climate change is making heat waves linger for longer stretches of time, exacerbating the effects of extreme temperatures.](#)

**[By Delger Erdenesanaa](#)**



[Kristian Thacker for The New York Times](#)

## **What a Search for the Signs of Spring Reveals**

[A writer wonders whether the wild things around her are out of sync with the season.](#)

**[By Daryln Brewer Hoffstot and Kristian Thacker](#)**



[VPZ Verpackungszentrum GmbH](#)

## **So Much Produce Comes in Plastic. Is There a Better Way?**

[As governments impose limits on plastic food packaging, climate-friendlier alternatives are in the works. Here are some that might be coming to a grocery store near you.](#)

**[By Kim Severson](#)**

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### More climate news

- 31 countries have surpassed a pivotal E.V. tipping point, when 5 percent of [new car sales are electric](#), Bloomberg reports.
- Solar panels are now so cheap they're being used as garden fences in Germany and the Netherlands, [the Financial Times reports](#).
- Reuters explained how fossil fuels have thrived despite the Biden administration's [efforts to curb climate change](#).

- Civil Eats investigated how Bayer, the agrochemical giant, is pushing for laws to stop pesticide [lawsuits across the United States](#).

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**From:** Gendron, Maggie  
**Sent:** Tuesday, April 2, 2024 2:53 PM  
**To:** Moore, Julie; Brackin, Stephanie; Coster, Billy  
**Subject:** RE: Climate: How to make polluters pay

Sigh.

---

**From:** Moore, Julie <Julie.Moore@vermont.gov>  
**Sent:** Tuesday, April 2, 2024 2:43 PM  
**To:** Gendron, Maggie <Maggie.Gendron@vermont.gov>; Brackin, Stephanie <Stephanie.Brackin@vermont.gov>; Coster, Billy <Billy.Coster@vermont.gov>  
**Subject:** FW: Climate: How to make polluters pay

Oh boy!



**Julia S. Moore, P.E.** | Secretary (she/her)  
Vermont Agency of Natural Resources  
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[anr.vermont.gov](http://anr.vermont.gov)

*The Agency of Natural Resources supports telework and there are times when I may be working from another location. I am generally available to connect by phone and email during business hours. I am also available to meet in-person upon request.*

Help raise money for Vermonters impacted by flood damage and show your Vermont pride with *Vermont Strong* and *Tough Too* license plates and socks. [Click here to purchase your Vermont Strong gear](#) or visit [DMV.Vermont.gov/VermontStrong23](http://DMV.Vermont.gov/VermontStrong23).

Impacted Vermonters can find resources and referrals by visiting [Vermont.Gov/Flood](http://Vermont.Gov/Flood).

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**From:** The New York Times <[nytdirect@nytimes.com](mailto:nytdirect@nytimes.com)>  
**Date:** Tue, Apr 2, 2024 at 2:26 PM  
**Subject:** Climate: How to make polluters pay

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The New York Times

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**Climate Forward**





The state of Vermont is one of several states in the Northeast that suffered from devastating floods last summer. Hilary Swift for The New York Times

## How to make polluters pay



By [Manuela Andreoni](#)

Senior Newsletter Writer, Climate

Around the world, governments, nonprofits and even some [everyday people](#) are coming up with strategies to force fossil fuel companies to pay for their contributions to climate change.

The European Union is pushing countries to come up with a [global approach](#), dozens of countries and states have passed taxes on carbon emissions, and a growing number of citizens are filing lawsuits against the oil and gas industry.

But what if governments could simply charge companies for the costs of climate change? These efforts are often described as “climate superfunds,” a reference to the 1980 U.S. law that forced companies to pay for toxic waste cleanup.

At least four states are considering versions of these bills, and tiny Vermont may soon be the first state to pass one. The idea behind the Vermont bill is simple: the state would calculate the damage caused by climate change and charge companies according to the share of emissions they produced.

Vermont’s Senate passed a measure on Tuesday and it will now head toward a vote in the House, where it has support from at least two thirds of members. You may remember that it was one of several states



in the Northeast that suffered [from devastating floods last summer](#), killing at least 10 people and causing [\\$2.2 billion in damages](#).

“Taxpayers alone can’t bear these costs,” said Anthony Iarrapino, a lobbyist who garnered support for the bill for the Conservation Law Foundation. “It’s only fair to look to these immensely profitable corporations whose products and activities are the root causes of the crisis we are in and say, ‘You should pay your fair share and help clean up the mess.’”

## What the bill does

We don’t know exactly which companies would be charged under Vermont’s bill, but it would cover companies that produced more than one gigaton of carbon emissions between 1995 and 2024 and have some sort of commercial relationship with the state.

State officials haven’t yet calculated how much money they would raise with the bill, but it’s fair to assume it would be in the hundreds of millions of dollars. A group of U.S. senators calculated a federal climate superfund would raise [\\$500 billion](#), and New York officials said a statewide measure [would collect \\$30 billion](#).

“The underlying goal of this bill is not about reducing carbon emissions,” Senator Nader Hashim said on the Vermont Senate floor last week. “This is about reducing the costs for Vermont taxpayers.”

The original [Superfund law](#) was signed in 1980, two years after a toxic landfill in Love Canal, a neighborhood of Niagara Falls, N.Y., was recognized [as a public threat](#).

The Vermont bill was inspired by [a proposal](#) by a group of U.S. senators, including Sen. Bernie Sanders, in 2021. The national bill did not advance, but it spawned several state-level climate superfund measures. The New York Senate passed a similar [bill last year](#), but because Gov. Kathy Hochul didn’t include it in the budget, it will need to be passed again. Massachusetts and Maryland have also introduced climate superfund bills, and California and Minnesota are expected to do so soon, [according to E&E News](#).

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The oil and gas industry oppose the bill. According to [Heatmap](#), the American Petroleum Institute, a lobbying group, submitted testimony to the Vermont senate warning about the challenge of accurately attributing climate change to specific damages in the state and that emissions by each company can’t be determined accurately enough.

## The science that makes it possible

There's an intrinsic challenge in assessing who should pay for fossil fuel pollution: How do you prove who's responsible?

Climate change is both global and gradual. Burning fossil fuels in the United States now will impact communities in, say, Africa for years to come. And it's highly complex — and not always definitive — to link a specific event to climate change.

But attribution science, as the field is known, has made big strides in the last few years.

Scientists have created computer models that contrast our planet to a hypothetical one in which humans [didn't burn fossil fuels](#). That allows them to know, in a matter of weeks, which disasters can be linked climate change. For example, attribution science told us that the drought in the Amazon rainforest last year was [fueled by climate change](#), but the [wildfires in Chile weren't](#).

If the climate superfund bill becomes law in Vermont, the state plans to work with scientists to figure out just how much of the damage was caused by climate change. Then, they will calculate what each oil and gas company contributed to it.

For that, they will very likely use a database called “Carbon Majors.” Richard Heede, the climate researcher who created it, told me he has collected thousands of corporate reports from 122 companies across the world detailing how much fossil fuels they have produced in the last decades. Using that, he can calculate a company's share of global heat-trapping gas emissions.

Another key puzzle piece: The work by researchers and journalists to [uncover documents](#) suggesting that fossil fuel companies have known for decades that their activities were harmful to the climate.

Taken together, some Vermont lawmakers believe they have all of the necessary ingredients to make fossil fuel polluters responsible for the damage they've caused.

“We can measure just how much worse storms are now because of climate change,” state senator Anne Watson told her colleagues in Vermont. “It's time for us to hold fossil fuel companies accountable for the damage they have caused.”

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## **[Siemens tech powers a green transformation in N.Y.](#)**

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**SIEMENS**



Mammoth Climeworks in Hellisheidi, Iceland. Francesca Jones for The New York Times

## Can we engineer our way out of the climate crisis?

On a windswept Icelandic plateau, an international team of engineers and executives is powering up an innovative machine designed to alter the very composition of Earth's atmosphere.

If all goes as planned, the enormous vacuum will soon be sucking up vast quantities of air, stripping out carbon dioxide and then locking away those greenhouse gases deep underground in ancient stone — greenhouse gases that would otherwise continue heating up the globe.

Just a few years ago, technologies like these, which attempt to re-engineer the natural environment, were on the scientific fringe. They were too expensive, too impractical, too sci-fi. But with the dangers from climate change worsening, and the world failing to meet its goals of slashing greenhouse gas emissions, they are quickly moving to the mainstream among both scientists and investors, despite questions about their effectiveness and safety.

Researchers are studying ways to block some of the sun's radiation. They are testing whether adding iron to the ocean could carry carbon dioxide to the sea floor. They are hatching plans to build giant parasols in space. And with massive facilities like the one in Iceland, they are seeking to reduce the concentration of carbon dioxide in the air.

As the scale and urgency of the climate crisis has crystallized, "people have woken up and are looking to see if there's any miraculous deus ex machina that can help," said Al Gore, the former vice president. — *David Gelles*

[Read the full story here](#), part of a series on the potentially risky ways humans are starting to

manipulate nature to fight climate change. More coverage is coming soon.

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## OTHER CLIMATE NEWS



[Mark Abramson for The New York Times](#)

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[Ivor Prickett for The New York Times](#)

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[Farm protests are changing not only Europe's food system but also its politics, as the far right senses an opportunity.](#)

**[By Roger Cohen and Ivor Prickett](#)**



## **India's Silicon Valley Faces a Water Crisis That Software Cannot Solve**

[Bengaluru gets plenty of rain. But the city did not properly adapt as its soaring population strained traditional water sources.](#)

**[By Damien Cave and Atul Loke](#)**



[Samuel Lam, via Associated Press](#)

## **In Move to Protect Whales, Polynesian Indigenous Groups Give Them ‘Personhood’**

[Indigenous leaders of New Zealand, Tahiti and the Cook Islands signed a treaty that recognizes whales as legal persons. Conservationists hope it will lead to legal protections.](#)

**[By Remy Tumin](#)**

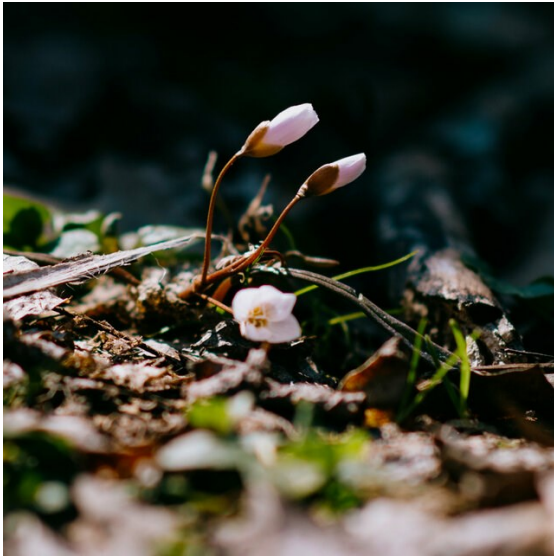


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**From:** O'Toole, Megan  
**Sent:** Tuesday, April 2, 2024 5:24 PM  
**To:** Lazorchak, Jane; Moore, Julie; Wolz, Marian; Woods, Brian  
**Subject:** FW: Climate: How to make polluters pay

MBOP made the NYT's Climate Forward Newsletter.

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**From:** Megan O'Toole <[megan.campbell.otoole@gmail.com](mailto:megan.campbell.otoole@gmail.com)>  
**Sent:** Tuesday, April 2, 2024 5:20 PM  
**To:** O'Toole, Megan <[Megan.OToole@vermont.gov](mailto:Megan.OToole@vermont.gov)>  
**Subject:** Fwd: Climate: How to make polluters pay

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**Climate Forward**

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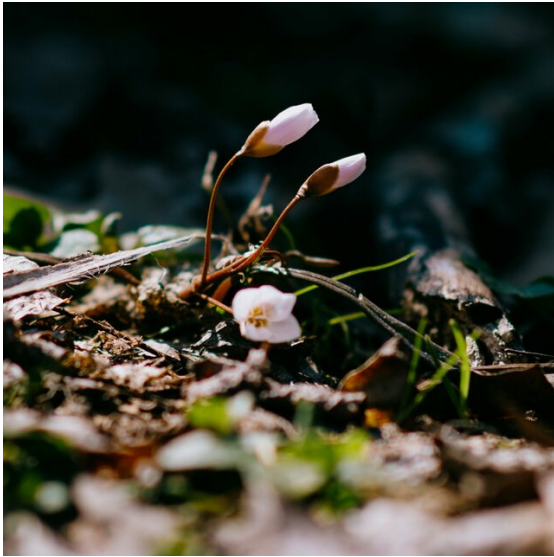
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Megan O'Toole

[megan.campbell.otoole@gmail.com](mailto:megan.campbell.otoole@gmail.com)

**From:** Barney, Cole  
**Sent:** Wednesday, April 3, 2024 9:50 AM  
**To:** EXE; EXE - Cabinet  
**Cc:** EXE - Interns  
**Subject:** News Clips 04.03.24  
**Attachments:** News Clips 04.03.24.docx

### Today's Articles

- Vermont Senate unanimously passes amendment ensuring workers' right to unionize – Vermont Public – Bob Kinzel
- Vt. lawmakers highlight flood recovery bills – WCAX – Calvin Cutler
- Vermont Senate Advances Bill to Make Big Oil Pay for Climate Crisis – Seven Days – Kevin McCallum
- Vermont safety officials gear up for crowded roadways around Total Solar Eclipse – WPTZ – Sid Bewlay
- Vermont lawmakers say they can't afford to be lawmakers – Times Argus – Keith Whitcomb, Jr.
- Morrisville-Stowe Airport ruling spotlights impact of Kingdom Con on other EB-5 efforts – WCAX – Calvin Cutler
- Vermont Senate moves to create disaster mitigation fund, but putting money in is another decision – Vermont Public – Peter Hirschfeld
- State senators recap flood recovery and resiliency bills passed in Montpelier – WPTZ – Stephen Biddix
- Nine Months After Flood, Montpelier Gets Promise of Downtown Post Office – The Montpelier Bridge – Cassandra Hemenway
- Vt. hospital to ramp up training after assault on ER staff – WCAX – Hailey Morgan
- Late season winter storm expected for parts of Vermont this week – Vermont Public – Adiah Gholston
- Sen. Sanders to meet with president for discussion about prescription drug costs – WPTZ – Molly Osborne
- Fair Haven Union Middle and High School remains closed after fuel leak – WCAX – Connor Ullathorne
- \$3.5 Million to Elevate Flooded Buildings Added to House Budget Bill – The Montpelier Bridge – Phil Dodd
- Vermont College of Fine Arts to Collaborate With California College – Seven Days – Anne Wallace Allen
- Windsor County sheriff receives \$1M for communication upgrades – WCAX – Adam Sullivan
- St. Albans city receiving reinforcement from the Vermont National Guard for their eclipse festivities – WPTZ – Tyler Boronski
- US Bank officials visit new Beta facility in South Burlington – WCAX – Katharine Huntley
- Large crowd seeks answers about proposed nursing care facility – Bennington Banner – Jim Therrien
- Brattleboro police chief finds stories in the numbers – The Commons – Ellen Pratt & Joyce Marcel
- Grant money bolsters Vt. sewer systems – WCAX
- Latest report on Vermont State Police trooper discipline dominated by vehicle pursuit policy violations – VT Digger – Alan J. Keays

- Vermont College of Fine Arts announces 'affiliation agreement' with CalArts – VT Digger – Ethan Weinstein
- Towns along spine of the Green Mountains expected to get more than a foot of snow – VT Digger – Tiffany Tan
- Vermont hotels and Airbnbs are packed with visitors for eclipse – VT Digger – Sarah Mearhoff & Habib Sabet
- A year after a social worker's death, Brattleboro shelter aims to move forward – VT Digger – Kevin O'Connor
- Final Reading: Senators weigh increased reporting requirements for state contracts – VT Digger

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Cole Barney, MPA  
*Constituent Services Manager*  
*Office of Governor Phil Scott*



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## Governor's Daily News Clips

**Wednesday, April 3, 2024**

### Vermont Senate unanimously passes amendment ensuring workers' right to unionize – Vermont Public – Bob Kinzel

The Vermont Senate on Tuesday gave its unanimous approval to a [proposed constitutional amendment that protects the rights of Vermont workers](#) to organize and collectively bargain.

The Senate vote is the first step in the constitutional process for this proposed amendment.

Backers of the proposal said it ensures the rights of workers are not in any way scaled back by future legislatures or the federal government.

Senate President Pro Tem Phil Baruth, A Democrat/Progressive from Chittenden, told his colleagues that it's critical to "enshrine" the authority of labor unions in Vermont at a time when they are under siege in several other states.

"When I look at this particular amendment, I look on it very much as I did [the amendment we made to the constitution in terms of reproductive rights](#). We are strengthening what we have, and we're protecting it from going away, which can happen in the legislative blink of an eye."

Windham Sen. Wendy Harrison, a Democrat, told her colleagues that there are currently efforts in a number of states to [undermine the authority of labor unions](#) and to [limit the rights of workers to organize](#) and collectively bargain their contracts.

"This is not an imaginary threat," Harrison said. "There is a growing movement in legislatures, the courts and executive branches across the country which threatens the choices of workers."

The measure now goes to the House. If the House passes it this session, it must be approved by the Senate and House in the 2025 session before it goes before voters in 2026.

### Vt. lawmakers highlight flood recovery bills – WCAX – Calvin Cutler

Vermont lawmakers are highlighting new legislation aimed at assisting victims of last summer's floods and to prepare for the next one.

Key Senate lawmakers introduced a package of flood bills abating taxes for flooded towns, restoring flood plains and mapping areas that are at risk.

Senators also created a new resilience and mitigation fund for grant funds for towns and cities hit by future floods.

Lawmakers want the revenue to come from a new bill allowing Vermont to sue fossil fuel companies for their role in climate change.

“This is planning in the short, medium and long term. So, the business grants that went out immediately, then lots of things looking into the medium distance, and then something like the 259, the climate superfund and the disaster mitigation fund working together, that’s long term,” said Sen. Phil Baruth, D/P-Chittenden County.

The Senate is still considering a \$3.5 million ask from Montpelier and Barre to lift up homes from the floodplain.

### **Vermont Senate Advances Bill to Make Big Oil Pay for Climate Crisis – Seven Days – Kevin McCallum**

The Vermont Senate on Tuesday passed a first-of-its-kind bill designed to make big oil companies pay for the damage caused by climate change and the costs of adapting to it.

The Climate Superfund Act, [S.259](#), passed by a 26-3 vote, and now heads to the House, where it is expected to enjoy similarly strong support.

At a press conference at the Statehouse on Tuesday, Sen. Dick Sears (D- Bennington) acknowledged that it could be years before the state sees any payouts, even if it successfully defends the law from anticipated litigation by Big Oil.

But he said making corporations pay for the environmental damage their products cause is legally sound. Sears compared it to the state forcing the makers of toxic PFAS chemicals to reimburse the state and homeowners over contaminated water.

Vermonters taxpayers are currently shouldering climate change costs, he noted.

“Where else does the victim pay for something that has happened to them?” Sears said.

S.259 would create a fund to be managed by the state treasurer. A study would determine the amount of fossil fuels sold in the state by major oil companies from January 1, 1995, through 2024. Only companies that sold enough fuel to create more than one billion tons of carbon emissions over that period would be liable.

The treasurer would send the companies a demand for payment. If and when those payments are received, the money could be used only to mitigate climate damage, by buying out flooded homes, upgrading public infrastructure or hardening the electrical grid against damage.

Republican opposition to the bill appeared to erode over time.

On Friday, Sen. Randy Brock (R-Franklin) voted against the bill after expressing concern about the cost. Vermont taking on multinational corporations such as ExxonMobil, which Brock noted has annual sales of \$344 billion, would be like a “mosquito compared to a giant.”

"We might win, but the cost of doing so alone is huge," Brock said. He said he wished other, bigger states were on board to shoulder the cost.

On Tuesday, Brock voted to support the bill. Gov. Phil Scott has also expressed concern about the cost but has not said if he'll sign the bill.

The bill was one of the highest priorities this legislative session for environmental organizations such as the Vermont Public Interest Research Group, which held a "Make Big Oil Pay" [rally in Burlington](#) last June that featured a huge pink blow-up pig.

"The climate crisis is going to be impacting Vermont for a very long time, and there's no way we'll see a dime from these companies unless we take an action like this," said Ben Edgerly Walsh, VPIRG's climate and energy program director.

The bill enjoyed the support of professors at Vermont Law & Graduate School and Yale Law School, who said it could serve as a worldwide model and vowed to help defend it in court.

"The bill is, in our view, enormously important for Vermont and, indeed, for the world," they said in written testimony to a Senate committee.

The bill was one of several climate-related pieces of legislation senators passed in recent days. Others include [S.213](#), the Flood Safety Act, which would change the way development in flood corridors is permitted and the way dams are regulated, and [S.310](#), which attempts to improve the state's response to emergencies.

### **Vermont safety officials gear up for crowded roadways around Total Solar Eclipse – WPTZ – Sid Bewlay**

April is distracted driving awareness month and it's crossing over with Monday's total solar eclipse.

That's why first responders and state officials want to get the word out now about being safe on the roads at all times, but especially this weekend.

With thousands of people expected to travel to our region, in addition to the usual advice of being alert on the roads, safety officials are encouraging drivers to prepare as if this was a winter storm.

"We're always big proponents of planning," said Eric Forand, director of Vermont Emergency Management. "So making sure that you know what's coming."

Forand said that it's important to obey traffic laws, especially keeping breakdown lanes clear.

"We've evaluated that and the decision was made to keep it for emergency vehicles because there is the potential for a slowdown in emergency services," said Forand. "We want to expedite that as

much as we can and that ways by using that breakdown line -- ensuring that those visitors do not drive that breakdown lane."

Before you head out to view the eclipse, safety officials recommend preparing as if you were driving in a winter storm.

That means filling up on a full tank of gas or full charge, bringing extra water, snacks, and a blanket in the car.

Plus, law enforcement are asking you to bring your patience, too.

"Whether it's infractions or the greatest amount of travel, which inevitably will, there'll be a crash here and there," said Capt. Matthew Daley, Vermont State Police. "People will have to slow down; you're just going to have to take the time to realize that you're not going to get home in a in a quick manner."

If you end up viewing totality from your car, safety officials ask that you pull over and park in a parking lot, not on the side of the road.

"Do not stop on the roadway and please do not use your eclipse glasses when driving," said Jayna Morse, a division director with Vermont's Agency of Transportation.

Forand said rest stops along the interstate will be open until midnight, while gas stations and their convenience stores have been asked to stock up on supplies ahead of this weekend.

"Our ultimate goal really is for every Vermonter as well as every visitor of The Green Mountain State is to drive well on our roadways," said Jericho Coulombe, an officer with the Milton Police Department.

More safety tips for driving for the eclipse can be found [here](#).

### **Vermont lawmakers say they can't afford to be lawmakers – Times Argus – Keith Whitcomb, Jr.**

A state representative says he's not running for reelection because he can't afford to serve in the Legislature.

Rep. Joe Andriano, D-Orwell, announced his decision last week on his Facebook page. He stated the biggest reason is a financial one. According to Andriano, an attorney whose wife works in marketing, lawmakers are paid \$15,000 a year with a taxable stipend for food and lodging. They do not get health insurance.

"When I first decided to run for office I thought it would be easy to balance my legal practice with the demands of the Legislature, but it has proven to be much more difficult than I expected," he stated. "This forced me to take fewer cases, which created financial issues for my



family. I wish the financial realities were different, but no matter how I cut it, I can't figure out a way to make it work for another two years."

Andriano said this week he came to Vermont in 2002 and lived in South Royalton. He attended Vermont Law School, worked as a lawyer in the area for a while before joining the Peace Corps. He returned to Vermont and came to Orwell with his wife in 2020. This is his first term as a state representative.

The Legislature is in session for the first five months of the year, but it is a demanding job, said Andriano, one he takes seriously.

He said he takes his job as an attorney seriously, as well, and has had to pass on a number of cases owing to his work as a lawmaker.

Andriano and his wife own a home in downtown Orwell. He said they don't have children, but they hope to at some point. Were his wife to lose her job while he's in the Legislature, they'd be in a difficult place, from the loss of income but also the loss of health insurance, he said.

"We've come to realize, in our conversations, that could be a big problem as well. Also, we've found that in the time I've been in office, we've dipped quite a bit into our savings, more than we expected, and I think as we all know everything is getting more expensive with inflation and everything like that and so our savings have gone down unfortunately faster than we would have wanted or expected," he said.

Saving for retirement has been a challenge during his tenure as a lawmaker, he said.

Andriano isn't the first legislator to find the job is difficult to pair with most ways of making a living or raising a family. The start of the last election cycle saw a large number of then-lawmakers not seeking reelection. Not all cited financial or family pressures; many were simply retiring from politics or in some cases seeking higher office.

Among those who pointed to the pay and family commitment issue as reasons for not running again was Josh Terenzini. He represented Rutland County in the Senate. He was in his early 30s when he was elected, and had served several years on the Rutland Town Select Board prior to his short stint as a state lawmaker. He lives in South Carolina with his wife and four children.

"The way the Vermont Legislature is designed, it's really not affordable for a 30-, 40-something-year-old person to serve when they're also trying to balance a full-time job with being a full-time parent," he said on Tuesday. "And as much as I wanted to run again for the Legislature, it came down to needing to be able to make a livable wage for my family, and I had to decide between keeping my full-time job and pleasing my employer, or trying to live off of the small salary I received as a member of the Vermont Legislature."

Sen. Ruth Hardy, D-Addison District, said Tuesday that she's introduced two bills aimed at improving lawmaker compensation. The first one was ultimately vetoed by Republican Gov. Phil Scott last year; the second one didn't make it through the committee process.

With all that the Legislature has going on right now, and it being an election year, Hardy said she doubts the issue will come up until 2025 at least.

“It’s a dicey issue with constituents, the optics are difficult, but I can tell you it’s an issue that’s not partisan. It’s impacting legislators of all three parties, and we’ve had legislators Democrats, Republicans and progressives — who all mentioned this as a reason they can’t run again, so Joe is not unique,” she said.

Finding a full-time job — and the health insurance that comes with it — that will allow someone to serve in the Legislature for five months out of the year isn’t easy, Hardy said.

What ends up happening, she said, is lawmakers, especially ones who can remain in office for a while, tend to be older, retired, with spouses who can financially support them, or independently wealthy themselves.

“It does make it so the average Vermonter can’t serve in the Legislature; it’s just really difficult, especially if you have kids,” said Hardy.

### **Morrisville-Stowe Airport ruling spotlights impact of Kingdom Con on other EB-5 efforts – WCAX – Calvin Cutler**

The impacts of the Kingdom Con continue to play out even after the criminal sentencing two years ago of the ring leaders and last year’s \$16 million settlement by the state of Vermont. A recent ruling from the Vermont Supreme Court raises new questions about the Vermont EB-5 Center’s current status and other legitimate projects that never took flight.

A group of foreign investors, the business community, and the state of Vermont once had high hopes for an EB-5 project at the Morrisville-Stowe State Airport, including a new runway, terminal upgrades, and promises of regularly scheduled air service. Stowe Aviation and the Agency of Commerce and Community Development penned an agreement in 2014 to make the upgrades, which would result in green cards for foreign investors who pumped money into the project.

But when the Kingdom Con investigation blew open in 2016, the project and its financing fizzled. The airport investors sued, alleging state officials didn’t hold up their end of the deal after the feds yanked Vermont’s oversight of the Vermont EB-5 Regional Center, even though the airport expansion project was legit.

“The state’s involvement in the program at Jay Peak turned the entire program upside down. You have people following the rules and doing the right thing that were harmed by those who chose not to follow the rules,” said Michael Stevens, a lawyer representing Stowe Aviation.

The state moved to dismiss the lawsuit. [But in a recent ruling, the Vermont Supreme Court sided with Stowe Aviation and the foreign investors.](#) Legal experts say they can now argue in trial court to try to recoup some of their losses.

“Even if they don’t prevail, they’re going to be able to argue that this case was improperly dismissed and they should get another chance. For better or worse, the loose ends continue,” said Jared Carter, a professor at the Vermont Law and Graduate School.

The case is an example of the stench that the fraud scandal had beyond the Northeast Kingdom. Today, while Vermont’s EB-5 Center is in good standing with federal regulators, officials say there are no current projects underway. Instead, the state is working with previous de-frauded foreign investors trying to prove that jobs were created at Kingdom Con projects so those investors can obtain their green cards. [If they do, it could reduce last summer’s settlement](#), saving taxpayers around \$4 million. ACCD officials, in response to [an EB-5 report by the state auditor last week](#), said it’s their responsibility to maintain the EB-5 Center to attempt to make investors whole.

While the EB-5 program has caused headaches and made headlines, numerous successful projects have emerged, including the Trapp Family Lodge’s Bierhall Restaurant in Stowe, and improvements at Sugarbush and Mount Snow.

So, is the state missing out on new investments in the wake of Kingdom Con? “To me, the answer is yes. People don’t want to touch EB-5 with a 10-foot pole because of what happened here in Vermont,” Carter said.

Back at the Morrisville-Stowe State Airport, the runway may be open for air traffic but the state is still in a multi-year search for a contractor to provide basic services.

### **Vermont Senate moves to create disaster mitigation fund, but putting money in is another decision – Vermont Public – Peter Hirschfeld**

The Vermont Senate approved legislation Tuesday that would create a new statewide fund to help municipalities prepare for natural disasters — but it’s still unclear when, or if, towns and cities will benefit from the program.

Creation of the Community Resilience and Disaster Mitigation Fund is one of the signature provisions in [a major disaster response bill, called S.310](#), that was approved by the Senate on Tuesday.

Lawmakers, however, have yet to decide if they’ll allocate any money for the fund.

Caledonia County Sen. Jane Kitchel, chair of the Senate Appropriations Committee, said the proposed new program will be competing for the same limited financial resources as other proposed initiatives, such as increased funding for public safety and mental health.

“So the ... appropriations will be prioritized and considered within all the areas of spending that we have to accommodate within the budget that we’re developing for [the fiscal year 2025 budget],” Kitchel said Tuesday.

Also unfunded as of now are the five new positions the bill seeks to create to improve the state's local response to natural disasters. Windsor County Sen. Becca White said last week that the positions, to be housed at Vermont Emergency Management, would improve the state's local response to future natural disasters.

"When you're on the ground and you're in a stressful natural disaster situation, you want to have a go-to person," White said. "This would give [Vermont Emergency Management] the staff and capacity to actually have that, and also to have people who can build connections throughout the year to make sure they are in a position to field complex questions when a natural disaster hits, with trust built between local and state partners."

The legislation would also designate municipal public works employees as first responders. White said the protection and repair of storm and wastewater systems during major flooding events is a critical public safety activity. And she noted that the two Vermonters who died during Tropical Storm Irene were public works employees who lost their lives in the line of duty.

"Just like firefighters, their family, their spouses deserve the health benefits that we provide to other first responders," White said.

The bill, which now heads to the Vermont House, would also require Vermont Emergency Management to update its statewide emergency preparedness plan every five years, and increase financial support for search-and-rescue teams.

"While we all rely on friends and neighbors and community organizations during times of emergency, it is the government that has the resources and the reach to have the greatest impact," said Addison County Sen. Ruth Hardy.

### State senators recap flood recovery and resiliency bills passed in Montpelier – WPTZ – Stephen Biddix

On Wednesday afternoon, state senators gave an update on the progress they've made in regard to flood recovery throughout the session, as helping communities rebuild was a key priority for many dating back to July.

Over the past couple of weeks, the state senate has passed a handful of flood recovery related bills.

"Preparation for the next event starts now," said Sen. Anne Watson, who represents Washington County.

It started with [reimbursing municipalities for property tax abatements](#), then the budget adjustment that provided over \$20 million to cities and towns, and another \$30 million to the state for FEMA grants.

"It was sort of like the good news and bad news. The bad news is certainly the flood damages, the good news is it happened at a time where our fiscal capacity was at a place where we could have a fairly robust response," said Sen. Jane Kitchel, who represents Caledonia County.

More recently, a bill creating a fund for disaster mitigation and strengthening infrastructure passed through the Senate, and that is in part expected to be funded by another new fund called [The Vermont Climate Superfund](#), which aims to hold big oil responsible for climate change-related events.

"Should they [big oil] pay or should it be the Vermont taxpayer, the federal taxpayer, or maybe it's the homeowner who suffers..., where else does the victim pay for something that happened to them?" said Sen. Dick Sears, who represents Bennington County.

It's unknown what the price tag of that fund could be, as well as the timeline as litigation with oil companies continues. However, senators say the attorney general and the necessary key players are on board to back its passing.

Local leaders are also hoping the \$3.5 million the House included in their budget to elevate homes makes it through the Senate. That will be decided over the coming weeks.

### **Nine Months After Flood, Montpelier Gets Promise of Downtown Post Office – The Montpelier Bridge – Cassandra Hemenway**

Montpelier will have a post office again. Nearly nine months after the federal building on State Street was damaged in the July 2023 flood, the United States Postal Service has signed a lease with the Vermont League of Cities and Towns for space in the City Center building at 89 Main Street, according to Steve Doherty, USPS communications specialist.

The lease, which officially began Monday, April 1, is a "temporary long-term" solution, Doherty said, noting that the USPS still seeks a permanent space in which to house not only retail space, but also a place for mail carriers and mail sorting (which is currently happening at the Central Vermont Marketplace at 282 Berlin Mall Road in Berlin). In the meantime, starting sometime "before the summer months," Montpelier residents will no longer have to drive to Barre to pick up postal box mail, buy stamps, and drop off packages.

"We're going to be [at 89 Main Street] for a while, but it doesn't stop the search for a location that will accommodate [mail carriers, letter sorting, and retail operations]," Doherty said. "When you consider the length of time it took to find this property," he noted, "it may be some time before a permanent site becomes available."

"Montpelier has been without a post office for 262 days, impacting citizens, businesses, our valued letter carriers, and neighboring communities," noted Ben Doyle, chair of the Montpelier Commission for Recovery and Resilience, in a March 31 press release. "The USPS decision likely would not have come without the combined efforts of U.S. Senators Welch and Sanders and Rep. Balint, the Vermont League of Cities and Towns, the city's state legislators and

municipal leaders, and the many, many Montpelier residents who contacted the USPS directly. All are to be thanked and applauded for standing up for Montpelier.”

The role of the commission, formed after the flood, “is to help coordinate and make connections and support all of the long-term recovery efforts and resilience efforts in Montpelier,” Doyle said in an interview with The Bridge. “In the case of the post office, it became clear this is a huge problem for our community.”

Doyle said the commission reached out to the USPS multiple times, but “when they were nonresponsive and frankly dismissive, we reached out to our congressional delegation, organized a rally,” and shared contact information for key leaders in the USPS with the community so individuals could reach out themselves.

Calling the long delay in replacing Montpelier’s post office “a failure of leadership” at the USPS, Doyle said “the last piece of advocacy we did was on March 14,” when the commission sent a letter stating that if USPS did not sign a lease for a retail space downtown within two weeks, then “we were going to take additional advocacy efforts — including a pop-up post office on State and Main streets, staffed by children.”

Two weeks later, the post office announced it had signed a lease.

#### **Vt. hospital to ramp up training after assault on ER staff – WCAX – Hailey Morgan**

Health care providers at the hospital in St. Johnsbury are still rattled after police say they were assaulted over the weekend.

Northeastern Vermont Regional Hospital officials say on Sunday, a man seeking mental health help went to the emergency room and became physical with staff. The altercation started inside, moved outside and eventually led to the man’s arrest.

With a continued increase in emergency room violence, officials say the hospital is ramping up its training efforts.

“We do our best in the moment. Then we look at that incident and see what we can get better at because there is no perfect answer to any situation. It is hard to manage, nobody is great at it right now. But we are working to get better,” said Shawn Burroughs, the hospital’s chief information officer.

The man accused of the assault is expected in court next month.

#### **Late season winter storm expected for parts of Vermont this week – Vermont Public – Adiah Gholston**

A late season storm is expected to bring a wintry mix to Vermont over the next couple days.

The National Weather Service predicts the Champlain Valley will receive 2 to 4 inches of snow. Meanwhile, the highest peaks of the Green Mountain could get 12 to 18 inches.

The storm begins with a rain-snow mix mid-day Wednesday, then slowly transitions into solid snowfall as evening temperatures drop.

Weather Service Meteorologist Brook Taber says that mix could create hazardous road conditions.

"The overnight travel on Wednesday night and then Thursday morning commute look to be impacted with the snow covered in slippery roads," Taber says.

The National Weather Service is also predicting some strong winds Wednesday into Thursday.

"We could see wind gusts anywhere from 45 to 65 miles per hour, and that would be Wednesday night into Thursday," Taber says. "And those strong winds could produce some isolated to scattered power outages."

He says communities such as Huntington, East Middlebury, Ripton and Rutland will be most impacted.

Taber says road conditions should quickly improve by Thursday afternoon due to warming temperatures. Still, he says back roads, dirt roads, fields and any other non-pavement surfaces could become hazardous because of mud — just in time for the thousands of people expected to stream into Vermont during Monday's [total solar eclipse](#).

### **Sen. Sanders to meet with president for discussion about prescription drug costs – WPTZ – Molly Osborne**

Sen. Bernie Sanders is expected to join President Biden at the White House today with health care advocates and experts. The group will discuss work being done to lower the costs of prescription drugs, including the cost of inhalers.

White House officials say the president will highlight how the Inflation Reduction Act is lowering drug costs for seniors on Medicare, as well as plans to expand those efforts with a \$2,000 cap on prescription drug costs.

The president also wants to establish a \$35 cap on insulin for all Americans and allow Medicare to negotiate prices for at least 50 drugs each year.

President Biden and Sen. Sanders will also talk about lowering the cost of inhalers.

According to the Biden administration, inhaler list prices have been between \$200 and \$600 for those without insurance, but they cost less than \$5 to produce.

Last fall, the Biden-Harris administration announced efforts to crack down on falsely claimed patents and increase competition to lower costs. One inhaler manufacturer has removed patents as a result, and last month, three of the four largest inhaler manufacturers announced that they will cap the cost of inhalers for many patients at \$35 per month.

The president is expected to give a speech on the topic in Washington today at 11 a.m.

### **Fair Haven Union Middle and High School remains closed after fuel leak – WCAX – Connor Ullathorne**

It will be at least another day before students at Fair Haven Union Middle and High School can return to class after more than 500 gallons of fuel oil spilled into the school due to a break in the line.

Classes were canceled Monday and Tuesday, and a post from the school district's superintendent on Facebook said the school will be closed Wednesday as well, because officials need to make sure the air quality in the building returns to the proper level.

Students and staff members don't have access to learning materials and remote options went away post-pandemic.

Slate Valley Unified School District Superintendent Brooke Olsen Farrell said they're taking things day-by-day.

"We are going to see how it goes this week. If it looks like it's going to extend beyond this week, we are going to regroup and put a different plan in place. I think we'll see more and more of this happening in districts across Vermont as our infrastructure continues to age," Olsen-Farrell said.

School leaders say they've applied for a waiver for the missed school days through the Agency of Education so students don't have to make them up this summer.

### **\$3.5 Million to Elevate Flooded Buildings Added to House Budget Bill – The Montpelier Bridge – Phil Dodd**

At the urgent request of Montpelier and Barre officials and legislators representing those cities, \$3.5 million for elevating about 20 flooded homes has been included in the state's fiscal year 2025 budget approved by the House Friday. The funds had not been included in the proposed budget when the officials and legislators held a press conference about the issue a couple of weeks ago.

The budget still needs to pass the Senate and be signed by Gov. Phil Scott, but if the money for flooded homes remains in the budget, Montpelier could receive about \$2 million to raise homes above flood level and Barre about \$1.5 million, according to Montpelier City Manager Bill Fraser.



Some owners of flooded homes in Montpelier have been struggling to get by, uncertain what will happen to them or their homes or what help they might eventually get from FEMA. “We have folks who are living in dangerous situations who cannot wait that long,” Fraser said at the press conference.

Fraser told The Bridge that Montpelier has up to 10 buildings that could take advantage of the elevation funding. “It can cost \$500,000 to \$600,000 to build a new housing unit today, so preserving these homes by raising the foundation at a cost of up to \$200,000 each seems a good investment,” he said.

On March 13, three owners of other flooded properties in Montpelier received City Council approval to seek FEMA buyouts, which means the homes will be demolished and the city will take ownership of their lots, which must remain undeveloped.

Earlier this year, the Legislature passed flood relief bills that provide education funding reimbursement for flood-related abatements, that make a commitment for the state to pay the local share of FEMA-funded flood recovery projects, and that provide grants to damaged municipalities.

Without the bill freeing municipalities from paying for the education taxes on properties that receive abatements, cities such as Montpelier and Barre would be on the hook for those costs, in addition to lost municipal taxes. Abatement requests are still coming in, with 19 more Montpelier abatement hearings scheduled in the next two weeks, according to Montpelier City Clerk John Odum.

Fraser said the state’s commitment to pay the local share of flood recovery projects funded by FEMA could save Montpelier at least \$1 million over the next two to three years. The local share of FEMA projects can range from 5% to 25%, he said.

This year’s state Budget Adjustment Act also created economic damage grants for flood-damaged municipalities, with Montpelier expected to receive \$825,000 from the state. Fraser said the money will help make up for the \$1.5 million in cuts to the current year budget that were initiated after the flood. He expects most of the new money to be used for one-time Capital Fund expenditures, but said the matter will be brought before the City Council at its April 17 meeting.

### **Vermont College of Fine Arts to Collaborate With California College – Seven Days – Anne Wallace Allen**

Vermont College of Fine Arts has joined forces with the California Institute of the Arts to start offering residency programs at the Los Angeles-area school. Under the new affiliation, VCFA will eliminate 10 local jobs and sell College Hall, its iconic building in Montpelier.

VCFA, which is devoted to graduate fine arts education, will hold its summer residency this year at Colorado College, as it did in 2023. Next year, it will begin offering its residencies at the Santa Clarita, Calif., college during that school's winter and summer breaks.

No money will change hands as part of the affiliation, which starts in July, and VCFA will retain its board and academic independence, according to

interim president Andrew Ramsammy. The partnership will enable the struggling VCFA to offer more student services, such as financial aid counseling and mental health services. And CalArts is set up for the kind of programs VCFA offers, such as design and visual arts, Ramsammy said.

“The campus at CalArts is world-class,” he said in an interview on Tuesday. “There’s the smell of paint and sawdust in the air. They truly are makerspaces, and that will be exciting for us.”

CalArts, in turn, will be able to tap into VCFA’s accreditation, which allows it to offer its art courses online.

“What we bring to the table is a robust MFA program, and our accreditation from [the New England Commission of Higher Education] allows us to teach anywhere in the U.S.,” Ramsammy said.

CalArts said on its [website](#) that the arrangement will save both colleges money by allowing them to share services. The California school, which was founded in 1970, said it expects the arrangement to generate additional revenue for CalArts within a year or so.

VCFA was founded in 2008 on the grounds of a former Civil War hospital.

Newbury College started operating there in 1834, and the campus buildings have been through many changes of ownership. The most recent was the purchase last year of several buildings by the Greenway Center for Equity and Sustainability, a new undergraduate engineering program.

The tall College Hall is the only building not under contract. While the building hasn’t been listed with a broker, Ramsammy said there is a possible buyer.

“It won’t be a surprise to folks,” he said of the buyer, whom he declined to name. “They already have interest in the surrounding properties.”

VCFA, which had 49 employees before the job cuts were announced on Tuesday, won’t leave Vermont entirely; the college plans to rent some office space from the new owner of College Hall. Ramsammy would like to see its enrollment, now 213, grow to 300, something he expects to happen over the next few years. CalArts has 1,400 students.

VCFA alumni and other stakeholders are active in a Facebook group and have watched closely as the college administration has sought to cut costs. Many sharply criticized then-president Leslie Ward after she announced in 2022 that VCFA would move its residencies to Colorado College and to Susquehanna University in Pennsylvania.

The tone on Tuesday was largely accepting.

“I can live with the CalArts decision, but being Vermont College in California is just weird,” one group member wrote. “We’re pretty creative. Anyone have ideas for a new name?”

### **Windsor County sheriff receives \$1M for communication upgrades – WCAX – Adam Sullivan**

The Windsor County Sheriff’s Department is getting more than a million dollars in federal funds to improve police communication across the region.

Senator Peter Welch helped secure the money, which will be used to upgrade and modernize the department’s emergency communication radio network. The new equipment is meant to help deputies better communicate in dead zones and allow them to talk to other departments.

“Inter-agency operability. This goes all the way back to 9/11 -- that we need to have inter-agency operability. We didn’t really have that before, certainly not well, and now we are going to be able to talk to anyone in the state. And this will vastly improve our abilities to communicate in our own county,” said Windsor County Sheriff Sheriff Ryan Palmer

In addition to the new radios, the county plans to use the money to install two or three signal repeaters across the region. They aim to have the new system operational by this winter.

### **St. Albans city receiving reinforcement from the Vermont National Guard for their eclipse festivities – WPTZ – Tyler Boronski**

In less than a week, the total solar eclipse will be coming through our region.

Town and city officials are doing their final preparations in anticipation of the expected large crowds.

Jan Johnson, who lives in Highgate Center, said she has family flying from Arizona just to witness the historic moment.

"They really want to see it," said Johnson. "It's exciting, and it's a once-in-a-lifetime kind of thing."

St. Albans is hosting its eclipse viewing party in the heart of their downtown at Taylor Park, calling the festivities the "[Totality of Taylor Park.](#)"

With the influx of people, safety is at the forefront.

Arleigh Young, St. Albans' planning and development coordinator, has been preparing the city's eclipse festivities for more than a year now.

Young said it's been difficult to nail down the number of people that could show up, though.

She is anticipating up to 60,000 people.

Because there are so many towns and cities hosting their own local events, it's nearly impossible to recruit neighboring local help.

That's why she made a call for some reinforcements to the Vermont National Guard.

"They're such great volunteers to help with community events," said Young.

The National Guard will deploy 30 soldiers to help create physical changes, like switching Church Street to a one-way.

"Our role is mostly going to be assisting with set up and take down, guiding people where they can find refreshments or restrooms," said Capt. Christian Larrabee.

Capt. Larrabee said they're also there if any emergencies happen.

"We also have soldiers who are certified in first aid and CPR. Honestly, it will be all hands-on deck from the National Guard to ensure everyone has a safe and fun time."

The Totality in Taylor Park runs from 2-5 p.m.

### **US Bank officials visit new Beta facility in South Burlington – WCAX – Katharine Huntley**

Beta Technologies officials on Tuesday showed off their new building in South Burlington to the bank that loaned them money to build it.

The official credit agency of the United States, the Export-Import Bank of the United States or EXIM, loaned Beta \$170 million last fall as part of the bank's [Make More in America Initiative](#). It's a program under the Biden administration designed to help small and medium-sized businesses compete on a global scale.

Representatives from the bank were in Vermont to see the new facility and find out what Beta can do for the future of aviation.

"How can you not be excited? How can we not come out here with a smile on our face? To know that right here in Vermont, Vermont is going is is the place that is going to be one of the key, I believe, drivers of the future of aviation and it's going to be also done here in Beta," said Reta Jo Lewis, the President and Chair of the Export-Import Bank of the United States.

EXIM says part of their interest in Beta is bringing supply chains home to the U.S. and reinvesting in local manufacturing that can be exported around the world.

## **Large crowd seeks answers about proposed nursing care facility – Bennington Banner – Jim Therrien**

Speaker after speaker over two-plus hours expressed concerns Monday about a planned nursing facility at the Bennington Health and Rehabilitation site for Vermonters with challenging and complex care needs.

More than 100 people attended an informational session at the Bennington Firehouse, many with sharp questions for the facility operators, the iCare Health Network, or state officials who attended.

Most questions riveted on whether some facility residents might pose a threat to the community if they left the site on Blackberry Lane off Dewey Street – and on security measures to be implemented; the company's history at its facilities in other states, and on what many saw as a lack of transparency about the changes.

### **‘Ask your questions’**

“This meeting is for all of you to ask your questions,” said state Rep. Mary Morrissey, R-Bennington, who had pressed the state and iCare officials to hold a meeting in Bennington.

In opening remarks, she reiterated her concerns about the populations to be cared for in Bennington, including with a history of substance abuse, serious mental health issues, and involvement with the Corrections system.

“We need to have an understanding of how this works,” she told iCare representatives.

That is especially the case, Morrissey said, “in a neighborhood that is very close to the building ... This isn’t against the populations and their needs, but you need to do it sensibly,” with qualified staffing.

### **Corrections concerns**

Reflecting statements from several who attended, Louise Santelli said her main concern is that some of the facility residents will be referred from the state Corrections system.

“It is the criminal that I’m concerned about,” she said.

She asked if staff will be trained to deal with those individuals, adding, “This is a scary atmosphere ... People are going to get hurt if [staff] are not trained properly.”

Norm LeBlanc, who lives near the facility said traffic and speeding are already issues under the current home ownership, with resident numbers less than half the expected number iCare and the state propose.

Referring to people who have been in the Corrections system and are difficult to place in regular nursing homes, he said, “There is a reason they chose a life to be hard to placed. Not me. I served

my country for 24 years, five combat tours. I live on Putnam Street because I like it. And it's nice, and I do not wish to live next to people that have been incarcerated for other things."

Kelley Carroll, whose daughter was fatally stabbed in 2021 by a man who was later found incompetent to stand trial, said, "My concern is that those types of individuals are going to end up in a nursing home ... I firmly believe they do not belong in a nursing home."

Melissa Frechette said she was concerned the new facility could mean that area residents will have fewer nursing home beds available close to home and "are going to be the ones spending time in hospitals waiting for [nursing home] beds."

David Skoczulek, vice president of Business Development and Communications with iCare Network, and Jess DeRing, who will be director of operations, said the key factor to remember is that the facility will house residents who were admitted by their diagnosis and who are not considered a risk in a nursing home setting.

Both officials said they understand why residents would have concerns, but they said the experience in other, similar facilities they operate is that people say "it is really quiet," in Skoczulek's words.

That also goes for the number of calls to the police or other emergency services, he said, because of the enhanced skill of the staff, who can anticipate pending issues and deal with many, while a normal nursing home staff would be more inclined to call for assistance.

DeRing said of staff training that it takes place before a person begins in the job and is ongoing, including training iCare has developed from operating two other similar facilities offering enhanced care, in Holyoke, Massachusetts and Rocky Hill, Connecticut.

### **Aged or incapacitated**

Although some residents will be referred from the Corrections system, they said the average age is expected to be in the 65 to 70-plus range, and they will have physical or mental limitations that make them unlikely to even think about walking away from the facility grounds.

Those who are younger will be admitted only if they have limitations confining them and not a risk in a nursing home setting.

Security will be enhanced compared to a regular nursing home, with key-pads on doors, monitoring and an entrance staffed around the clock, they said.

Skoczulek said residents with acute needs or problems will not be allowed to leave the facility or a planned enclosed outdoor space in the rear of the building, except for a doctor visit or similar trip, while accompanied by staff.

Some residents might have had substance abuse issues or are listed on the sex offender registry, the iCare officials said. However, those persons would be admitted only if it is determined they might be considered a risk in a nursing home setting.

In practice, DeRing said, referring to two other enhanced-care iCare facilities, those with a Corrections background are typically not the focus of complaints or incidents.

“I know it is hard to picture, but if you came to either of the centers that do this, you would look around and say, this is a nursing home,” Skoczulek said.

He added, “People there are not exit-seeking ... We are talking about a much sicker, much more infirm, much more debilitated . They don’t have the faculties to put together something like trying to walk up the hill ... I am not joking when I say they are looking forward to bingo, looking forward to the next meal, looking forward to reading a book, watching TV. It is not a Corrections environment. It is a nursing home environment.”

### **Enhanced care facility**

The goal is to better serve about 100 Vermonters identified as having needs most nursing facilities, said interim Department of Disabilities Aging, and Independent Living interim Commissioner Megan Tierney-Ward.

Company representatives said the first task for them in establishing an enhanced-care facility was to find a good location, and the Bennington Health and Rehabilitation home was considered ideal.

The nursing home, with a 93-patient licensed capacity, was for sale by the current owners, Genisis Health, and it is located near a hospital and other services and also meets other criteria.

There have been sticking points along the way in completing the purchase and finalizing the contract with the state to operate, said Skoczulek, but he said the target date for completing the purchase and assuming control of the facility is now April 12.

He and DeRing, added that new residents will be admitted slowly after thorough and comprehensive reviews, at an expected rate of three to six per month.

Current nursing home residents won’t have to move out, they said, and iCare staff will meet with them and family members as they decide whether they want to move to a different facility.

DeRing said newer residents with more complex needs have mixed well with other residents already living in facilities iCare has taken over in other states.

The Manchester, Connecticut-based iCare Network includes 10 nursing facilities, including the two now offering enhanced levels of care.

The company cares for 1,400 residents in total and has 2,500 employees, Skoczulek said, and is in its 21st year in business.

### Brattleboro police chief finds stories in the numbers – The Commons – Ellen Pratt & Joyce Marcel

Norma Hardy looks at the town as "a very, very busy hive," with the police chief noting that the Brattleboro Police Department (BPD) responded to 11,277 calls for services in 2023.

That's up almost 8% since last year, according to the BPD's 2023 Annual Report. But embedded in the numbers are difficult stories of a community, and Hardy took *The Commons* through the numbers in a recent interview, offering some context about a still-understaffed police force adapting to providing public safety to residents of a fast-changing town that has barely emerged from a global pandemic with a range of problems.

"With 12,000 people in town, there's some of just about everything here," Hardy said. "We do have to deal with violent crime in Brattleboro. And we do have to deal with sexual assaults. But we also deal with people just needing help."

Hardy hopes that by explaining a bit about what's behind the numbers in her annual report, she can help to alleviate any "feeling of foreboding" one might feel seeing its data.

Traffic stops and calls about suspicious persons comprised 25% of all calls last year.

The police handled 1,525 "suspicious person/circumstance" calls last year, 3% more than the year before. "What's suspicious to you may not be suspicious to me," Hardy said. "We don't say that anything is a definite until we've investigated it."

Hardy gave an example of someone walking alone through town and yelling. She agrees that some may find this behavior frightening or threatening and call the police, but her team wants to understand the situation.

"We go and talk to the person and see if they're OK," Hardy said. "Do they need help? We talk to them a little bit more, and see what kind of services we can offer them, if any, and whether they'll accept them."

"Our job is a combination of everything from social services to police services, to referral services," Hardy added. "No call is ever the same."

"If we have a person who goes into a business and just continuously walks around the business but doesn't purchase anything, or maybe is just hanging out there, or leaves and comes back - that kind of activity - the business owner may feel that that may be suspicious to them," Hardy explained. "So they may call it in."

Or, she said, "someone is walking through a parking lot looking into cars. It could be someone who's just lost, and you don't want to jump to conclusions."

Hardy has been promoting the use of the Neighbors by Ring phone app, which allows users to share information, including videos captured with home security systems and video doorbell devices, with BPD about suspicious activity. Her staff has been able to solve some crimes in town with video footage uploaded to the police department through the app.



## **Traffic stops are up**

Brattleboro police made 1,290 traffic stops last year, up 17% since 2022.

"We get a lot of reports of people running stop signs, driving past stopped school buses with their lights on, and drag racing," Hardy said.

Hardy trusts her officers to exercise discretion and to treat everyone with professionalism and fairness.

"There's always a reason when someone is being stopped," she said. "We give lots of warnings. We understand that not everyone can afford to pay for a ticket. We understand that not everyone can afford to take care of the issue with their car. If it's not something that makes the car so dangerous that we have to take it off the road, then we will give you time to correct the issue. We do that quite often."

While general theft in town has decreased by 14% since 2022, reports of retail theft have increased by 10%.

Hardy said her staff is familiar with a small number of individuals who take up most of the department's time and resources. "They trespass all over town," she said.

Assistant Chief Jeremy Evans works with agencies such as Groundworks Collaborative and Health Care and Rehabilitation Services (HCRS) to try to provide the help that many of these people need.

"Some people in the throes of addiction are engaging in criminal activity, but that doesn't mean they're inherently criminals," Hardy said. "Maybe if we can get them help, they would no longer be committing these acts," she said. "We've had success at getting some folks to accept services."

## **Drugs remain a big problem**

Hardy began her law enforcement career 32 years ago with the Police Department of the Port Authority of New York and New Jersey, retiring as assistant chief. Prior to that she worked in New York City as an EMT, at a time when crack was in heavy use.

"I started doing police work because I wanted to be of service," Hardy said.

Now, she wants to help Brattleboro with its drug problem.

While alcohol leads the list of the top five drugs involved in incidents investigated by the police, with 265 calls in 2023, the next four drugs put together - heroin, crack, fentanyl, and cocaine - outnumber it, with 334 calls in total.

Drugs are "such an intense subject," Hardy said, which "can be overwhelming, so we tend to look for the easiest route to deal with it. But the problem is complicated. We have to look at why someone has become addicted and then delve deeper into why they remain addicted."

Hardy has built trust with people who struggle with substance abuse.

"I've had people call me and talk for hours," she said. "They talk about how hard it is to just survive one day to the next. They may be off the streets, in a hotel, but that's basically it. Nothing else is working for them."

Such callers tell her that the hardest thing for them is to distance themselves from drugs, "because there's so much out there," she said.

BPD is a partner in Project CARE (Community Approach to Recovery and Engagement), a partnership developed in 2018 in response to the public health emergency caused by the opioid epidemic. Project CARE aims to reduce the impact of opioid use on the town and its residents, reduce the number of drug deaths, and connect people with recovery support.

Project CARE partners include Turning Point, Brattleboro Memorial Hospital, Groundworks Collaborative, Habit OPCO, Brattleboro Retreat, HCRS, and the Vermont Department of Probation and Parole.

The BPD takes a nuanced view of how drugs are affecting the community.

People in the grip of drugs may steal packages from porches or go through cars. Hardy calls these "quality-of-life" crimes.

But then there are the professional drug dealers.

"For someone who has decided that their line of work will be to sell drugs, then that's when we need to act," Hardy said. "We need to do our jobs as the police. And our job is to stop them from doing that."

In 2023, officers responded to 82 overdose incidents, and of those that were fatal, the majority involved fentanyl. Hardy said her officers administered Narcan (naloxone), a drug that reverses the effects of opioid overdose, on 43 occasions last year.

That work takes its toll.

"It's so rare for anyone to ask how my officers are doing in having to respond to deaths," Hardy said. "I have to be an advocate for their mental health. I now have a therapist on retainer for the department."

### **Staffing still an issue**

Hardy has made staffing a priority. She began the job in a department gutted with vacancies, with only about half of its full police force of 27 officers on the job. The department now employs 18 officers.

Recruits undertake 30 weeks of training at the Vermont Police Academy before beginning with the force. BPD recently enrolled seven recruits, but two did not complete the course.

"We hope that everyone that we send to the academy passes," Hardy said, "but I say that two [dropping out] is not a disappointing number. The police academy is a hard adjustment for people, physically and mentally. They put you through a lot of grueling tasks."

Years ago, Brattleboro would send recruits for training only to have them leave the force two years later for a better-paying job. Hardy maintains that this is no longer the case.

"I have not had anyone leave under those kinds of circumstances," she said, noting that the town is "very competitive" with other towns when it comes to police officer compensation.

"I've had people leave, of course, because that's just life," Hardy said. "But I have not heard of them leaving and transferring to other departments."

### **Quality Inn is a hot spot**

With the largest volume of vehicular traffic and the biggest concentration of commercial establishments in town, Putney Road and Canal Street were the top locations for police responses last year. Much of the response was focused on traffic accidents, trespassing, and retail theft.

Hardy noted that her officers responded to calls from the Quality Inn on Putney Road 244 times last year. Police responses included citizen assistance, arrests for theft, and response to complaints.

The Quality Inn continues to participate in Vermont's pandemic-era emergency shelter program, launched in response to Covid in 2020. The program is slated to end this June, but at the peak of the pandemic more than 250 households were sheltering in local motels, including seven in Brattleboro. Most of the program participants from Brattleboro found themselves at the Quality Inn.

Almost since the inception of the program, participants have complained about conditions in motels across the state. An inspection of the Quality Inn in December by the Vermont Division of Fire Safety, the Vermont Public Health Department, and Brattleboro's assistant fire chief found the owner, Anil Sachdev, in violation of health and fire codes.

A follow-up inspection in January revealed that some of the violations had been addressed.

"I have been talking about the Quality Inn to whoever would listen to me," said Hardy. "When I went through, I was aghast at the condition of the building: the rugs, the walls, children walking through the lobby. Things need to be cleaned."

"What I found needs to be talked about," Hardy added. "People who live there are in distress. It's not just the Brattleboro Police Department that's going to be able to fix all of this. But maybe if we all work together we can make it better."

### **Is Brattleboro safe?**

"I can say that Brattleboro is a safe place to live and visit," Hardy said, "but someone's perception is their reality. I take your fear seriously. If you are afraid, I ask why. Because maybe

I can give you specific information about things that we've changed, and I can relieve you of some of your fear."

Referring to the department's annual report, which is posted in the [2023 Brattleboro Annual Town Report](#) on the town [website](#), Hardy said, "It's really good that the public sees these numbers, sees what their police department is doing. Some people think we do nothing. They might see an officer looking at their phone, but that's their work phone so they're looking to see what their next job is. But God forbid if they stop and have a doughnut."

"I don't even like doughnuts!" Hardy exclaimed.

### **Grant money bolsters Vt. sewer systems – WCAX**

Communities could be flush with cash after funds for septic solutions head their way.

Governor Phil Scott and the Department of Environmental Conservation announced almost \$30M in grants to bolster municipal sewer systems and prevent pollution from flowing to waterways.

Combined sewer systems collect sewage and stormwater runoff for treatment at wastewater facilities. During large storms, the system can get overwhelmed causing untreated sewage and wastewater to back up into buildings, streets, and waterways.

11 municipalities will get funding to prevent or treat combined sewer overflows.

### **Latest report on Vermont State Police trooper discipline dominated by vehicle pursuit policy violations – VT Digger – Alan J. Keays**

Failing to follow the Vermont State Police's vehicle pursuit policy led to disciplinary action against five troopers during the first six months of 2023, according to the law enforcement agency.

The information is contained in the latest semiannual state police report regarding internal investigations.

In addition to the violations of the pursuit policy, the report issued earlier this month listed 10 additional allegations against troopers ranging from criminal conduct to the negligent discharge of a firearm.

In four incidents from the first six months of 2023, according to the report, the troopers involved resigned before an internal probe could be completed. In 11 instances, troopers were found to have committed policy violations, while in three others no policy violations were found.

The reports provide brief summaries of misconduct allegations and policy violations that were investigated and presented to the advisory commission. That seven-member panel provides “advice and counsel” to Public Safety Commissioner Jennifer Morrison on misconduct allegations against members of the state police.

By far, the most cited violation in the report dealt with the vehicle pursuit policy. However, little else is known about the nature of those incidents. The agency’s reports do not outline the specific details nor the identities of the troopers involved — [which has in the past provoked criticism](#) that little can be gleaned from them.

The Vermont Department of Public Safety, which oversees the state police, and the State Police Advisory Commission said that the identities of the troopers, as well as identifying details of the incidents, are withheld because internal affairs investigations are confidential by statute.

### **Vehicle pursuits**

All five troopers who violated the vehicle pursuit policy received letters of reprimand, according to the report. Two in that group also lost two days of annual leave, and one lost one day of annual leave.

Adam Silverman, a Vermont State Police spokesperson, said each of the five vehicle pursuit cases stems from a “unique” instance.

“There were five separate incidents that violated the pursuit policy,” he said.

Asked for additional and specific information regarding the circumstances surrounding the violations, Silverman replied that he couldn’t provide those details, noting the law is “very clear on what is and is not allowed to be released” about internal affairs investigations.

“If anyone in Vermont, the media or otherwise, would like there to be additional transparency then we would encourage you to go to the Legislature and change the law,” he said.

In an emailed statement in response to questions, Maj. David Peterson, commander of the state police’s Field Force Division, said state police most recently updated its [vehicle pursuit policy](#) in 2021, including several protocols designed to curtail vehicle pursuits.

“Vehicle pursuits are a high-risk procedure, presenting a heightened danger not only to the suspect and officers involved in the pursuit, but other uninvolved persons in the vicinity,” Petersen said in his statement.

The current policy limits pursuits to instances where there is probable cause to believe a violent crime has taken place, Petersen said. Pursuits also require oversight by an “uninvolved” supervisor.

Since the policy change, Petersen added, state police have seen a decline in the number of vehicle pursuits.

“Law enforcement activities often require making critical decisions in very short periods of time. Mistakes can be made,” Petersen said.

He noted that the violations summarized in the most recent report happened “roughly 18-24 months after the updated policy was implemented,” and said the report demonstrated that the review process was effective.

“A shift in field practices can take time to become ingrained in an organization’s culture,” he said.

### **Additional allegations**

In addition to instances involving pursuit policy violations, the latest state police report regarding internal affairs investigations described an incident stemming from a January 2023 allegation that a trooper committed misdemeanor and felony offenses related to the theft of evidence and code of conduct violations on and off duty.

The trooper is not named in the report. However, the description is similar to incidents [that led to criminal charges](#) against former trooper Giancarlo DiGenova. He has pleaded not guilty to almost two dozen criminal charges relating to allegations that he stole seized property.

Another incident from January 2023 related to an allegation that a trooper took part in an “off-duty physical altercation.” The outcome: “The member resigned before the completed investigation could be reviewed and adjudicated by the Commissioner of the Department of Public Safety.”

Two troopers who were found to have “engaged in unbecoming conduct while off-duty” resigned before investigations could be completed, the report stated.

A finding that a trooper “failed to participate in a court process” resulted in the loss of two days of annual leave, according to the report.

A trooper from an incident report in March 2023 who “experienced a negligent discharge of a department-issued firearm” was suspended for four days without pay.

Also, a trooper who violated policy in “response to missing persons investigations” was issued a letter of reprimand, according to the report.

An instance of a trooper who was accused of engaging in “unbecoming conduct with colleagues and engaged in insubordination” resulted in a policy violation for insubordination and the trooper receiving a letter of reprimand and loss of two days of annual leave.

## Vermont College of Fine Arts announces ‘affiliation agreement’ with CalArts – VT Digger – Ethan Weinstein

Vermont College of Fine Arts announced Tuesday that it has reached an “affiliation agreement” with the California Institute of the Arts that would make the Santa Clarita-based private college VCFA’s “parent.”

The Vermont arts school will retain its own board, president, faculty, “academic independence” and administrative offices in Montpelier, according to a letter signed by Mike Goldstein, chair of VCFA’s board of trustees; Andrew Ramsammy, interim president; Mary-Kim Arnold, dean of faculty and academic affairs; and Katie Rasmussen, dean of students.

Pending approval by each school’s accreditation organizations and boards of trustees, the change will be finalized in July, according to a press release.

The move is the latest VCFA effort to stay viable in a climate cruel to many small colleges nationwide. The college had already [shifted away from hosting students](#) on its former Montpelier campus, working to sell and lease its land, with enrollment declining from about 340 in 2022 to roughly 215 now, according to Ramsammy.

Declining enrollment has contributed to the gradual demise of several of Vermont’s small colleges in recent years. Both [Green Mountain College, in Poultney, and Southern Vermont College, in Bennington](#), shuttered in 2019. And earlier this year, Goddard College announced it would move to [virtual-only programming](#), at least temporarily.

VCFA shifted its residential programming to Colorado College and plans to have its first residency at the California Institute of the Arts, also known as CalArts, in January 2025, according to the letter from school leaders. The pivot away from Montpelier-based programming [has drawn sharp rebuke from alumni](#).

In an interview, Ramsammy said that VCFA would remain a nonprofit corporation in Vermont and will maintain its accreditation while becoming an “affiliate of CalArts.” The college’s board of trustees, he said, would be reconstituted with a split of membership between CalArts picks and VCFA appointees.

The Vermont arts college’s community message lays out the financial headwinds facing the small graduate school, contrasting its experience to the “financially strong” CalArts.

The Los Angeles-area school, which was founded in 1961, enrolled 1,440 undergraduate and graduate students in the fall of 2022, according to its website.

VCFA’s leaders wrote that the California school “offers an excellent, fully equipped campus and a faculty that stands eye-to-eye with ours,” and that CalArts expected to “learn from our expertise in low-residency graduate arts education designed for non-traditional learners.”

Financial aid and school costs “will not be affected,” according to the campus message, and students will still receive a VCFA degree.

“We will benefit from the use of CalArts’ excellent campus and facilities, and the expanded administrative and student services support that only a larger institution can provide,” the school leaders said.

CalArts President Ravi S. Rajan said in a statement he was “delighted” about the affiliation, which is expected to “broaden the range of academic opportunities and creative collaborations available to artists.”

“Together, we are expanding the arts ecosystem and supporting intergenerational learning that keeps artists at the center of all that we do,” he said.

### **Towns along spine of the Green Mountains expected to get more than a foot of snow – VT Digger – Tiffany Tan**

Towns along the spine of the Green Mountains could get more than a foot of snow between Wednesday and Thursday, the National Weather Service said. The rest of the state is expected to get anywhere from 3 to 12 inches.

Towns with the highest expected snow accumulation include, from north to south: Jay (9-21 inches), Richford (7-19), Warren (10-18), Starksboro (9-18), Bridgewater (10-18) and Plymouth (10-18).

Most of the snow is forecasted to fall between Wednesday night and the first half of Thursday, said Scott Whittier, senior meteorologist with the weather service’s office in Burlington.

During this period, motorists are advised to take extra precautions.

The severe weather could impact both road conditions and visibility, said Abbey Gant, a meteorologist with the weather service’s office in Albany, which covers southern Vermont.

Whittier said unpaved roads, which are already in bad condition due to Vermont’s current mud season, could get worse in the snowstorm. Poor conditions on other roads, he said, could be exacerbated by snow and slush.

“We always strongly recommend to avoid any unnecessary travel,” he said.

Strong winds are also expected, which could blow down trees and power lines. Wind gusts could reach 40-50 miles per hour, particularly in the Green Mountain areas of Rutland and Windsor Counties, Whittier said.

Meteorologists said the forecast continues to be updated, because late-season storms are harder to predict due to temperature differences from town to town.

“it’s going to be very variable,” Whittier said. “It could be snowing at one community at a temperature of 33 degrees, and it could be 34 degrees in the neighboring community and rain.”



After a relatively mild Vermont winter, he said some people were caught off guard by multiple storms in the past several weeks.

“I know some people have already taken their snow tires off their car,” he said.

### Vermont hotels and Airbnbs are packed with visitors for eclipse – VT Digger – Sarah Mearhoff & Habib Sabet

If you haven’t booked a hotel room for the total solar eclipse coming to Vermont on Monday, you might be a little bit behind the times. Vermont hotels have been getting reservations for it since 2017, when [a partial eclipse](#) inspired people to start planning ahead, said Kim Donahue, president of the Vermont Lodging Association.

A [total solar eclipse](#) — when the moon completely covers the sun, causing the entire sky to darken — is a rare event, so it’s no surprise that it’s drawing interest from out-of-staters.

Vermont [officials are expecting](#) tens of thousands, if not hundreds of thousands, of visitors to the state for the eclipse, depending on the weather forecast.

Almost all of the lodging properties in the path of totality have between 98% and 99% occupancy for the eclipse, Donahue said, although there may be some rooms opening up “here and there.”

Short-term rentals, like Airbnb properties, also are seeing high demand, according to Julie Marks, director of the Vermont Short Term Rental Alliance. Her organization estimates that short-term rentals in counties in the path of totality have roughly 80% occupancy, compared with 50% on average for the day in previous years.

Marks said she’s also noticed examples of people renting out their homes or apartments solely for the eclipse, which is not included in the data.

A handful of visitors have opted to camp, despite the chilly early spring weather. Almost 30 people booked off-season campsites at state parks, according to Nate McKeen, director of Vermont State Parks. [Some state parks](#) will be open for day use during the eclipse.

But Donahue said that the state’s hotels, inns, lodges and other accommodations are no stranger to busy days.

“We are at 100% occupancy, most of us, for all of the foliage season, and some of us the weeks preceding foliage as well,” she said. “So we’re not worried about us being taxed. We know how to do this.”

Instead, the main challenge for hotel owners is preparing their guests for the hurdles they could face from weather, traffic and crowds. Donahue was quick to recommend that visitors sign up for [text notifications](#) from the state and [check the GPS app WAZE](#) for traffic updates.

Donahue is also the owner and general manager of the Inn at Round Barn Farm in Waitsfield. She said the inn is planning to provide extra meals and to-go food for guests to grab on their way out to their eclipse planning spot. They'll even have grab-and-go food available on Monday night for hungry guests returning from parties or long traffic jams.

People departing for their viewing spot will most likely be staggered, she said, but "when totality ends, everyone is going to try to get back to where they came from or wherever it is they want to go," all at once, leading to the potential for chaos.

The inn has also lined up recommendations for weekend guests looking for things to do during what is normally an off season for outdoor recreation. Donahue said sugaring and spring skiing were at the top of the list.

A handful of accommodation sites are hosting eclipse viewing parties and other events. Trapp Family Lodge, for example, is hosting an [all-day event](#) with DJs, live music and food.

"We think it's going to be a fantastic, celebratory time," Donahue said.

### **A year after a social worker's death, Brattleboro shelter aims to move forward – VT Digger – Kevin O'Connor**

Five years ago, this town's [Groundworks Collaborative](#) — a nonprofit whose tagline promises "basic needs met with dignity" — hoped to help a rising number of people sleeping on the streets by unveiling [plans](#) for a \$3.3 million drop-in center and overnight shelter.

"Thinking back to that moment, we thought, 'This is the way,'" Libby Bennett, then in charge of the organization's development and communications office, recalled of the overall trajectory.

No one foresaw the seismic shift that would come with the arrival of the Covid-19 pandemic, expansion of the state's emergency housing voucher program, and, on April 3, 2023, the [killing](#) of a Groundworks social worker, allegedly by a resident of its longer-stay Morningside House.

On this week's first anniversary of the death, the \$3.3 million facility is open but the separate 30-bed Morningside House remains closed as new leadership works on a blueprint for the future.

"We want to be the best support we can, but we've learned we cannot be all things to all people," said Bennett, who was recently promoted to the post of executive director. "The needs have grown a lot more complex."

Groundworks' challenge, she knows, mirrors that of similar organizations statewide.

Back when Bennett was a graduate student in 2011, her volunteer work at Brattleboro's former shelter in the First Baptist Church centered on helping people who slept on the floor. At the time, the biggest struggle was the fact the religious congregation was shrinking to the point it [had to sell the building](#) in 2019.

Much has changed since Bennett joined the agency in 2012. She helped with a merger that placed all of the area's food and housing programs under the Groundworks umbrella in 2015 and celebrated the opening of its \$3.3 million facility with 34 overnight beds and daytime restrooms, showers, washers, dryers and storage lockers in 2021.

Just before Covid, some 98 people were reported to be without housing in the Brattleboro area, according to a [2019 count](#). After the arrival of the pandemic, that number tripled to 329 in the [most recent tally](#).

"Once we had a lot of people who struggled with alcohol," Bennett said. "Now we have a lot of people who struggle with other substance use disorders."

Groundworks has also encountered more clients with mental health issues. The state is hospitalizing the resident charged with last year's Morningside House killing until at least August after [ruling](#) the accused to be incompetent to stand trial, according to court records.

Following last year's death, Groundworks enlisted other providers to [temporarily oversee all of its services](#) while the agency's 45 employees grieved and regrouped.

"We have learned how to ask for help," Bennett said. "We don't have the capacity to do it all."

Upon returning to operation, the agency then strengthened its rules against threatening behavior.

"We need to consider our own boundaries around increasing safety and reducing risks," Bennett said. "We all understand we're upholding these out of respect for each other."

Groundworks is facing other issues, starting with inflation. Its food shelf rescues an estimated \$500,000 of expiring supermarket staples every year. But demand has skyrocketed by up to 100 new households a month, its records show.

The lack of affordable housing is an even larger problem. A recent municipally sponsored [Housing Action Plan](#) found an immediate need for more than 500 units in town.

"The perfect metaphor for this is a game of musical chairs," Bennett said. "There are not enough places for people."

Groundworks is talking with neighbors about its hopes to raze and replace Morningside House, although the agency has yet to announce specific plans.

"We're waiting on some major funding decisions," Bennett said, "but are meticulously designing a brand-new program to bring back beds and services."

The executive director was one of 150 people who attended a recent Brattleboro screening of Vermont filmmaker Bess O'Brien's new documentary ["Just Getting By."](#) Bennett nodded knowingly during its depiction of social workers fighting poverty on the frontlines — all while the state and federal government cuts pandemic-era funding.

“We’ve seen what it looks like to invest in making sure people have enough food and shelter, and so it’s really difficult when so much of that, bit by bit, is being taken away,” she said. “The number of people who need us just continues to grow.”

### Final Reading: Senators weigh increased reporting requirements for state contracts – VT Digger

Study up! The Senate voted on Tuesday morning to water down most of a bill aimed at making state contracts more transparent, opting to order a study after Sen. Jane Kitchel, D-Caledonia, made a case for further scrutiny from the floor.

The bill, [S.96](#), as passed 5-1 by the Senate Government Operations Committee, would have required the disclosure of more details about state contracts and grants for services with private entities worth \$25,000 or more, including how a contractor’s pay would compare to state employees’ pay for the same work.

The bill would also have doubled the cost savings — from 10% to 20% — that those private contracts would have to demonstrate over hiring public employees for a given project.

If the state works with a private contractor, “it should be because of new and innovative solutions that will save money — and not because workers are being paid less, or having their benefits cut, at the expense of the quality of service,” said Sen. Tanya Vyhovsky, P/D-Chittenden Central, one of the bill’s sponsors, when reporting the bill.

But Kitchel, who chairs the powerful Senate Appropriations Committee, urged senators to hit the brakes instead.

She presented an amendment, backed unanimously by her committee, that would task the administration with merely studying the feasibility of most of the proposals recommended by Senate Gov Ops. The deadline — next February.

The appropriations chair said that, while she supports the spirit of the bill, she was worried about the burden that new disclosure requirements could put on social service nonprofits, noting [her experience](#) as a volunteer on the board of a designated agency.

Kitchel said her committee was concerned, too, that the Joint Fiscal Office [could not estimate](#) the bill’s impacts on state finances — yet found that they could be substantial.

During a brief recess that followed, members of Senate Gov Ops gathered in a tight huddle near the desk of its chair Sen. Ruth Hardy, D-Addison, who then rose to speak.

Kitchel “is always a wealth of history about state government,” Hardy said, adding that she would support the change, though not all of her Gov Ops colleagues felt the same.

S.96 “was a priority for most of the members of the committee,” Hardy said, adding that she hopes that the meat of the bill could be passed in a future legislative session.

Then Senators adopted the appropriations amendment on a nearly unanimous voice vote, before advancing the bill.

— *Shaun Robinson*

### **On the move**

After granting preliminary approval to S.96, the Senate did the same for another labor-related measure on Tuesday: [Proposal 3](#). The proposed constitutional amendment would add **a right for workers to organize and collectively bargain** among Vermont’s founding principles.

All 29 senators who were present for the vote approved Prop 3 on a roll call.

The proposal’s journey is far from over, though. It must still get the green light from a majority of House members this year — and then must get approved again, by both chambers, in the next biennium. After that, it would go to a statewide vote — expected in 2026 — for final approval.

— *Shaun Robinson*

Bolstering **protections for tenants** has been mostly absent from the housing conversation in Montpelier this year, with lawmakers focused on lowering barriers to housing development and addressing Vermont’s homelessness crisis.

But that changed on Tuesday afternoon, when House Progressives put forward an amendment to a housing spending bill that would have placed [a temporary pause on “no cause” evictions statewide](#).

The amendment came as [a growing list of communities](#) have approved “just cause” eviction protections in recent years, which prohibit evictions for “no cause.” (Landlords would still be able to evict a tenant because they haven’t paid rent, or they’ve broken state landlord-tenant law or the provisions of their lease.)

Those local charter changes need the greenlight from the legislature and the governor, and so far, none have cleared both hurdles. Progs said the amendment was meant to press the issue, but the attempt was met with strong pushback.

“We haven’t vetted those policies,” said Rep. Mike McCarthy, D-St. Albans City, who chairs the committee that is the first to review local charter changes. “We haven’t done that for a number of reasons that are both policy and also politics.”

McCarthy told VT Digger/Vermont Public in February he thinks the local charter changes are likely to meet ([yet another](#)) veto from Gov. Phil Scott, without enough votes for an override.

Supporters said that “just cause” policies haven’t been vetted because they’ve been stonewalled.

“We’re kind of repeatedly told that we have to wait until we develop a statewide policy,” said Rep. Troy Headrick, P/D-Burlington, on the floor. “But then we’re also repeatedly told how hard

it is to develop a statewide policy. That leaves these four charter changes just kind of sitting there. And I don't think that's right."

The amendment failed dramatically, with just 13 voting in favor and 119 against. Lawmakers instead amended the bill to include a summer study of eviction law.

— *Carly Berlin*

The House passed [H.871](#), which would create a working group to hash out plans for [restarting the state's school construction aid program](#), including how a program should be funded, and how it should prioritize funding.

The bill would also create a facilities master plan grant program, which would help supervisory unions plan for their facilities' future.

The chamber also advanced an [amended version](#) of [H.874](#), a miscellaneous education bill. As it originally passed out of the House Education Committee, it included \$1.9 million for Vermont's competitive [Community Schools](#) grant program. That appropriation was reduced to \$1 million, and the bill now creates a study to better understand the effectiveness of community schools.

Rep. Erin Brady, D-Williston, vice chair of the House Education Committee, told her colleagues on the floor that the community schools framework represents "a fundamental rethinking of how to deliver public education" in line with Vermont's "student-centered" approach to learning.

— *Ethan Weinstein*

Visit our [2024 Bill tracker](#) for the latest updates on major legislation we are following.

## In the know

Senators gathered in the Cedar Creek Room on Tuesday afternoon to tout their progress on their "number-one priority" for the legislative session, as described by Senate President Pro Tempore Phil Baruth, D/P-Chittenden Central: **flood recovery**.

With five flood-focused bills having made it past the Senate thus far, Baruth said the upper chamber's work on the issue "has begun to show very, very visible results."

On Tuesday alone, senators moved two such bills — [S.259](#), which would establish a climate "superfund" to pay for future natural disaster response, and [S.310](#), which seeks to reform the state government's response to future disasters — through their final stages of passage, sending them over to the House.

Also passed by the Senate and now under House review is [S.213](#), which would establish new regulations for river, wetland and dam management which prioritize flood resiliency. Already signed into law are [S.160](#), written to reimburse municipalities for lost state education property tax payments from flood-abated properties, and [the Budget Adjustment Act](#), which included millions in flood recovery dollars.

— *Sarah Mearhoff*

Nearly a quarter of households sheltered through Vermont's motel voucher program were set to depart on Monday, following **another round of confusion for unhoused Vermonters** who have sought shelter in state-subsidized motel rooms.

As of 1:30 p.m., around 360 households of nearly 1,600 in the program were set to check out, Department for Children and Families spokesperson Nya Pike wrote in an email in response to questions from VTDigger/Vermont Public.

[Read more here.](#)

— *Carly Berlin*

**The post office is coming back to the capital city**, according to the U.S. Postal Service, and the goal is to have it ready before summer.

On Friday afternoon, the Postal Service signed a lease agreement for a space in the City Center building on 89 Main St. in Montpelier. A grand opening date has not been set yet, according to Postal Service spokesperson Stephen Doherty.

[Read more here.](#)

— *Juan Vega de Soto*

**From:** Ramirez-Richer, Emma  
**Sent:** Friday, April 5, 2024 5:15 PM  
**To:** ANR  
**Subject:** Weekly news links 4.5.24  
**Attachments:** Vermont Conservation Design.pdf; 2024 Boston Globe The premature thawing of ice across New England's northern lakes is impacting not only the ecology but surrounding residents and their property.pdf

**Notes:**

- **Vermont Conservation Design (VCD)** and the BioFinder online map have been updated with better habitat blocks, a new prioritization and several new datasets. You're invited to attend a workshop to learn what's new and how you can use these data in your work. Registrations links and more details in the attached flyer!
- Staff across the Agency are invited to sign up for the **Climate Action Office's email updates**. While the primary audience is the general public, it's a helpful way for staff to stay in the loop about the Agency's climate change work. Sign up here: <https://lp.constantcontactpages.com/sl/LKntU76> . Read the latest email sent out here: <https://conta.cc/3PvHf7j>
- The State of Vermont is seeking **2024 Public Service Individual Recognition nominations**. Staff are encouraged to recognize their colleague's hard work by submitting a nomination here before April 12: <https://forms.office.com/Pages/ResponsePage.aspx?id=0500IK26PEOCAnDtzHVZxoaHkjBVID9InoFkL8rc2j9UM1NGT1dRUjQ1S1hSNktFU1VWSIFVNFA4WS4u>
- On Monday, Vermont will be experiencing a **solar eclipse** from about 2:15-4:30, with totality lasting from ~3:26-3:30 in some parts of the state!! Many will be taking time off to view the once-in-a-lifetime event so please coordinate with your supervisor (see Secretary Moore's recent email, or [www.vermont.gov/eclipse](http://www.vermont.gov/eclipse) , for more guidance).
- ANR has several offices across Vermont. If you're looking to **contact a regional office**, you'll find the regional office contact at this link: <https://vermontgov.sharepoint.com/sites/ANR/CO/ANRSTAFF/SitePages/Regional-Office-Contact.aspx>
- For those who work in the field often: **Inspector and Investigator Personal Safety virtual training** will be held via Microsoft Teams. This training is a multi-day course, focused on field safety. More info here: <https://vermontgov.sharepoint.com/sites/ANR/CO/ANRSTAFF/SitePages/TRAINING--Inspector-and-Investigator-Personal-Safety.aspx>

**This week in the Secretary's office:**

- In the State House, several ANR-related bills crossed over from the House to the Senate, and vice-versa. Secretary Moore and staff from all 3 departments have been testifying on some of the bills that have crossed over into the opposite chamber.
  - On Thursday, Secretary Moore testified in House Energy and Environment on S.213, *An act relating to the regulation of wetlands, river corridor development, and dam safety*, also known as the Flood Safety Act. She wants to make sure the initiatives are able to be funded so the important flood recovery work can be successful if the bill is passed.
  - Today, she testified before Senate Natural Resources on H.687, Bill Status H.687, *An act relating to community resilience and biodiversity protection through land use*. The bill would make changes to Act 250, with new provisions such as the "Road Rule" (2000' roads and driveways would trigger Act 250 review) and critical resource areas (areas of the state which would be classified as important ecosystems that would automatically trigger Act 250 review).

**News:**



- Gov. Scott: Think of Monday's eclipse as 'peak foliage weekend on steroids' ([WCAX](#))
- Gov. Scott says Vermont is prepared for Monday's total solar eclipse ([Vermont Public](#))
- Forecasters 'cautiously optimistic' Vermont will have sunny skies on eclipse day ([VTDigger](#))
- In Vermont, the Total Solar Eclipse Will Turn Work Life Briefly Upside Down ([Seven Days](#))
- For Vermont, Monday's solar eclipse will be like 'peak foliage season on steroids,' Scott says ([My Champlain Valley](#))
- Cities and towns work to direct eclipse viewers away from back country roads during mud season ([WPTZ](#))
- Wildlife Watch: Fish stocking season underway ([WCAX](#))
- Opening gates to financial assistance for Vt. State Parks visitors ([WCAX](#))
- Vermont utility wants to unload unprofitable hydro dam ([WCAX](#))
- Utility seeks to surrender license to operate Green River Reservoir hydroelectric facility ([VTDigger](#))
- Are record ice-outs an alarm? 'Our concern is for our Earth.' ([Boston Globe](#)) [See attached PDF]
- Vermont advances bill requiring fossil fuel companies pay for damage caused by climate change ([AP News](#))
- Vermont Senate moves to create disaster mitigation fund, but putting money in is another decision ([Vermont Public](#))
- Vermont Senate Advances Bill to Make Big Oil Pay for Climate Crisis ([Seven Days](#))
- Senate advances a bill that would establish a climate 'superfund' ([VTDigger](#))
- Vt. lawmakers highlight flood recovery bills ([WCAX](#))
- State senators recap flood recovery and resiliency bills passed in Montpelier ([WPTZ](#))
- \$3.5 Million to Elevate Flooded Buildings Added to House Budget Bill ([Montpelier Bridge](#))
- Grant money bolsters Vermont sewer systems ([WCAX](#))
- Fuel spill closes Fair Haven Union High/Middle School ([Rutland Herald](#))
- Thousands of Vermonters without power as snow continues to fall on the state ([VTDigger](#))
- Williamstown animal rescue under state investigation, owner says animals are safe and healthy ([WPTZ](#))
- Vermont farm family's outdated wood boiler fuels heated legal battle ([WCAX](#))
- Final Reading: Bill banning forever chemicals in consumer products comes back to life in the Vermont House ([VTDigger](#))
- Auditor's report details lack of state oversight in Vermont's EB-5 fraud ([VTDigger](#))
- Audit finds inadequate state oversight in Vermont's largest fraud case ([AP News](#))
- Morrisville-Stowe Airport ruling spotlights impact of Kingdom Con on other EB-5 efforts ([WCAX](#))
- Wary of future floods, Vermont's senators pitch extreme weather insurance for farms ([My Champlain Valley](#))
- Budget proposal approved in Vermont House reroutes some of Scott's spending priorities ([VTDigger](#))

- As Vermont House passes budget, Republicans pan spending plans ([VTDigger](#))
- Manure spreading ban lifted in Vermont ([WCAX](#))
- USPS announces new location for Montpelier post office displaced by summer flooding ([Vermont Public](#))

#### Opinion:

- Rep. Larry Satcowitz: Updating Act 250 to meet the changing times ([VTDigger](#))
- Sen. Becca White and Rep. Gabrielle Stebbins: Cost-saving, pollution-reducing, resilience-creating progress on climate ([VTDigger](#))

#### Press Releases:

- Governor Phil Scott Announces \$29.25 Million in Grants to Reduce Pollution From Combined Sewer Overflows ([DEC / Governor's office](#))
- Join ECO AmeriCorps to Explore a Career in Conservation ([DEC](#))
- Backyard Burning Reminders Released ([DEC](#))
- Vermont's Trophy Trout Stocking for 2024 ([FWD](#))
- Introduction to Bullhead Fishing Clinics ([FWD](#))

**Emma Ramirez-Richer** | Executive Assistant (she/her)  
[Vermont Agency of Natural Resources](#) Secretary's Office  
 1 National Life Drive, Davis 2, Montpelier, VT 05620  
 802-828-0316 (o) | 802-261-5920 (c) | [emma.ramirez-richer@vermont.gov](mailto:emma.ramirez-richer@vermont.gov)

Help raise money for Vermonters impacted by flood damage and show your Vermont pride with *Vermont Strong* and *Tough Too* license plates and socks. [Click here to purchase your Vermont Strong gear](#) or visit [DMV.Vermont.gov/VermontStrong23](https://DMV.Vermont.gov/VermontStrong23). Impacted Vermonters can find resources and referrals by visiting [Vermont.Gov/Flood](https://Vermont.Gov/Flood).

**From:** Werther, Guntram  
**Sent:** Sunday, April 7, 2024 8:47 PM  
**To:** Gendron, Maggie  
**Subject:** ANR Legislative Agenda for 7-13 April 2024

## ANR Legislative Agenda for 7-13 April 2024

### TUESDAY

#### House

Energy & Environment Committee:

**1:00 PM**      **S. 305 - An act relating to miscellaneous changes related to the Public Utility Commission**

*Amendments*

Ellen Czajkowski, Legislative Counsel, Office of Legislative Counsel

Bridget Morris, Morris Strategies, Ryegate Associates

Andy Boutin, General Manager, Pellerger, LLC

Melissa Bailey, Director, State Office of Energy - Invited

Sam Lincoln, Principal, Lincoln Farm Timber Harvesting - Invited

**2:30 PM**      **S. 213 - An act relating to the regulation of wetlands, river corridor development, and dam safety**

*River corridors*

Rob Evans, Rivers Programs Manager, Department of Environmental Conservation

**3:30 PM**      **S. 305 - An act relating to miscellaneous changes related to the Public Utility Commission**

*Amendments*

Ed McNamara, Chair, Public Utility Commission - Invited

Dylan Zwicky, Leonine Public Affairs, Partner, VGS - Invited

James Dumont, Attorney, Middlebury - Invited

Ted Brady, Executive Director, Vermont League of Cities and Towns - Invited

#### Senate

Agriculture Committee:

**10:30 AM**      **H. 664 - An act relating to designating a State Mushroom**

*Possible vote*

Charles Pelton, Student, Windham Elementary School

George Pelton, Student, Windham Elementary School

Lydia Dutton, Student, Windham Elementary School  
Zinth Holder, Student, The Compass School  
Nicholas Duprey, Student, The Compass School  
Mustapha Tucker, Student, The Compass School

**11:15 AM                    H. 706 - An act relating to banning the use of neonicotinoid pesticides**

Michael O'Grady, Legislative Counsel, Office of Legislative Counsel

**Appropriations Committee:**

**1:00 PM                    H. 883 - An act relating to making appropriations for the support of government**

*ARPA State Fiscal Recovery and FEMA Assistance*

Doug Farnham, Chief Recovery Officer, Agency of Administration

**-                                H. 883 - An act relating to making appropriations for the support of government**

*One-times Walk-through*

**-                                H. 883 - An act relating to making appropriations for the support of government**

*C. and D. Section Walk-through*

Emily Byrne, Deputy Fiscal Officer, Joint Fiscal Office

**Education Committee:**

**3:30 PM                    H. 873 - An act relating to financing the testing for and remediation of the presence of polychlorinated biphenyls (PCBs) in schools**

Charity Clark, Attorney General, Attorney General's Office

**Institutions Committee:**

**1:15 PM                    H. 882 - An act relating to capital construction and State bonding budget adjustment**

*Section 10: Clean Water*

*Agency of Natural Resources*

*Agency of Agriculture, Food and Markets*

Julie Moore, Secretary, Agency of Natural Resources

Gianna Petito, Clean Water Initiative Program Manager, Department of Environmental Conservation, Water Quality Division

Nicole Dubuque, Chief Operations Officer, Agency of Agriculture, Food and Markets

Amy Mercier, Financial Director, Agency of Agriculture, Food and Markets

Laura DiPietro, Water Quality Division Director, Agency of Agriculture, Food and Markets

Nina Gage, Assistant Director, Water Quality Division, Agency of Agriculture, Food and Markets

**3:00 PM**                      **H. 882 - An act relating to capital construction and State bonding budget adjustment**  
Damien Leonard, Legislative Counsel, Office of Legislative Counsel

**3:30 PM**                      **H. 882 - An act relating to capital construction and State bonding budget adjustment**  
*Section 3*  
*Department of Corrections*  
Al Cormier, Chief of Operations, Department of Corrections  
Kristin Calver, Financial Director, Department of Corrections

Natural Resources & Energy Committee:

**10:00 AM**  
  
**H. 687 - An act relating to community resilience and biodiversity protection through land use**  
Ellen Czajkowski, Legislative Counsel, Office of Legislative Counsel

## **WEDNESDAY**

### **HOUSE:**

Agriculture, Food Resiliency & Forestry

**9:30 AM**                      **Agriculture and 30 X 30**  
Caroline Gordon, Legislative Director, Rural Vermont  
Jennifer Byrne, District Manager, White River Natural Resources Conservation District

Energy & Environment Committee:

**9:00 AM**                      **S. 213 - An act relating to the regulation of wetlands, river corridor development, and dam safety**  
*Wetlands and dams*  
Karina Dailey, Restoration Ecologist, Vermont Natural Resources Council  
Mary Beth Poli, Biologist, Ducks Unlimited  
Ben Green, Dam Safety Engineer, Department of Environmental Conservation - Invited  
Scott Johnstone, General Manager, Morrisville Water and Light - Invited  
Allaire Diamond, Lead Ecologist, Vermont Land Trust

**12:00 PM**                      **Lunch**

**1:00 PM**                      **House Floor**

**2:30 PM**                      **S. 213 - An act relating to the regulation of wetlands, river corridor development, and dam**

**safety**

*River corridors and wetlands*

Mike Kline, River Ecologist, resident of Middlesex, VT

Michael O'Grady, Legislative Counsel, Office of Legislative Counsel - Invited

Laura Lapierre, Wetlands Program Manager, Agency of Natural Resources - Invited

**Government Operations & Military Affairs Committee:**

**9:00 AM**

**H. 881 - An act relating to approval of an amendment to the charter of the City of Burlington**

*Introduction and walk-through*

Tim Devlin, Legislative Counsel, Office of Legislative Counsel

Emily Stebbins-Wheelock, CFO, Burlington Electric Department

Darren Springer, General Manager, Burlington Electric Department

**9:30 AM**

**S. 310 - An act relating to natural disaster government response, recovery, and resiliency**

*Testimony*

Jaye Pershing Johnson, General Counsel, Governor's Office - Invited

Stephanie Smith, State Hazard Mitigation Officer, Department of Public Safety

Eric Forand, Director, Vermont Emergency Management and Homeland Security

Michael Cannon, Program Manager, Urban Search and Rescue Task Force 1

Barbara Neal, Executive Director, Enhanced 9-1-1 Board

Patricia Komline, Vice Chair, Vermont Disaster Recovery Fund - Invited

Tim Devlin, Legislative Counsel, Office of Legislative Counsel

**10:30 AM**

**15 Minute Break**

**10:45 AM**

**S. 310 - An act relating to natural disaster government response, recovery, and resiliency**

*Continued*

Tim Devlin, Legislative Counsel, Office of Legislative Counsel

**12:00 PM**

**Lunch**

**1:00 PM**

**House Floor**

**15 min. after Floor**

**S. 310 - An act relating to natural disaster government response, recovery, and resiliency**

*Committee discussion*

Jay Greene, Racial Equity Policy & Research Analyst, Office of Racial Equity

Wendy Mays, Executive Director, Vermont Association of Broadcasters

Michael Donoghue, Executive Director, Vermont Press Association - Invited

Deb Charlae Baker, Chair, Accessibility Committee of the Governor's Advisory Council for D/HH/DB - Invited

Tim Devlin, Legislative Counsel, Office of Legislative Counsel

## Senate

### Agriculture Committee:

**9:00 AM**

#### **H. 706 - An act relating to banning the use of neonicotinoid pesticides**

*Dairy Farmers from Champlain Valley Farmer Coalition, Vermont Dairy Producers Association, and Vermont Farm Bureau*

Walter Gladstone, Board Member, Vermont Dairy Producers Alliance

Bill Rowell, Board Member, Vermont Dairy Producers Alliance

Tucker Purchase, Partner, Fairmont Farm, Inc., Board Member, Vermont Dairy Producers Alliance

Kevin Kouri, Phoenix Feeds

Richard Nelson, Nelson Farms

Kate Rowley, Rowley Brothers Dairy

Mary White, Fort Waite Holsteins LLC, Corinth, VT - Invited

Brian Kemp, Organic Beef Farmer, Mountain Meadows Farm, Champlain Valley Farmers Coalition

Tim Kayhart, Kayhart Brothers Farm - Invited

Marie Audet, Blue Spruce Farm, Agri-Mark

**11:00 AM**

#### **H. 706 - An act relating to banning the use of neonicotinoid pesticides**

Steve Dwinell, Director, Public Health and Agricultural Resource Management, Agency of Agriculture, Food and Markets

### Appropriations Committee:

**1:30 PM**

#### **H. 883 - An act relating to making appropriations for the support of government**

*Language Walk-through and Mark-up*

Grady Nixon, Fiscal Editor, Joint Fiscal Office

### Health & Welfare Committee:

**9:30 AM**

#### **H. 879 - An act relating to the Emergency Temporary Shelter Program**

*Introduction and walk-through*

Rep. Theresa Wood, Reporter, House Committee On Human Services

Katie McLinn, Legislative Counsel, Office of Legislative Counsel

### Institutions Committee:

**15 minutes after Senate adjourns**

#### **H. 882 - An act relating to capital construction and State bonding budget adjustment**

Rep. Alice M. Emmons, Reporter and Sponsor, House Corrections and Institutions

Natural Resources & Energy Committee:

**9:00 AM**                      **H. 687 - An act relating to community resilience and biodiversity protection through land use**

Ellen Czajkowski, Legislative Counsel, Office of Legislative Counsel

**11:30 AM**                      **H. 687 - An act relating to community resilience and biodiversity protection through land use**

Charlie Baker, Executive Director, Chittenden County Regional Planning Commission

**THURSDAY**

**House**

Commerce & Economic Development Committee:

**9:00 AM**                      **Tourism Economy Day Joint Hearing**

*Joint Hearing with the Senate Committee on Economic Development, Housing, and General Affairs. Hearing will be held in the Pavilion Building Room 267.*

Amy Spear, Vice President of Tourism, Vermont Chamber of Commerce

Heather Pelham, Commissioner, Department of Tourism & Marketing

Charles Tino Rutanhira, Co-Executive Director, Vermont Professionals of Color Network  
(Chittenden County)

Cara Tobin, Chef/Owner, Honey Road Restaurant and Grey Jay Restaurant

Andrew Stenger, Director of Facilities and Resort Services, Jay Peak Resort

John Milne, Owner, Neshobe Golf Club

Susanna Gellert, Executive Director, Weston Theater Company

Matt Wilson, Co-Founder, Zero Gravity

Stefano Coppola, Owner, Pearl Street Pizza and Morse Block Deli

Hans van Wees, Co-Chair, Vermont Lodging Association

Molly Mahar, President, Vermont Ski Areas Association

Energy & Environment Committee:

**9:00 AM**                      **S. 259 - An act relating to climate change cost recovery**

*Joint Hearing with the House Committee on Judiciary. This meeting will be held in Room 267 of the Pavilion Building and live-streamed*

*here: <https://legislature.vermont.gov/committee/streaming/house-judiciary>*

Michael O'Grady, Legislative Counsel, Office of Legislative Counsel

Anthony Iarrapino, Senior Attorney, Conservation Law Foundation - Invited

Justin Mankin, Faculty, Dartmouth College - Invited

Rick Heede, Director, Climate Accountability Institute - Invited



Maggie Gendron, Deputy Secretary, Agency of Natural Resources - Invited

Michael Pieciak, Vermont State Treasurer, Office of the State Treasurer - Invited

**12:00 PM**                      **Lunch**

**1:00 PM**                      **House Floor**

**2:30 PM**                      **S. 213 - An act relating to the regulation of wetlands, river corridor development, and dam safety**

*Dams*

Jared Carpenter, Water Protection Advocate, Lake Champlain Committee - Invited

Jessica Louisos, Senior Water Resources Engineer, SLR Consulting - Invited

Josh Castonguay, Vice President: Chief Innovation and Engineering Executive, Green Mountain Power - Invited

Bill Lovett, Fire Chief, City of Rutland - Invited

General & Housing Committee:

**9:15 AM**                      **Homes for All Toolkit**

Chris Cochran, Director of Community Planning Revitalization, Department of Housing and Community Development

Amy Tomasso, Community Planning & Project Manager, Department of Housing and Community Development

Seth Leonard, Managing Director Community Development, Vermont Housing Finance Agency

-                                      **Workforce Housing**

Jeff Lubell, Principal Associate for Housing and Asset Building, ABT Associates

-                                      **Housing Construction**

*Presentation on construction options*

Jan van Eck, Director, DJ Engineering

Government Operations & Military Affairs Committee:

**9:00 AM**                      **S. 42 - An act relating to divestment of State pension funds of investments in the fossil fuel industry**

Rik Sehgal, Legislative Counsel, Office of Legislative Counsel

**10:30 AM**                      **15 Minute Break**

**10:45 AM**                      **S. 42 - An act relating to divestment of State pension funds of investments in the fossil**

**fuel industry**

*Continued*

Rik Sehgal, Legislative Counsel, Office of Legislative Counsel - Invited

Judiciary Committee:

**9:00 AM**

**S. 259 - An act relating to climate change cost recovery**

*Joint Hearing with House Committee on Environment and Energy*

*Room 267, Pavilion Building*

Michael O'Grady, Deputy Chief Counsel, Office of Legislative Counsel

Justin Mankin, Faculty, Dartmouth College

Anthony Iarrapino, Senior Attorney, Conservation Law Foundation

Rick Heede, Director, Climate Accountability Institute - Invited

Michael Pieciak, Vermont State Treasurer, Office of the State Treasurer - Invited

**12:00 PM**

**Lunch**

**1:00 PM**

**House Floor**

**2:00 PM**

**S. 259 - An act relating to climate change cost recovery**

Charity Clark, Attorney General, Attorney General's Office - Invited

Jon Groveman, Policy and Water Program Director, Vermont Natural Resources Council - Invited

Prof. Rachel Rothschild, Professor, University of Michigan Law School - Invited

Prof. Jennifer Rushlow, Dean, Maverick Lloyd School for the Environment, Vermont Law and Graduate School

Geoff Hand, Attorney, Saunders Raubvogel & Hand - Invited

**Senate**

Agriculture Committee:

**9:00 AM**

**H. 706 - An act relating to banning the use of neonicotinoid pesticides**

*Organic Dairy Farmers*

Sylvia Knight, Earth Community Advocate and Researcher, Burlington - Invited

Dr. Samantha Alger, Research Assistant Professor, Plant and Soil Science Department, University of Vermont - Invited

**11:00 AM**

**H. 706 - An act relating to banning the use of neonicotinoid pesticides**

Heather Darby, Associate Professor, UVM Extension

Appropriations Committee:

**1:30 PM**

**H. 883 - An act relating to making appropriations for the support of government**

*Committee Discussion and Mark-up*

Institutions Committee:

**15 minutes after Senate adjourns**

**budget adjustment**

**H. 882 - An act relating to capital construction and State bonding**

Joe Aja, Director Design & Construction, Department of Buildings and General Services

Jennifer Fitch, Commissioner, Department of Buildings and General Services

Damien Leonard, Legislative Counsel, Office of Legislative Counsel

Natural Resources & Energy Committee:

**9:00 AM**

**H. 687 - An act relating to community resilience and biodiversity protection through land use**

Ellen Czajkowski, Legislative Counsel, Office of Legislative Counsel

**11:15 AM**

**H. 687 - An act relating to community resilience and biodiversity protection through land use**

Ted Brady, Executive Director, Vermont League of Cities and Towns

Peter Tucker, Advocacy & Public Policy Director, Vermont Association of Realtors

Jill Arace, Executive Director, Vermont Association of Conservation Districts

## **FRIDAY**

### **House**

Agriculture, Food Resiliency & Forestry Committee:

**1:00 PM**

**S. 301 - An act relating to miscellaneous agricultural subjects**

Sarah Isham, Director of Agricultural Lending, Vermont Economic Development Authority

Cassie Polhemus, Chief Executive Officer, Vermont Economic Development Authority

### **Senate**

Agriculture Committee:

**9:00 AM**

**H. 706 - An act relating to banning the use of neonicotinoid pesticides**

Louis Robert, Quebec Agronomist

Michael O'Grady, Legislative Counsel, Office of Legislative Counsel

Appropriations Committee:

**1:00 PM**

**H. 883 - An act relating to making appropriations for the support of government**

*Committee Discussion and Mark-up*

Natural Resources & Energy Committee:

**9:00 AM**

**H. 687 - An act relating to community resilience and biodiversity protection through land**

**use**

**From:** Werther, Guntram  
**Sent:** Sunday, April 7, 2024 8:50 PM  
**To:** Gendron, Maggie  
**Subject:** ANR Legislative Agenda for 7-13 April 2024 WORD formate  
**Attachments:** ANR Legislative Agenda for 7-13 April 2024.docx

Looks busy – let me know your focus.

Guntram

## ANR Legislative Agenda for 7-13 April 2024

### TUESDAY

#### House

Energy & Environment Committee:

**1:00 PM**

**S. 305 - An act relating to miscellaneous changes related to the Public Utility Commission**

*Amendments*

Ellen Czajkowski, Legislative Counsel, Office of Legislative Counsel

Bridget Morris, Morris Strategies, Ryegate Associates

Andy Boutin, General Manager, Pellerger, LLC

Melissa Bailey, Director, State Office of Energy - Invited

Sam Lincoln, Principal, Lincoln Farm Timber Harvesting - Invited

**2:30 PM**

**S. 213 - An act relating to the regulation of wetlands, river corridor development, and dam safety**

*River corridors*

Rob Evans, Rivers Programs Manager, Department of Environmental Conservation

**3:30 PM**

**S. 305 - An act relating to miscellaneous changes related to the Public Utility Commission**

*Amendments*

Ed McNamara, Chair, Public Utility Commission - Invited

Dylan Zwicky, Leonine Public Affairs, Partner, VGS - Invited

James Dumont, Attorney, Middlebury - Invited

Ted Brady, Executive Director, Vermont League of Cities and Towns - Invited

#### Senate

Agriculture Committee:

**10:30 AM**

**H. 664 - An act relating to designating a State Mushroom**

*Possible vote*

Charles Pelton, Student, Windham Elementary School

George Pelton, Student, Windham Elementary School

Lydia Dutton, Student, Windham Elementary School

Zinth Holder, Student, The Compass School

Nicholas Duprey, Student, The Compass School

Mustapha Tucker, Student, The Compass School

**11:15 AM**

**H. 706 - An act relating to banning the use of neonicotinoid pesticides**

Michael O'Grady, Legislative Counsel, Office of Legislative Counsel

Appropriations Committee:

**1:00 PM**

**H. 883 - An act relating to making appropriations for the support of government**

*ARPA State Fiscal Recovery and FEMA Assistance*

Doug Farnham, Chief Recovery Officer, Agency of Administration

-

**H. 883 - An act relating to making appropriations for the support of government**

*One-times Walk-through*

-

**H. 883 - An act relating to making appropriations for the support of government**

*C. and D. Section Walk-through*

Emily Byrne, Deputy Fiscal Officer, Joint Fiscal Office

Education Committee:

**3:30 PM**

**H. 873 - An act relating to financing the testing for and remediation of the presence of polychlorinated biphenyls (PCBs) in schools**

Charity Clark, Attorney General, Attorney General's Office

## Institutions Committee:

**1:15 PM**

**H. 882 - An act relating to capital construction and State bonding budget adjustment**

*Section 10: Clean Water*

*Agency of Natural Resources*

*Agency of Agriculture, Food and Markets*

Julie Moore, Secretary, Agency of Natural Resources

Gianna Petito, Clean Water Initiative Program Manager,  
Department of Environmental Conservation, Water  
Quality Division

Nicole Dubuque, Chief Operations Officer, Agency of  
Agriculture, Food and Markets

Amy Mercier, Financial Director, Agency of Agriculture,  
Food and Markets

Laura DiPietro, Water Quality Division Director, Agency of  
Agriculture, Food and Markets

Nina Gage, Assistant Director, Water Quality Division,  
Agency of Agriculture, Food and Markets

**3:00 PM**

**H. 882 - An act relating to capital construction and State bonding budget adjustment**

Damien Leonard, Legislative Counsel, Office of Legislative  
Counsel

**3:30 PM**

**H. 882 - An act relating to capital construction and State bonding budget adjustment**

*Section 3*

*Department of Corrections*

Al Cormier, Chief of Operations, Department of Corrections

Kristin Calver, Financial Director, Department of Corrections

## Natural Resources & Energy Committee:

**10:00 AM**

**H. 687 - An act relating to community resilience and biodiversity protection through land use**

Ellen Czajkowski, Legislative Counsel, Office of Legislative  
Counsel



**WEDNESDAY****HOUSE:**

Agriculture, Food Resiliency & Forestry

**9:30 AM**

**Agriculture and 30 X 30**

Caroline Gordon, Legislative Director, Rural Vermont

Jennifer Byrne, District Manager, White River Natural Resources Conservation District

Energy & Environment Committee:

**9:00 AM**

**S. 213 - An act relating to the regulation of wetlands, river corridor development, and dam safety**

*Wetlands and dams*

Karina Dailey, Restoration Ecologist, Vermont Natural Resources Council

Mary Beth Poli, Biologist, Ducks Unlimited

Ben Green, Dam Safety Engineer, Department of Environmental Conservation - Invited

Scott Johnstone, General Manager, Morrisville Water and Light - Invited

Allaire Diamond, Lead Ecologist, Vermont Land Trust

**12:00 PM**

**Lunch**

**1:00 PM**

**House Floor**

**2:30 PM**

**S. 213 - An act relating to the regulation of wetlands, river corridor development, and dam safety**

*River corridors and wetlands*

Mike Kline, River Ecologist, resident of Middlesex, VT

Michael O'Grady, Legislative Counsel, Office of Legislative Counsel - Invited

Laura Lapierre, Wetlands Program Manager, Agency of Natural Resources - Invited

Government Operations & Military Affairs Committee:

- |                 |   |
|-----------------|---|
| <b>9:00 AM</b>  | <b>H. 881 - An act relating to approval of an amendment to the charter of the City of Burlington</b><br><i>Introduction and walk-through</i><br>Tim Devlin, Legislative Counsel, Office of Legislative Counsel<br><br>Emily Stebbins-Wheelock, CFO, Burlington Electric Department<br><br>Darren Springer, General Manager, Burlington Electric Department  |
| <b>9:30 AM</b>  | <b>S. 310 - An act relating to natural disaster government response, recovery, and resiliency</b><br><i>Testimony</i><br>Jaye Pershing Johnson, General Counsel, Governor's Office - Invited<br><br>Stephanie Smith, State Hazard Mitigation Officer, Department of Public Safety<br><br>Eric Forand, Director, Vermont Emergency Management and Homeland Security<br><br>Michael Cannon, Program Manager, Urban Search and Rescue Task Force 1<br><br>Barbara Neal, Executive Director, Enhanced 9-1-1 Board<br>Patricia Komline, Vice Chair, Vermont Disaster Recovery Fund - Invited<br><br>Tim Devlin, Legislative Counsel, Office of Legislative Counsel |
| <b>10:30 AM</b> | <b>15 Minute Break</b>  |
| <b>10:45 AM</b> | <b>S. 310 - An act relating to natural disaster government response, recovery, and resiliency</b><br><i>Continued</i><br>Tim Devlin, Legislative Counsel, Office of Legislative Counsel   |
| <b>12:00 PM</b> | <b>Lunch</b>  |

**1:00 PM**

**House Floor**

**15 min. after Floor**

**S. 310 - An act relating to natural disaster  
government response, recovery, and resiliency**

*Committee discussion*

Jay Greene, Racial Equity Policy & Research Analyst, Office  
of Racial Equity

Wendy Mays, Executive Director, Vermont Association of  
Broadcasters

Michael Donoghue, Executive Director, Vermont Press  
Association - Invited

Deb Charlae Baker, Chair, Accessibility Committee of the  
Governor's Advisory Council for D/HH/DB - Invited

Tim Devlin, Legislative Counsel, Office of Legislative  
Counsel

**Senate**

Agriculture Committee:

**9:00 AM**

**H. 706 - An act relating to banning the use of neonicotinoid  
pesticides**

*Dairy Farmers from Champlain Valley Farmer Coalition, Vermont  
Dairy Producers Association, and Vermont Farm Bureau*

Walter Gladstone, Board Member, Vermont Dairy Producers  
Alliance

Bill Rowell, Board Member, Vermont Dairy Producers  
Alliance

Tucker Purchase, Partner, Fairmont Farm, Inc., Board  
Member, Vermont Dairy Producers Alliance

Kevin Kouri, Phoenix Feeds

Richard Nelson, Nelson Farms

Kate Rowley, Rowley Brothers Dairy

Mary White, Fort Waite Holsteins LLC, Corinth, VT - Invited

Brian Kemp, Organic Beef Farmer, Mountain Meadows  
Farm, Champlain Valley Farmers Coalition

Tim Kayhart, Kayhart Brothers Farm - Invited

Marie Audet, Blue Spruce Farm, Agri-Mark

**11:00 AM**

**H. 706 - An act relating to banning the use of neonicotinoid pesticides**

Steve Dwinell, Director, Public Health and Agricultural Resource Management, Agency of Agriculture, Food and Markets

Appropriations Committee:

**1:30 PM**

**H. 883 - An act relating to making appropriations for the support of government**

*Language Walk-through and Mark-up*

Grady Nixon, Fiscal Editor, Joint Fiscal Office

Health & Welfare Committee:

**9:30 AM**

**H. 879 - An act relating to the Emergency Temporary Shelter Program**

*Introduction and walk-through*

Rep. Theresa Wood, Reporter, House Committee On Human Services

Katie McLinn, Legislative Counsel, Office of Legislative Counsel

Institutions Committee:

**15 minutes after Senate adjourns**

**H. 882 - An act relating to capital construction and State bonding budget adjustment**

Rep. Alice M. Emmons, Reporter and Sponsor, House Corrections and Institutions

Natural Resources & Energy Committee:

**9:00 AM**

**H. 687 - An act relating to community resilience and biodiversity protection through land use**

Ellen Czajkowski, Legislative Counsel, Office of Legislative Counsel

**11:30 AM**

**H. 687 - An act relating to community resilience and biodiversity protection through land use**

Charlie Baker, Executive Director, Chittenden County Regional Planning Commission

**THURSDAY**

## House

### Commerce & Economic Development Committee:

**9:00 AM**

#### **Tourism Economy Day Joint Hearing**

*Joint Hearing with the Senate Committee on Economic Development, Housing, and General Affairs. Hearing will be held in the Pavilion Building Room 267.*

Amy Spear, Vice President of Tourism, Vermont Chamber of Commerce

Heather Pelham, Commissioner, Department of Tourism & Marketing

Charles Tino Rutanhira, Co-Executive Director, Vermont Professionals of Color Network (Chittenden County)

Cara Tobin, Chef/Owner, Honey Road Restaurant and Grey Jay Restaurant

Andrew Stenger, Director of Facilities and Resort Services, Jay Peak Resort

John Milne, Owner, Neshobe Golf Club

Susanna Gellert, Executive Director, Weston Theater Company

Matt Wilson, Co-Founder, Zero Gravity

Stefano Coppola, Owner, Pearl Street Pizza and Morse Block Deli

Hans van Wees, Co-Chair, Vermont Lodging Association

Molly Mahar, President, Vermont Ski Areas Association

### Energy & Environment Committee:

**9:00 AM**

#### **S. 259 - An act relating to climate change cost recovery**

*Joint Hearing with the House Committee on Judiciary. This meeting will be held in Room 267 of the Pavilion Building and live-streamed*

*here: <https://legislature.vermont.gov/committee/streaming/house-judiciary>*

Michael O'Grady, Legislative Counsel, Office of Legislative Counsel

Anthony Iarrapino, Senior Attorney, Conservation Law Foundation - Invited

Justin Mankin, Faculty, Dartmouth College - Invited

Rick Heede, Director, Climate Accountability Institute -  
Invited

Maggie Gendron, Deputy Secretary, Agency of Natural  
Resources - Invited

Michael Pieciak, Vermont State Treasurer, Office of the State  
Treasurer - Invited

**12:00 PM**

**Lunch**

**1:00 PM**

**House Floor**

**2:30 PM**

**S. 213 - An act relating to the regulation of wetlands, river  
corridor development, and dam safety**

*Dams*

Jared Carpenter, Water Protection Advocate, Lake Champlain  
Committee - Invited

Jessica Louisos, Senior Water Resources Engineer, SLR  
Consulting - Invited

Josh Castonguay, Vice President: Chief Innovation and  
Engineering Executive, Green Mountain Power - Invited

Bill Lovett, Fire Chief, City of Rutland - Invited

General & Housing Committee:

**9:15 AM**

**Homes for All Toolkit**

Chris Cochran, Director of Community Planning  
Revitalization, Department of Housing and Community  
Development

Amy Tomasso, Community Planning & Project Manager,  
Department of Housing and Community Development

Seth Leonard, Managing Director Community Development,  
Vermont Housing Finance Agency

-

**Workforce Housing**

Jeff Lubell, Principal Associate for Housing and Asset  
Building, ABT Associates

-

**Housing Construction**

*Presentation on construction options*

Jan van Eck, Director, DJ Engineering

Government Operations & Military Affairs Committee:

- |                 |  |
|-----------------|--|
| <b>9:00 AM</b>  | <b>S. 42 - An act relating to divestment of State pension funds of investments in the fossil fuel industry</b><br><br>Rik Sehgal, Legislative Counsel, Office of Legislative Counsel                               |
| <b>10:30 AM</b> | <b>15 Minute Break</b>   |
| <b>10:45 AM</b> | <b>S. 42 - An act relating to divestment of State pension funds of investments in the fossil fuel industry</b><br><br><i>Continued</i><br>Rik Sehgal, Legislative Counsel, Office of Legislative Counsel - Invited |

Judiciary Committee:

- |                 |   |
|-----------------|---|
| <b>9:00 AM</b>  | <b>S. 259 - An act relating to climate change cost recovery</b><br><br><i>Joint Hearing with House Committee on Environment and Energy Room 267, Pavilion Building</i><br>Michael O'Grady, Deputy Chief Counsel, Office of Legislative Counsel<br><br>Justin Mankin, Faculty, Dartmouth College<br><br>Anthony Iarrapino, Senior Attorney, Conservation Law Foundation<br><br>Rick Heede, Director, Climate Accountability Institute - Invited<br><br>Michael Pieciak, Vermont State Treasurer, Office of the State Treasurer - Invited |
| <b>12:00 PM</b> | <b>Lunch</b>  |
| <b>1:00 PM</b>  | <b>House Floor</b>  |
| <b>2:00 PM</b>  | <b>S. 259 - An act relating to climate change cost recovery</b>   |

Charity Clark, Attorney General, Attorney General's Office -  
Invited

Jon Groveman, Policy and Water Program Director, Vermont  
Natural Resources Council - Invited

Prof. Rachel Rothschild, Professor, University of Michigan  
Law School - Invited

Prof. Jennifer Rushlow, Dean, Maverick Lloyd School for the  
Environment, Vermont Law and Graduate School

Geoff Hand, Attorney, Saunders Raubvogel & Hand - Invited

## Senate

Agriculture Committee:

**9:00 AM**

**H. 706 - An act relating to banning the use of neonicotinoid  
pesticides**

*Organic Dairy Farmers*

Sylvia Knight, Earth Community Advocate and Researcher,  
Burlington - Invited

Dr. Samantha Alger, Research Assistant Professor, Plant and  
Soil Science Department, University of Vermont -  
Invited

**11:00 AM**

**H. 706 - An act relating to banning the use of neonicotinoid  
pesticides**

Heather Darby, Associate Professor, UVM Extension

Appropriations Committee:

**1:30 PM**

**H. 883 - An act relating to making appropriations for the  
support of government**

*Committee Discussion and Mark-up*

Institutions Committee:

**15 minutes after Senate adjourns**

**H. 882 - An act relating to capital  
construction and State bonding budget adjustment**

Joe Aja, Director Design & Construction, Department of  
Buildings and General Services

Jennifer Fitch, Commissioner, Department of Buildings and  
General Services



Damien Leonard, Legislative Counsel, Office of Legislative Counsel

Natural Resources & Energy Committee:

**9:00 AM**

**H. 687 - An act relating to community resilience and biodiversity protection through land use**

Ellen Czajkowski, Legislative Counsel, Office of Legislative Counsel

**11:15 AM**

**H. 687 - An act relating to community resilience and biodiversity protection through land use**

Ted Brady, Executive Director, Vermont League of Cities and Towns

Peter Tucker, Advocacy & Public Policy Director, Vermont Association of Realtors

Jill Arace, Executive Director, Vermont Association of Conservation Districts

**FRIDAY**

**House**

Agriculture, Food Resiliency & Forestry Committee:

**1:00 PM**

**S. 301 - An act relating to miscellaneous agricultural subjects**

Sarah Isham, Director of Agricultural Lending, Vermont Economic Development Authority

Cassie Polhemus, Chief Executive Officer, Vermont Economic Development Authority

**Senate**

Agriculture Committee:

**9:00 AM**

**H. 706 - An act relating to banning the use of neonicotinoid pesticides**

Louis Robert, Quebec Agronomist

Michael O'Grady, Legislative Counsel, Office of Legislative Counsel

Appropriations Committee:

**1:00 PM**

**H. 883 - An act relating to making appropriations for the support of government**

*Committee Discussion and Mark-up*

Natural Resources & Energy Committee:

**9:00 AM**

**H. 687 - An act relating to community resilience and  
biodiversity protection through land use**

**From:** Moore, Julie  
**Sent:** Tuesday, April 9, 2024 5:37 AM  
**To:** Melendez, Ana  
**Subject:** RE: Make Big Oil Pay

Thank you, Ana.

I don't have a specific bill number and, frankly, it isn't clear to me that legislation has been introduced in CA – yet – but in a number of articles I have read about states contemplating “climate superfund legislation” CA is routinely referenced as considering this approach (see: [A Superfund for climate? These states are pushing for it. - E&E News by POLITICO \(eenews.net\)](#))

My schedule is pretty flexible this Friday, April 12, after 11a Vermont-time and I generally work until about 5:30p. Is there a window in there that works for you?

Best,  
Julie



**Julia S. Moore, P.E.** | Secretary (she/her)  
Vermont Agency of Natural Resources  
1 National Life Dr, Davis 2 | Montpelier, VT 05620-3901  
802-828-1294 office  
[julie.moore@vermont.gov](mailto:julie.moore@vermont.gov)  
[anr.vermont.gov](http://anr.vermont.gov)

*The Agency of Natural Resources supports telework and there are times when I may be working from another location. I am generally available to connect by phone and email during business hours. I am also available to meet in-person upon request.*

Help raise money for Vermonters impacted by flood damage and show your Vermont pride with *Vermont Strong and Tough Too* license plates and socks. [Click here to purchase your Vermont Strong gear](#) or visit [DMV.Vermont.gov/VermontStrong23](http://DMV.Vermont.gov/VermontStrong23).

Impacted Vermonters can find resources and referrals by visiting [Vermont.Gov/Flood](http://Vermont.Gov/Flood).

---

**From:** Melendez, Ana <ana.melendez@calepa.ca.gov>  
**Sent:** Monday, April 8, 2024 7:49 PM  
**To:** Moore, Julie <Julie.Moore@vermont.gov>  
**Subject:** RE: Make Big Oil Pay

You don't often get email from [ana.melendez@calepa.ca.gov](mailto:ana.melendez@calepa.ca.gov). [Learn why this is important](#)

**EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.**

Hi Julie,  
Nice to e-meet you! Let me know when you might have a few minutes to connect on this, and let me know if you happen to have a specific California bill number.

Thank you,  
Ana

Ana Jovel Melendez  
Deputy Secretary for Legislative Affairs

CalEPA  
mobile: 279-228-7062

---

**From:** Acierto, Krystal@EPA <[krystal.acierto@calepa.ca.gov](mailto:krystal.acierto@calepa.ca.gov)>  
**Sent:** Tuesday, April 2, 2024 9:28 AM  
**To:** Moore, Julie <[Julie.Moore@vermont.gov](mailto:Julie.Moore@vermont.gov)>  
**Cc:** Melendez, Ana <[ana.melendez@calepa.ca.gov](mailto:ana.melendez@calepa.ca.gov)>  
**Subject:** RE: Make Big Oil Pay

Good morning Julie, thanks for reaching out and wonderful to meet you at ECOS as well. I'm ccing CalEPA's Deputy Secretary for Legislation to help with your request. Let me know if you need anything else! Thanks.

---

**From:** Moore, Julie <[Julie.Moore@vermont.gov](mailto:Julie.Moore@vermont.gov)>  
**Sent:** Tuesday, April 2, 2024 7:29 AM  
**To:** Acierto, Krystal@EPA <[krystal.acierto@calepa.ca.gov](mailto:krystal.acierto@calepa.ca.gov)>  
**Subject:** Make Big Oil Pay

EXTERNAL:

Good morning, Krystal.

It was nice to meet you at ECOS, and thanks for connecting via LinkedIn. I am reaching out regarding a bill currently making its way thru the Vermont Legislature – S.259 – Make Big Oil Pay. As you likely know, this legislation is intended to cost recover from Big Oil the resources needed to support adaptation work in Vermont needed in the face of a changing climate. I understand there may be similar legislation being considered in CA and so appreciate an opportunity to learn more from the right person from your team.

Kind regards,  
Julie



**Julia S. Moore, P.E.** | Secretary (she/her)  
Vermont Agency of Natural Resources  
1 National Life Dr, Davis 2 | Montpelier, VT 05620-3901  
802-828-1294 office  
[julie.moore@vermont.gov](mailto:julie.moore@vermont.gov)  
[anr.vermont.gov](http://anr.vermont.gov)

*The Agency of Natural Resources supports telework and there are times when I may be working from another location. I am generally available to connect by phone and email during business hours. I am also available to meet in-person upon request.*

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Impacted Vermonters can find resources and referrals by visiting [Vermont.Gov/Flood](http://Vermont.Gov/Flood).

**From:** Lazorchak, Jane  
**Sent:** Tuesday, April 9, 2024 8:05 AM  
**To:** Moore, Julie; Coster, Billy  
**Cc:** Ramirez-Richer, Emma; Wolz, Marian; Veltrop, Sophi  
**Subject:** Next Steps - Resilience Implementation Strategy  
**Attachments:** RIS Gantt Chart.xlsx; 2024 Engagement Gantt Chart.xlsx

Morning Billy and Julie,

Hope you both enjoyed the solar eclipse – it far exceeded my expectations!

I wanted to email you both to share a few planning documents the CAO has put together, as well as make a few requests of Julie. First, attached please find two Gantt charts we developed to support the workplan of the Resilience Implementation Strategy and the Community Engagement of the CAO over the next year. The latter document, highlights the engagement which will occur in service of the RIS and the CAP. I think both documents are helpful to show the workload of both efforts and the tight timeline for both. We would be happy to walk through these with you.

As Marian and I have been developing the input form for the opportunity assessment for the RIS, it occurred to us that a short presentation to ANR leadership would be helpful since there will be a substantive ask of ANR staff and having Commissioner buy-in would be helpful. We would envision a short presentation and review of ask which we recently delivered to the Inter-Agency Advisory Board. In addition, as we roll out the opportunity assessment, we believe an email introducing the strategy and the ask from Julie to the Secretary's and Commissioners of other Agencies and Departments where we will need support, would be very helpful as we obviously do not have leverage over staff outside of ANR to support the input of data. We would draft that for you and give you the list of Agencies to send to. Thanks for considering.

So, for now,

1. If supportive, would it be possible to schedule a time to present to ANR Leadership as soon as possible?
2. Please confirm if supportive to do outreach to other Agencies for us and we will prepare.
3. Let us know if you would like to discuss anything further, understanding also that the Engagement Plan for the CAP will be shared at the April Steering Committee meeting.

Thank you,  
Jane



**Jane Lazorchak (she/her)** | Climate Action Office  
Vermont Agency of Natural Resources  
Davis 2, 1 National Life Drive, Montpelier, VT 05602  
802-505-0561  
[anr.vermont.gov](http://anr.vermont.gov)

	Task
RIS Opportunity Assessment	Initial Opportunity Assessment
	Opportunity Assessment Ground Truth
	Opportunity Assessment Finalized
	Opportunity Assessment Final Report
	Gap Prioritization Criteria
RIS Community Engagement & Resilience Vision	Draft State Resilience Vision
	Final State Resilience Vision
	Existing community engagement review
	RIS Public Kickoff Events
	CAP Stakeholder meetings
	Opportunity Assessment engagement events
	Opportunity Assessment stakeholder events
	Proposed measures engagement
	Ongoing community-based engagement
	Cost of implementation engagement events
Measures & Cost	Identify metrics for tracking progress on climate resilience
	Categorize, prioritize, and identify measures to fill gaps
	Cost associated with measures to fill gaps identified

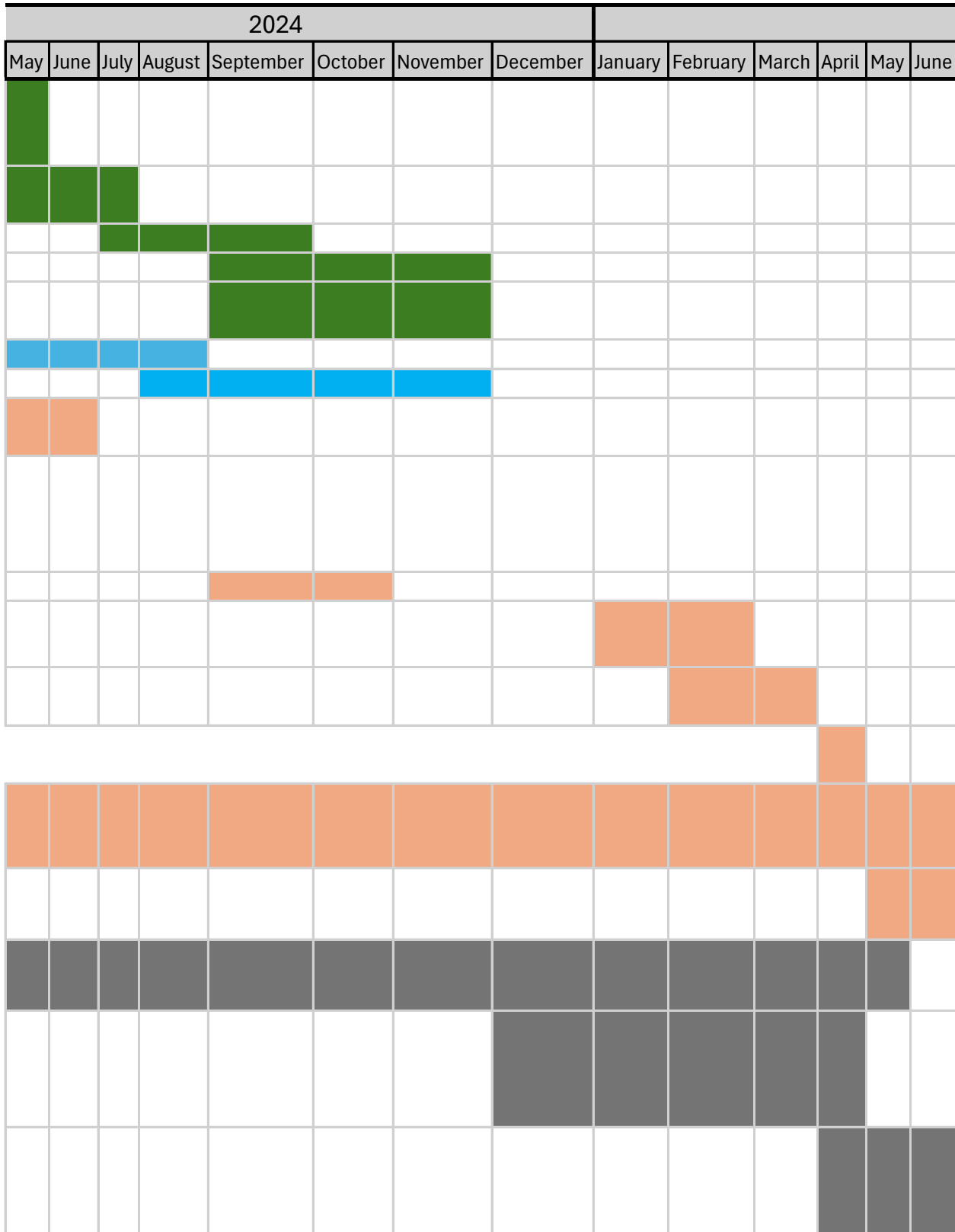
RIS	
	RIS completed
	Report to General Assesmbly
	RIS Rule Package Filed with ICAR
	Final RIS Rule Adoption
	Covered period assessment of costs
	Responsible parties rule filed with ICAR
	Responsible parties rule adopted
	Cost Recovery Demands Issued
	Cost Recovery Payments Due

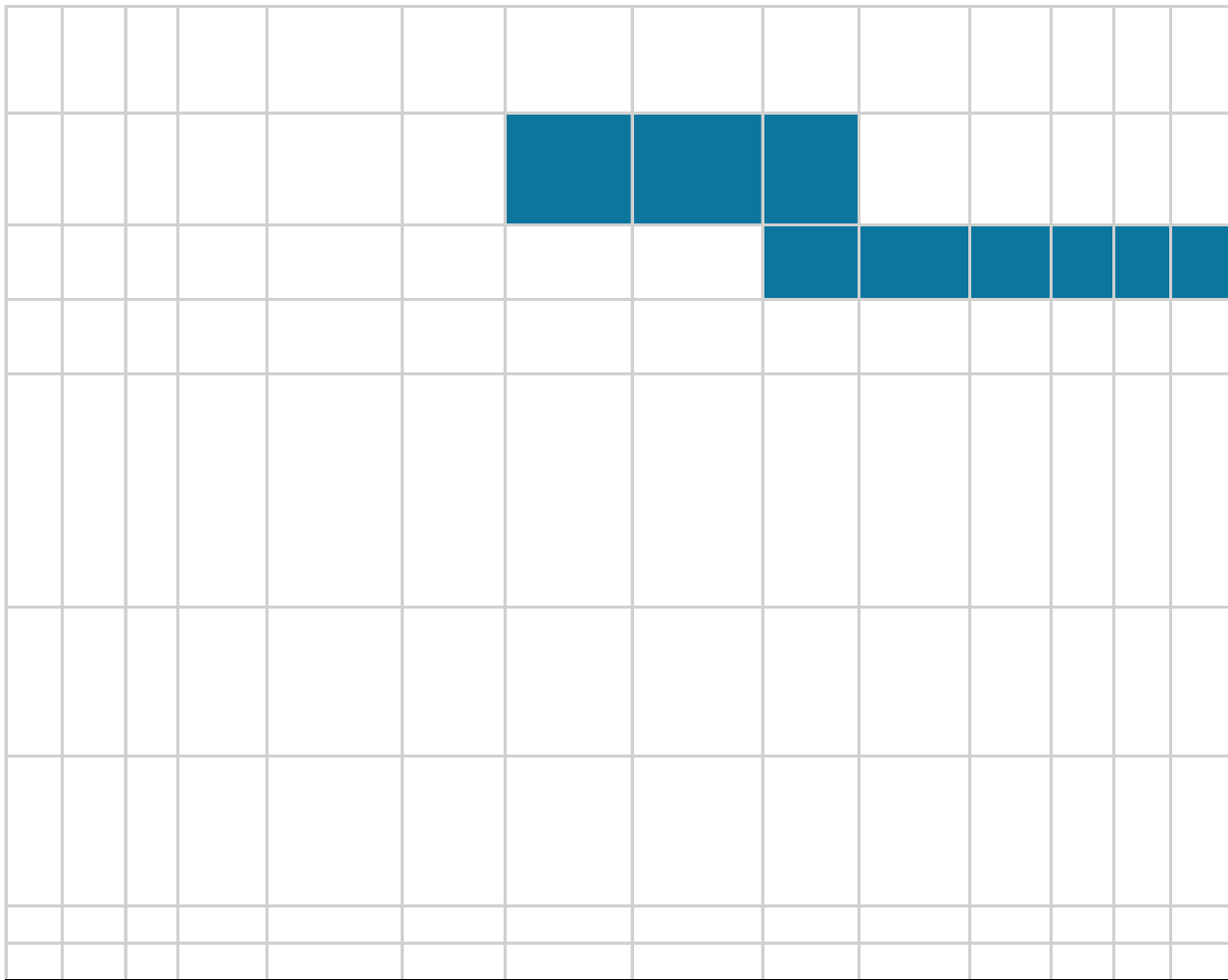
Description	Lead
CAO compile and assess relevant VT State plans/programs/policies - Program Intake form created by CAO to climate partners - Initial follow-up meetings with partners who need form assistance	CAO
CAO meet with partners identified through OA, ground truth findings, and identify gaps and opportunities for alignment	CAO
CAO finalize OA through feedback from RIS Steering Committee	CAO
Final Report summarizing where gaps exist	CAO
With input from Steering Committee, develop criteria to prioritize gaps, to include feedback from public	CAO
	CAO
	CAO
Review existing community input about resilience priorities for Vermont. Tactic #1 of Engagement Plan	CAO & CBI
Introduce and educate Vermonters about the State of Vermont's effort to create a Resilience Implementation Strategy. Why do we need this Strategy and what will it do? What does resilience mean to you in the face of a changing climate? 4/22 & 4/25	CAO & CBI
Potentially tack on RIS questions to CAP stakeholder meetings	CAO
Share finalized "opportunity assessment", prioritize gaps, solicit solutions to fill gaps	CAO & CBI
1-2 workshop style events with stakeholders to propose and refine solutions to fill gaps	CAO
Share proposed measures to fill gaps with public through survey, online engagement, TBD	CAO
Talking points and specific questions when we're meeting people where they are at (focus groups, community events, tabling, community-based organization gatherings). Also, inviting people we're engaging with through	CAO & CBI
	State Treasurer
MAP Tool contract	CAO
Gaps identified through opportunity assessment will be prioritized thorough stakeholder and public engagement in winter 2025, measures to fill gaps will be identified thorough stakeholder workshops in spring 2025	CAO
Using final measures, State Treasurers office calculates cost associated with implementing proposed measures	State Treasurer, CAO



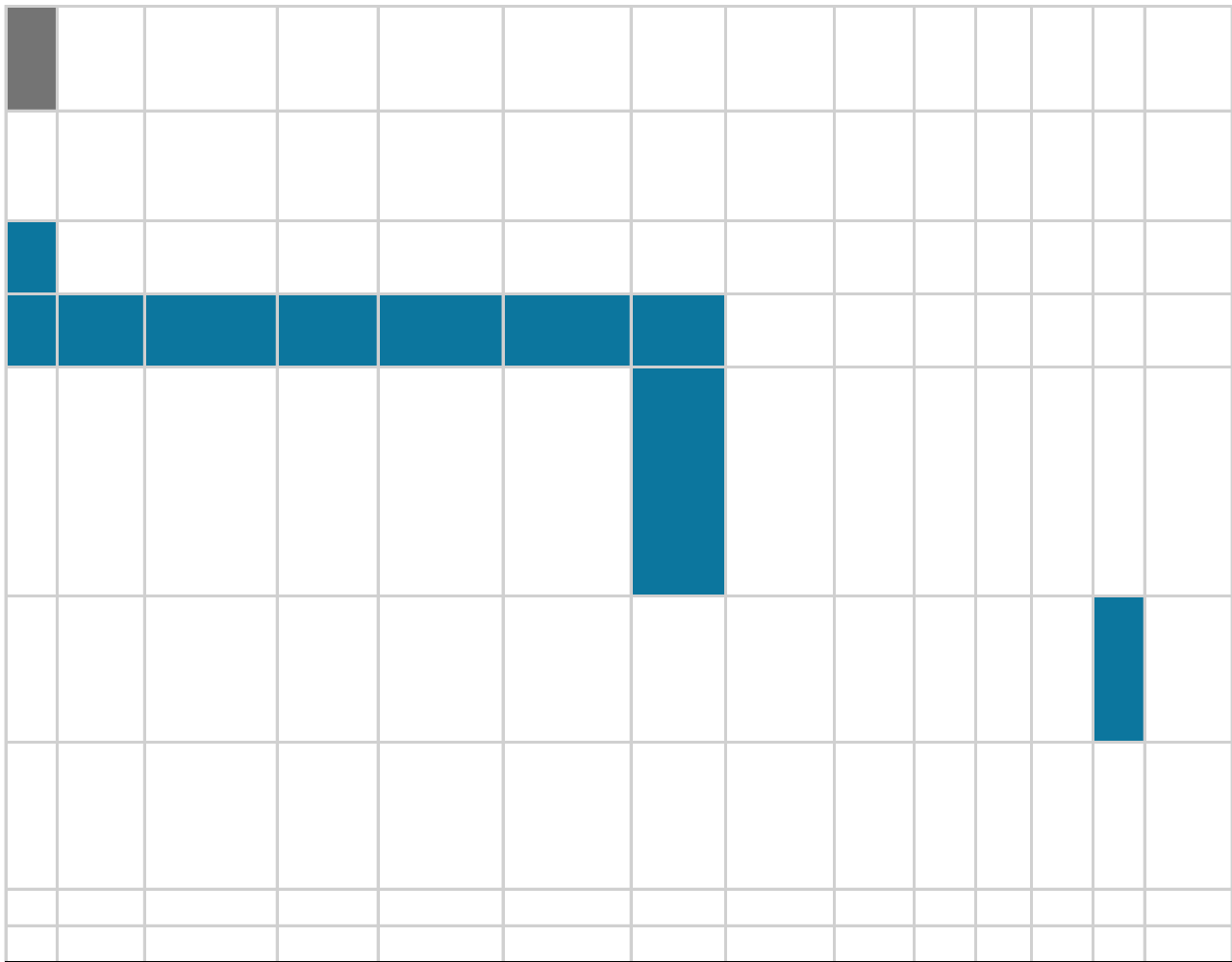


To include opportunity assessment, metrics, vision, gaps, measures, cost	CAO, State Treasurer
ANR, in consultation with State Treasurer, submits a report to the General Assembly detailing the feasibility and progress of carrying out the Climate Superfund Cost Recovery Program.	CAO, State Treasurer
ANR files with ICAR the proposed rule for the adoption of the Resilience Implementation Strategy.	CAO
ANR shall adopt the final rule establishing the Resilience Implementation Strategy.	CAO
The State Treasurer, after consultation with the Interagency Advisory Board to the Climate Action Office and others submits to the General Assembly an assessment of the cost to the State of Vermont and its residents of the emission of covered greenhouse gases for the period that began on January 1, 1995 and ended on December 31, 2024.	State Treasurer
ANR files with ICAR the proposed rules adopting methodologies to identify responsible parties, determine their share of covered greenhouse gas emissions, register responsible parties, and issuing notices of cost recovery demands.	CAO
ANR shall adopt the final rules adopting methodologies to identify responsible parties, determine their share of covered greenhouse gas emissions, register responsible parties, and issuing notices of cost recovery demands.	CAO
ANR issues the cost recovery demands	CAO
Responsible party cost recovery payments due	CAO

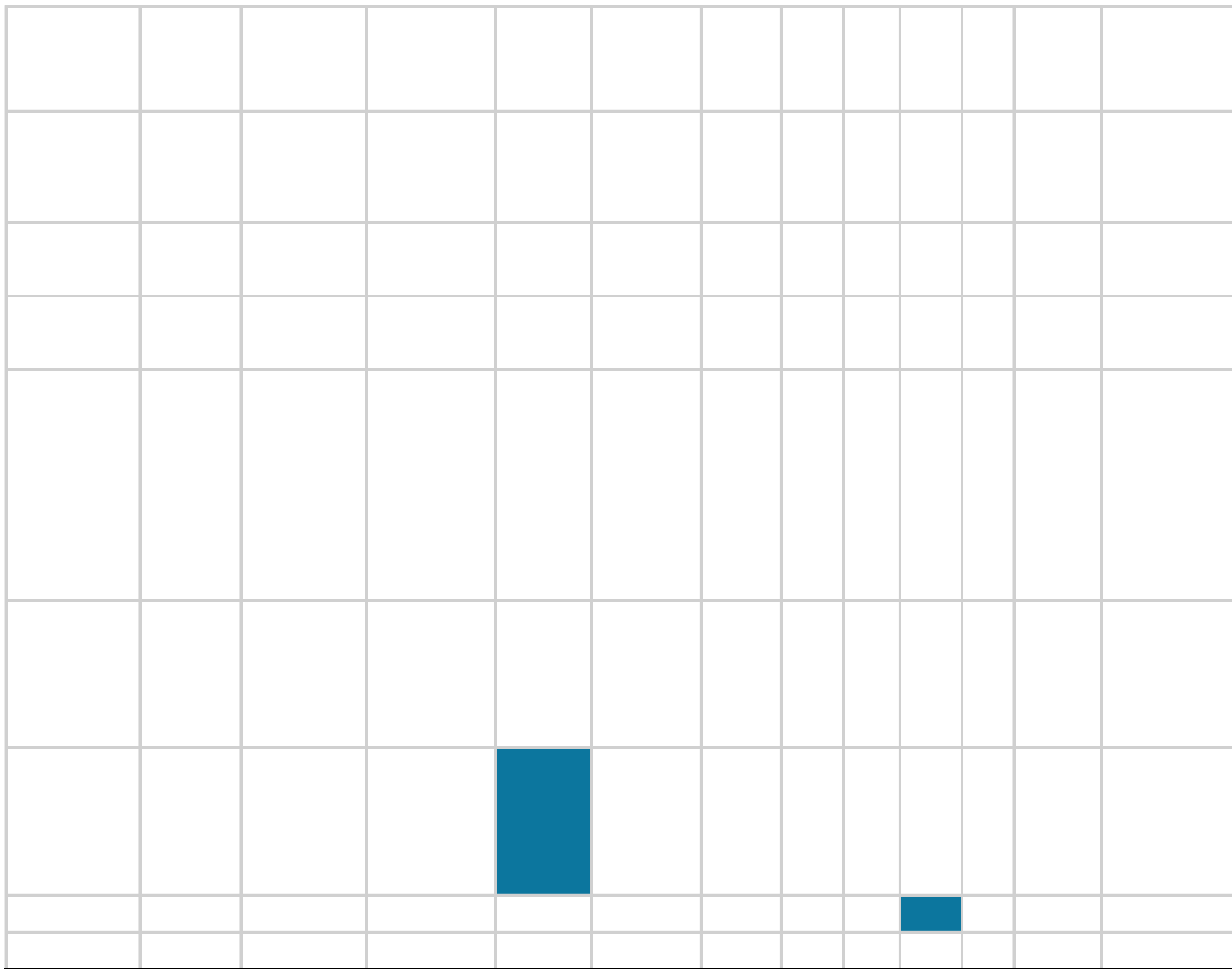




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**From:** Barney, Cole  
**Sent:** Friday, April 12, 2024 11:54 AM  
**To:** EXE; EXE - Cabinet  
**Cc:** EXE - Interns  
**Subject:** News Clips 04.12.24  
**Attachments:** News Clips 04.12.24.docx

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- Final Reading: For bill to ban flavored nicotine products, Gov. Phil Scott's veto likely to stick – VT Digger

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Help raise money for Vermonters impacted by flood damage and show your Vermont pride with *Vermont Strong* and *Tough Too* license plates and socks. [Click here to purchase your Vermont Strong gear](#) or visit [DMV.Vermont.gov/VermontStrong23](http://DMV.Vermont.gov/VermontStrong23).

Impacted Vermonters can find resources and referrals by visiting [Vermont.Gov/Flood](http://Vermont.Gov/Flood).

## Governor's Daily News Clips

**Friday, April 12, 2024**

### Vt. lawmakers scramble to address property tax revolt. Will it be enough? – WCAX – Calvin Cutler

As communities across the state continue to shoot down school budgets as part of a property tax revolt, Vermont lawmakers are scrambling to develop plans for both immediate property tax relief and longer term education finance reforms.

“Costs have gone up for all Vermonters -- including schools -- and we want to make sure we’re balancing that,” House Committee on Ways and Means Chair Rep. Emilie Kornheiser, D-Brattleboro, said Thursday.

Vermont now has the dubious distinction of being ranked as the third highest tax-burdened state - only behind New York and Hawaii -- [according to the New York Times](#). And for property taxes alone, it comes in as second behind Maine.

The latest Vermont data shows homestead property taxes increasing 15% and non-homestead taxes increasing 18%. To lower those rates, lawmakers are looking at other tax revenues that can be poured into education, including a new tax on business software and a three percent tax on short term rentals. Rep. Kornheiser’s committee is also advancing the groundwork of longer term reforms including like direct cash payments to districts depending on their size and needs. “We need to make sure that everyone understands how we all are sharing in the collective responsibility for all of our kids, and that’s what our Education Fund does,” Kornheiser said.

But the plan is already getting pushback from school administrators. [In a joint letter to lawmakers Thursday, officials from the Vermont Superintendents, Principals, School Boards, and School Business Officials Associations said the bill is rushed, doesn’t address the root causes of why spending is up, and will lead to more failed budgets.](#)

Business groups say the crisis was predictable and can be fixed by growing communities’ grand lists through more housing. “We need to get to a place where we’re not trying to raise new taxes. We need to right-size systems, we need to rethink our tax system, and we need to look at growth very seriously,” said Austin Davis with the Lake Champlain Chamber of Commerce.

Governor Phil Scott says it’s good news that lawmakers are moving forward with structural reforms, but that he worries unfinished work will be lost when a new slew of new lawmakers are elected in November. “They can put this all into place and then next year they can ignore it. I’m worried about that aspect as well,” he said. The governor says he wants lawmakers to prioritize property tax relief this year and that his administration will be releasing it’s own plan as soon as Friday. “From the Vermonters I encounter throughout the state, that’s their biggest concern -- ‘How am I going to pay my taxes and how am I going to get through this?’”

[The Ways and Means Committee is expected to vote on the proposal Friday](#). Meanwhile, the Essex Westford School District will be meeting Thursday night to determine what their next steps are.

### **Lawmakers slow down on education finance overhaul – Vermont Public – Lola Duffort**

Barely 48 hours after unveiling the outlines of a [major education funding overhaul](#), lawmakers appear to be backtracking.

On Tuesday afternoon, the tax-writing Ways & Means Committee in the Vermont House took a first look at draft legislation that, starting in 2027, would have dramatically curtailed local control in school budgeting.

But just two days later, Rep. Emilie Kornheiser, the Brattleboro Democrat who chairs the panel and put forward the proposal, announced to her committee that she no longer felt it was wise to move so quickly.

“It feels to me — tell me if anyone disagrees — that that is a very short turnaround,” she said Thursday.

While the bill had tried to make clear that the two-year runaway would leave “a lot of space for discussion,” Kornheiser continued, she noted that lawmakers did not yet have a financial analysis available with which they might base their decision.

“I don’t feel personally comfortable with even setting that in motion given that I have not seen the numbers yet myself — let alone all of us and the body politic,” she said.

Decisions about how much Vermont school districts spend are currently made locally, although school budgets are funded mostly by the state. School boards craft a proposed spending plan for the upcoming year, and, in the spring, put those budgets before local voters.

The legislation under discussion earlier this week would have transitioned Vermont to a system in which the state would simply send districts a base payment per student. Local voters would have been permitted to approve spending over these amounts, but would have paid a tax penalty in exchange. It’s system common in other states, often referred to as a foundation formula.

The fast-moving legislation, which was initially set to receive a committee vote Friday, had been met with immediate pushback from the field.

The organizations representing Vermont’s superintendents, school boards, principals and business administrators [submitted a joint statement](#) to lawmakers, strongly opposing the bill.

“The compressed timeline for review and consideration is especially problematic given the complexity of the proposed changes both in terms of application and presumed results,” the associations wrote. “Furthermore, advancing legislation that has the potential to dramatically

change the education funding system without transparent, accurate modeling, in our experience, is unprecedented.”

Legislators have spent much of this session confronting the rising cost of Vermont’s preK-12 system. [Nearly a third of school budgets](#) failed on Town Meeting Day as voters balked at property taxes that are forecast to rise by double digits.

While they may be slowing down, lawmakers are not entirely dropping the idea of a foundation formula, either. The committee will still pass a bill this year setting property taxes, and Kornheiser made clear that it would include language tasking a working group with advancing a plan to move Vermont to such a system.

Kornheiser's announcement was met with relief from fellow Democrats. But St. Johnsbury Rep. Scott Beck, a Republican, complained that the panel was abandoning its most meaningful attempt at cost-containment.

Kornheiser replied that it was still possible that the Legislature might enact such an overhaul by 2027, "if we're able to have the analysis that we need by next year. And if the field is sort of able to adjust to that."

"But I think the the scale of chaos in the field right now, with budget votes, I don't think any of the folks who are sort of working out there and developing budgets have the wherewithal to be able to really fully engage with this issue this year," she added. "Even though it might be what they need."

The tax-writing panel is still work shopping several short-term measures that might take the pressure off property taxes, including a surcharge on short-term rentals. And they continue to entertain more limited cost-containment measures, including the re-introduction of a tax penalty when districts spend over a certain threshold.

Jeff Francis, the executive director of the Vermont Superintendents Association, said education officials remained concerned about the Legislature’s direction.

While “we all need to be very focused on the cost of education and how to better manage it into the future,” he said, lawmakers are doing little to address the underlying causes of higher spending.

“When we look at the cost of education, we see more than school districts not budgeting in a manner that the General Assembly wishes it would. We see all parties involved. And quite honestly, the Legislature itself, taking actions that are adding to the cost of education,” Francis said.

### **Vermont Senate will not override Gov. Phil Scott's veto of a flavored tobacco ban – My Champlain Valley – Isabel Schonemann**

The Vermont Senate will not try to override Governor Phil Scott's veto of a proposed ban on flavored tobacco products. The governor did not sign S.18 last week, after it was passed in both the House and the Senate.

Near the end of Thursday's senate session, Senate President Pro-Tem Phil Baruth announced the senate has no intention to bring the bill up for an override vote. The Senate then voted to send the bill back to the Committee on Health and Welfare, which Baruth said is the general practice to get an item moved off the daily agenda.

Gov. Phil Scott's veto on the flavored tobacco ban bill will stay in place this session.

### **Fossil fuel companies can be linked to climate damages, Dartmouth scientist tells Vermont lawmakers – Vermont Public – Abagael Giles**

At a hearing in Montpelier Thursday, Dartmouth climate scientist Justin Mankin told House lawmakers there is robust science linking climate damages to the emissions caused by individual oil companies.

The purpose of the hearing — jointly held by the House Judiciary and House Energy and Environment Committees — was to hear testimony on the [Climate Superfund Act, or S.259](#).

If passed, the bill would require the largest oil companies in the world to pay Vermont a share of what climate change has wrought on the state — and what it will cost to adapt in the future. That share would be based on how much their products contributed to global climate change in recent decades. The bill is modeled after the federal superfund program.

Mankin's [research](#) focuses on climate attribution — which attempts to quantify the link between human action — in this case by fossil fuel companies — and climate change. In recent years, attribution science has also been used to quantify the degree to which heat waves, wind speeds during hurricanes and other extreme weather events were exacerbated by human-caused climate change.

The field is evolving quickly, and for certain types of weather events, there are still unknowns. The link between climate change and [tornados, for example, is notoriously challenging to analyze](#).

But [flooding](#), [extreme heat](#) and other impacts of climate change are fairly well understood, scientists increasingly say — and measurably more severe than they would have been absent humans burning fossil fuels.

"The fact of the matter is, we can detect the harm associated with one emitter, and we can do that very conclusively, given very strict scientific standards," Mankin told lawmakers Thursday.



That could be important for Vermont. Michael O'Grady, legislative counsel, warned lawmakers that if Vermont does pursue a Climate Superfund, the program is likely to be the subject of litigation.

Environmental advocates say that risk is well worth the potential payoff such a policy could provide.

Anthony Iarrapino, with the Conservation Law Foundation, told lawmakers Thursday that Vermont is already seeing the impacts of climate change.

"Those harms are causing costs, and those costs are way beyond the capacity of the state of Vermont to bear alone," he said, pointing to the cost of disasters like the historic flooding in July, which analysts say caused north of \$1 billion in damages. "And so, it's only fair to spread those costs to those industries that knew the risk of their products, assumed the risk of their products and profited enormously by plowing past those risks."

Gov. Phil Scott has yet to make a decision about whether to support the bill, but has echoed the concerns of Agency of Natural Resources (ANR) secretary Julie Moore, who said she is not sure the agency has the capacity to do the work on the timeline lawmakers have proposed.

The current bill requires the agency to create a plan for how Vermont will adapt to climate change, concurrent to work already underway to identify places where the state needs to invest more in climate resilience.

The bill also tasks the state treasurer with compiling a tally of what climate change has cost Vermont since the early 1990s — and what it will cost the state to adapt.

Speaking to lawmakers Thursday, Maggie Gendron, deputy secretary at ANR, clarified that the agency does not oppose the legislation.

"It's important not to lose sight that whatever approach Vermont decides to deploy, it will face a significant level of legal scrutiny and challenge, making it essential that what ANR is tasked with in our analysis — and the work assigned to both the treasurer's office and the agency — is both thoughtful, robust and well-documented in peer review," Gendron said.

Senate lawmakers have already extended the deadlines initially set forth in the bill, but ANR says they still need more time, in part because doing this analysis will likely require they contract with national experts to do work agency staff aren't currently trained to do.

"This is not a question about if we should pursue big oil, but rather about when and how and how to do it in a way that offers the greatest chance of success for the state of Vermont," Gendron said.

State Treasurer Mike Pieciak said he's confident his staff can compile an analysis of Vermont's costs from climate change on the timeline presented in the bill.

He reiterated his support for the policy and for moving forward.

“This damage has happened and these investments need to be made,” he said. “And the question is: Who’s going to pay for those investments? Vermont taxpayers, or the individual entities that caused the damage to exist in the first place and be exacerbated over time?”

The House Judiciary Committee is continuing to take testimony on the bill this week, and the Senate voted 26 to 3 to pass the bill April 2.

### Ski resorts are on pace for record season despite seemingly warm winter – WPTZ – Stephen Biddix

It’s been an abnormal year for outdoor tourism in Vermont between the summer floods, late fall foliage season, and lack of snow at the start of the winter. It seemed the bad conditions were going to affect winter recreation but ski resorts said Thursday their on pace for record seasons.

"Right now, we’re trending ahead of where we were last year, and last year was a record year, so it’s been great for us," said John Bleh, the public relations manager at Sugarbush.

Jay Peak said they're also trending toward a record year.

"We had some really timely snowstorms in late March and just had another one in early April that have really allowed us to finish strong," said Andy Stenger, the director of Facilities and Resort Services at Jay Peak.

The season's late storms have been more than welcomed by ski resorts across the state, and while resorts are used to late-season storms but not quite to this magnitude.

"It’s uncommon, but we saw it last year too, so it’s really hard to know kind of what normal is now because it seems every year it’s something a little bit different," said Molly Mahar, the president of Ski Vermont.

It's something she said skiers and resorts seem to be adjusting to.

"Interestingly I think we’re seeing the interest of skiers to keep skiing where often we’ve ended a season and a ski area will just close with a lot of terrain still available to ski and people have turned the page to spring, we’re not really seeing that much so maybe now we’re seeing people adapting to ski when the snow is here," Mahar said.

Along with the late snow, the eclipse also played a key role in reaching those record trending numbers.

"[It] definitely helped this past weekend with eclipse and the beautiful weather and all the things we had going on it really helped us sort of catch up where we were trying to get to in our numbers," Bleh said.

### **VAST reports bad winter for snowmobiling – WCAX – Melissa Cooney**

The snowmobile season officially ends on Monday and industry officials say this winter left a lot to be desired.

The Vermont Association of Snow Travelers says that with the exception of some pockets throughout the state, this was one of the worst riding seasons in recent memory.

Nathan Lafont, president of [Green Mountain Roamers](#) in Waterbury, says their club benefits from having trails on high-elevation areas of Mount Mansfield State Forest, but even there conditions were never consistent. “I think we closed and opened four or five times with these last three big storms. They would totally melt out -- like you see here -- and then we’d get, you know, two feet. We’d be able to open for four or five days and it would melt out again,” he said.

VASTS’ Jeff Fay says they’re down slightly in membership, only selling 18,000 passes this year, 2,000 less than last year. “If you don’t have a trailer, if you’re not willing to, you know, chase the snow where it is, it’s, you know, it’s it’s a little tough,” he said.

Due to lower revenue and higher costs with trail repairs from last summer’s flooding, clubs had to watch their spending. However, Fay says the increased price of passes and low grooming expenses worked in their favor. “Winters like this are tough on clubs. They put all the work in in the fall and don’t get the benefit of riding in the wintertime. So, it just plummets morale,” he said.

Riders are putting this season in the rearview and are revved up for the season ahead. “A lot of goals for next year,” said LaFont.

And if you do want to hit the trails for the last weekend of the season, be sure to check the [VAST map](#) to make sure trails are open, because most are already closed.

### **Health care advocates ask Vermont Senate to approve legislation that could reform prior authorization – Vermont Public – Bob Kinzel**

A group of health care advocates on Wednesday urged the Vermont Senate to support [legislation that is designed to reduce administrative burdens for providers](#).

The bill would streamline the process for ordering key tests and prescribing drugs.

Dr. Kristin Connolly is a pediatrician in Milton. She says she's become increasingly frustrated when insurance companies require prior authorization before she can provide certain services for her patients.

She says in some cases, this process delays critical treatment.

"These unnecessary prior authorizations and frequently changed medication formularies are not motivated by improving patient care or reducing patient costs — in fact many are not even

consistent with clinical guidelines," Connolly says. "The effects on patients and risks to patient health are tremendous."

Blue Cross and Blue Shield of Vermont is the largest health insurance company in the state.

Public policy director Sara Teachout says they're concerned the bill would raise costs.

She says Blue Cross tries to have a collaborative relationship with providers to balance medical needs with cost effective care.

And she's disappointed they're being portrayed as a company that only looks at the bottom line.

"You know I think that's really unfortunate. Blue Cross and Blue Shield of Vermont does everything we can to improve patient safety, rein in costs and make sure that the care that's being provided is appropriate for the situation," Teachout says. "We never want to deny care for our members — that's not good for people and we know that."

Teachout says Blue Cross estimates that if the bill passes, insurance rates could rise between 5 and 7%.

Last month, the House approved the bill by a vote of 137 to 0.

Lori Houghton, chair of the House Health Care committee, disputes Blue Cross' cost projections.

She argues providing timely care to many patients will actually help reduce costs.

"So, if someone needs a medication or someone needs a test and they can get that without all the burdensome paperwork and get whatever ails them fixed and they're healthy, absolutely costs will be reduced."

The outlook for the bill in the Vermont Senate is looking good. That's because it's a top priority for Ginny Lyons, Health and Welfare committee chair.

"Because insurance companies are making categorical denials more than they ever have and it's really wreaked havoc with our practitioners."

Lyons says her committee will take a detailed look at this legislation in the coming weeks.

### Senate bill targeting drug dealers would delay 'raise the age' law – My Champlain Valley – Norah White

The Senate Committee on Judiciary is hashing out whether a drug dealer who sold illegal, laced drugs that killed another person can plead ignorance in their defense.

It's an issue of whether they can use the defense of, "Well, I thought that was cocaine. I didn't realize it had fentanyl," said Michele Childs, legislative counsel, when she testified in the committee Jan. 11 on a bill to prohibit that defense.

On top of the policy related to laced drugs, [S.58](#) would require anyone found guilty of selling an illegal drug that killed someone to serve at least two years in prison without the possibility of parole or probation, unless a court decides an alternative sentence will serve equal justice. The bill doesn't say how judges should reach that finding.

But most testimony on the bill has centered on a loosely related provision: The legislation would again delay the rollout of a 2018 bill that moves 19-year-olds charged with crimes from criminal to family court.

### **Holding dealers accountable**

There were 212 “accidental and undetermined” opioid-related overdose deaths among Vermont residents in November 2023, according to the [Vermont Department of Health](#) — up from just 69 deaths reported a decade earlier in 2013.

The bill would hold drug sellers responsible for deaths caused by their distribution of laced drugs, even if doing so was down to mere carelessness, Childs said at the meeting.

“I know of a case where somebody took a drug that contains the animal tranquilizer, and the people that gave it to this person couldn't care less that he overdosed,” Childs said.

That person died, she said.

Childs said the bill, stricter than current law, will heighten drug sellers' awareness of the consequences of handing out laced drugs and lessen the likelihood of deadly overdoses.

### **Delay ‘Raise the age’**

In July, Vermont is set to raise the age of juvenile court jurisdiction to include 19-year-olds. If [S.58](#) passes, that start date will get pushed back to April 1, 2025.

Vermont was the first state to identify 18-year-olds as juveniles in the eyes of the courts in 2018 by passing [Act 201](#). It was a step in the right direction, said Tyler Allen, adolescent services director for the Department for Children and Families.

“Brain science indicates that it's the way to work with the youthful population,” he said.

But Allen said his department needs more resources before they bring the age up another notch.

“Right now we're at a point in time that we have an unprecedented challenge level against DCF in terms of meeting youth needs across the whole breadth of the youth we serve,” Allen said.

A delay like the one included in [S.58](#) will allow officials to gather more resources to help 19-year-olds, Allen said.

Gov. Phil Scott, who supported [Act 201](#), agrees.

“This bill again delays the ‘raise the age’ provision, which has put older, more violent offenders into our system and creates a number of unintended consequences that harm, rather than help, our youth,” Scott said in a March 26 statement.

Act 201 proposed a 2022 date for raising the age to 19-year-olds. But it was put on hold after requests from the children and families department because of limited resources.

Scott said in his statement that the delay is attached to S.58 because drug sellers tend to target young people to move their products.

“We have observed drug traffickers are preying on young adults, using them because they know accountability is less likely,” Scott said.

### **Vermont to apply for new federal health care reform program – WCAX – Calvin Cutler**

Vermont is looking to revamp how we pay for health care.

The state has seen double-digit rate hikes for hospitals and insurance premiums for years.

Now, officials are applying to the federal government’s next health care reform experiment called [the AHEAD model](#).

It will draw down more Medicare funds to allow more investments in mental health, substance use treatment, primary and preventive care.

“There are a lot of factors contributing to the growth of health care costs, but there are a number of elements in the AHEAD model that we can continue to work on and hopefully impact affordability,” said Pat Jones, the interim director of the Office of Health Care Reform within the Vt. Agency of Human Services.

Officials believe this will save money in the long run.

Vermont’s application follows eight years of the “all-payer” model, which also aimed to invest in primary and preventive care but did the opposite of bringing down costs.

If approved, the nine-year agreement would begin in 2026.

### **Franklin County’s new top prosecutor looks to bring stability to the office – Vermont Public – Liam Elder-Connors**

On a recent Tuesday morning, Judge Alison Arms began a routine change of plea hearing in Franklin County criminal court.

The defendant, who appeared via video from the state prison in St. Albans, was going to plead guilty to a charge of operating a motor vehicle without the owner’s consent. He was going to

serve an eight month to two year sentence in prison, according to the deal hammered out by his public defender and state prosecutors.

There was a slight hitch. Franklin County state's attorney [Bram Kranichfeld, who was permanently appointed to the position about three weeks ago](#), told the judge the victim wanted to be at the hearing — and Kranichfeld also needed to sign the plea agreement.

"I'd ask that the court send this out for a change of plea to give us time to notify the victim and allow her to be here," Kranichfeld said during the hearing.

Arms agreed to reschedule the court date. The hearing lasted about five minutes and it was mostly unremarkable. Except, perhaps, for the presence of Kranichfeld. It was only a few years ago that the veteran prosecutor left his law career to become an Episcopal priest.

But when John Lavoie, the [previous Franklin County state's attorney resigned during a discrimination scandal last year](#), Kranichfeld decided to step up.

"It was a really hard decision to make," Kranichfeld said in a recent interview. "Because at that time, I had just finished my first year as an ordained priest."

An internal investigation released last May found that Lavoie harassed and discriminated against his employees. The legislature took the [rare step of launching an impeachment investigation](#), but Lavoie stepped down before it was completed.

Kranichfeld, who [was initially appointed the interim state's attorney](#), said one his first actions was to call a staff meeting.

"The main theme of that meeting was, from me, a message of, 'I come in peace ... I see my mission here is one of healing and restoration,'" Kranichfeld said.

Kranichfeld spent nearly a decade working in the Chittenden County state's attorney's office. But in early 2017, he reached an inflection point; [he got passed over to lead that department](#) and, on top of that, a few months earlier his father died.

Those two events sparked a moment of personal and professional reflection, which led Kranichfeld down a new path: becoming a priest — a process that took about five years and included getting a master's degree in divinity from The Montreal School of Theology.

Now, Kranichfeld is back in the courtroom — something he did not expect.

"So many surprising things have happened over the years that it's really hard to try to predict," he said. "I have no regrets. I think this was and is the right place for me to be right now."

The break from the law has given Kranichfeld, a 44-year-old father of two, a fresh perspective and new skills, like listening with empathy.

“It's a huge part of being a priest — guiding people through really, really tough life transitions and sitting with people in their experience,” Kranichfeld said. “And I have found that to be very, very helpful in this, you know, coming back into this role as a prosecutor.”

Kranichfeld's detour into the clergy isn't the only unusual part of his resume. He lives in Burlington, and while there are no residency requirements for state's attorneys, it is unusual to hold the position while living in another jurisdiction.

Defense attorneys say Kranichfeld is making progress on steadying the prosecutor's office, which has about 1,600 pending cases. Paul Groce, a co-supervising attorney at the Franklin County Public Defender's Office, said that communication with the state's attorney's office has improved.

“We don't see eye to eye on the cases,” Groce said. “But as far as having a working healthy relationship, I think I see a lot of potential for us to be able to collaborate when we need to collaborate and know when we have to fight.”

Kranichfeld hopes to tackle a few big projects in Franklin County, like [launching a treatment court program](#). Several Vermont counties have them, and the programs aim to help people whose criminal behavior is tied to drug use get help and keep them out of prison.

“As a prosecutor, we're often in this weird spot,” he said. “We're in a system that's designed to hold people accountable for criminal behavior, but we're trying to find a way to get a person help through that system.”

Kranichfeld's term lasts until January 2027. He said he hasn't decided if he'll go for another one.

### **Vermont Corrections Department launches reentry employment program with Working Fields – My Champlain Valley – Isabel Schonemann**

The Vermont Department of Corrections is partnering with Working Fields to provide vocational services, coaching, and support to people reentering their communities after being incarcerated.

The non-profit will also work with Vermont employers to “facilitate hiring and boost employee retention.”

Working Fields is a South Burlington-based staffing agency that follows a peer support model and aims to reduce barriers between employers and job seekers across Vermont, New Hampshire, Maine, and Massachusetts.

The partnership is funded by a federal grant.

Mickey Wiles, Founder of Working Fields, said, “This partnership with DOC will build upon Working Fields' mission of overcoming workforce barriers side by side with resilient job seekers and engaged employers to foster a thriving community.”



“Through this program, we are strengthening Vermont’s workforce, investing in the rehabilitation and successful reentry of justice-involved individuals, and building healthier, more vibrant communities,” said Nicholas Deml, Commissioner of the Vermont Department of Corrections.

### Act 250 denies housing project – The Citizen – Corey McDonald

An Act 250 commission denied a major housing project in Hinesburg over flooding concerns.

The project, Hinesburg Center II, has been in the works for nearly a decade, and received approval from the town’s development review board in February 2023. Plans call for creating 21 new lots in the town’s village growth area off Route 116 near Patrick Brook and would include 73 new homes — 15 single family homes, two nine-unit buildings, one six-unit building and one 34-unit building.

Brett Grabowski, a developer with Milot Real Estate in Williston who co-owns the property with the David Lyman Revocable Trust, had proposed using fill to raise the elevation of the property above the current FEMA-based flood elevation to build structures on.

But the Vermont Natural Resources Board said there were still concerns about the project’s location on a floodplain. The project’s use of fill to elevate structures on the property “will cause an increase, and will contribute incrementally to an increase, in the horizontal extent and level of flood waters during peak flows up to and including the base flood discharge.”

“Placing the fill in the floodplain effectively cuts off the existing, lower elevation areas that provide floodwater storage and conveyance while subsequently raising the water surface elevations adjacent to the project during times of flooding,” wrote Thomas Little, the chair of the Act 250 District 4 Commission.

The project is the third iteration of continued commercial and residential development in Hinesburg’s village area. The first two phases included the Creekside Project and Hinesburg Center I, which brought Kinney Drugs, the Parkside Cafe and other housing units to town several years ago.

The Act 250 commission took specific concern with future property owners on the property tract. Little in the denial said that “the current owner is accepting increased flood risk for subsequent owners who are not part of this process, hence the whole development becomes (flood-prone) adjacent landowners.”

Grabowski, the principal developer on the project, disagreed with the ruling, and said that the specific policy by which the project was denied was arbitrary.

“They will argue that they are applying this policy to all applications, but in essence, that is kind of the problem,” he said. “A project that is potentially proposed for a floodplain, say, in the Winooski River is not the same impact as a project proposed for the floodplain of the Patrick Brook.”

He added: “It’s very much, we feel, an apples and oranges type of situation, but they are applying the same standard to all applications, and which we don’t feel is appropriate.”

Grabowski said they have not made any decisions yet on how they’ll proceed. There is a 30-day window to appeal from the March 27 denial.

While the town of Hinesburg is an interested party and could appeal the decision, Alex Weinhagen, the town’s director of planning and zoning, said there are no plans to do so.

The denial adds some concern for the town. Hinesburg’s village area, 40 square miles of land off Route 116 wedged between the LaPlatte River and Patrick Brook, has for decades been targeted by the town for new housing and commercial growth.

Those plans are quickly coming to fruition, and town officials have banked on the more than 300-units of housing development, as well as the added commercial development, to inject badly needed tax revenue into town coffers.

Only 8 percent of the town’s tax base comes from commercial and industrial, leaving the rest for residential taxpayers, who have been shouldering an increasing cost for services that other towns Hinesburg’s size do not have.

To try and increase tax revenue, the town has pursued a path of development in its village district. But concerns over this strategy have mounted in recent years, given the village area’s proximity to the Patrick Brook floodplain.

In a recent survey, town residents cited water and flooding issues as one of the top challenges facing the town. Those concerns have likely been influenced by the damage wrought by July’s flooding in places like Montpelier. Hinesburg was largely spared any major damage, but a portion of the town’s village area was very briefly underwater.

Grabowski said these flooding concerns may have influenced the state in their denial of the project.

“I’ll be really honest with you, yes, it is a very politically charged topic, you can’t deny that,” he said. “I think that this project is suffering because of it.”

Officials with the Natural Resources Board were not immediately available for comment but said previously in documents that the effects of climate change and more intense rainstorms may lead to greater flooding at sites that may not yet be captured in current FEMA hydraulic modeling.

“While we understand the critical need for more housing in our state, it does not seem prudent to be constructing new affordable or (any) housing in an area vulnerable to flooding, putting potentially unknowing members of the public at future risk and displacement,” Kyle Medash, a floodplain manager with Vermont’s Agency of Natural Resources, said in previous documents.

Previous phases of the development, including Hinesburg Center I, were “pretty thoroughly vetted” at the time, Weinhagen said.

“The developer had some very sophisticated hydrological modeling done by a very reputable firm, that the town has used in the past as well, and the state provided feedback, but they didn’t have the same level of concern that they’ve expressed with this project,” he said.

### **Banyai arrest order rescinded after town dismantles Slate Ridge – Bennington Banner – Michael Albans**

An environmental judge rescinded the arrest and confinement order against Daniel Banyai after the officials in the Town of Pawlet completed work that brings the former shooting facility into compliance.

In a stipulation motion to rescind the writ of mittimus against Banyai, Town attorney Merrill Bent alerted Environmental Judge Thomas Durkin that, as of Thursday, the town had completed the work necessary to bring Banyai’s property into compliance with prior court orders with the exception of some of the materials from the deconstructed school structure which has yet to be removed, which Banyai has agreed to remove in the next 60 days.

The town also informed the judge that they will soon file an affidavit of costs for the completion of the deconstruction work performed with the anticipation of compensation for the work plus attorney fees dating back to the original February 2023 order.

Judge Durkin promptly signed the motion, ending the long-running saga between Banyai, his neighbors, and the Town of Pawlet.

A quick check with the Vermont Department of Corrections database showed Banyai is still in custody. It is unclear whether he is still being held on two other charges, assault on a law enforcement officer, which carries a \$15,000 bail, or his fugitive from justice charge which carries a \$50,000 bond amount.

The Banner will follow up on this development tomorrow as more information and reaction becomes available.

### **Court ruling: Stowe Aviation complaint allowed to proceed – News & Citizen – Aaron Calvin**

A recent Vermont Supreme Court ruling has cleared the way for Stowe Aviation and its investors to potentially recoup some of the losses it suffered in the collapse of Vermont’s EB-5 program.

Stowe lawyer Russell Barr and his wife Toni — along with investors like the Miami-based businessman and Stowe homeowner David Mendal and now-retired CVS Pharmacy executive Jonathan Roberts, among others — took over as fixed-base operator of the state-owned Morrisville-Stowe Airport in 2014 with plans to expand the airport and bring in regular commercial flights with investment fueled by the EB-5 program.

The program, which allowed foreign investors to get green cards for investing in projects that produced a certain number of jobs, collapsed before Stowe Aviation could secure its funding due to the massive fraud perpetrated by investors who embezzled money through the program at Jay Peak Ski Resort and other projects in the Northeast Kingdom.

Several of those investors have gone to prison.

The Agency of Commerce and Community Development, Stowe Aviation alleged in court, had promised a “gold standard” in regulatory oversight that guaranteed the integrity of the projects, allowing the Stowe-centered team of investors to bring on four foreign investors through the EB-5 program, a \$4.6 million Federal Aviation Administration grant and \$1.7 million in private financing.

Stowe Aviation alleged that the commerce agency later assumed full responsibility of the memorandum of understanding from the Department of Financial Regulation as it became clear the EB-5 program was likely to be implicated in the massive fraud that would eventually be revealed in the Northeast Kingdom.

The agency then tried to force the airport operator into renegotiating the terms of the memorandum, ultimately leading to its cancellation.

Stowe Aviation’s investors say in two complaints filed against the commerce agency that the commerce agency misrepresented its “gold standard” of regulatory oversight and that this constituted “bad-faith conduct” that prevented Stowe Aviation from benefiting from the EB-5 program.

The lower courts initially dismissed the complaints on the grounds that they didn’t adequately address the terms of the memorandum, and rejected an attempt to amend them, arguing that Stowe Aviation would only be allowed to do so if there was a mistake made by the courts in the process.

The Supreme Court ruling overturned this decision and determined the trial court committed an “abuse of discretion” regarding the matter. The ruling states that if Stowe Aviation and its investors can prove that the agency violated state guidelines in its handling of the agreement, their complaints may yet be considered.

## **Implications**

Stowe Aviation stopped operating the Morrisville-Stowe Airport in 2021. For three years, the Agency of Transportation has sought and failed to find a replacement operator.

After the collapse of their EB-5 investments, the airport improvements the Barrs and their investors planned for the airport failed to materialize. An investigation conducted by the newspaper found that the dissolution of Stowe Aviation was the result of a dispute where the state refused to allow the Barrs to hand over operation of the airport to Mendal, Roberts and other investors under a new lease agreement.

One chief contention of the Agency of Transportation was that Stowe Aviation owed the state over \$100,000 in unpaid rent, an amount Mendal has argued was invalid because the commerce agency never held up its end of the EB-5 deal.

Now in a position to have their complaints considered in court, Stowe Aviation and its investors may yet be vindicated that they were subjected to material losses by the state's actions.

A recent report from state auditor Doug Hoffer substantiates Stowe Aviation's assertion that Vermont's EB-5 program was not well-regulated. Alleging that structural design flaws were present in the program from its outset and that it failed to respond quickly when concerns were raised about the Jay Peak project, Hoffer found "a pattern of misplaced trust, unfortunate decision-making, lengthy delays, and missed opportunities to prevent or minimize fraud."

Meanwhile, despite an open request for a proposal for a new operator, the Agency of Transportation has yet to replace Stowe Aviation as the airport's fixed-base operator. Frequent fliers at the airport have reported a marked reduction in traffic, particularly in commercial charter flights.

According to Trini Brassard, an assistant director at the agency, a contract has been negotiated with a new fixed-base operator, but this new potential operator has had the agreement for months and hasn't returned a signed copy of the contract. At this time, Brassard said, "there is no contact with them that confirms they intend to take on this role."

Brassard said she couldn't name this new operator due to the pending nature of the contract and because the agency is still working to determine how it will proceed.

### State investments to help build Spark Academy, new child care center, in Swanton – St. Albans Messenger – Bridget Higdon

Swanton's first child care center is set to open this July, thanks to two experienced, local women looking to make a difference.

Michelle Marchant-Sheldon and Vickie Gratton, two long-time home-based childcare providers, are partnering to open Spark Academy at 71 ½ First Street.

"We saw a need, and we said, 'We can do this,'" Gratton said.

Spark Academy was made possible by funding from Act 76, Vermont's new child care law, and from a Make Way for Kids grant from First Children's Finance and the Child Development Division.

When open, the center will triple the local child care capacity by offering 37 slots for children ages 2-9. All spots have already been filled, but Marchant-Sheldon and Gratton are still figuring out schedules to see if there are any half-day or partial-week opportunities available.

The center will also employ seven staff members, five of which will be new jobs.

“They really are doing something incredible, and they finally have the tools to be able to do it,” Aly Richards, CEO of Let’s Grow Kids, said.

### **Building the foundation**

Marchant-Sheldon and Gratton both got started in child care as young moms, 30 and 25 years ago, respectively. Their home-based programs – Gratton’s in Franklin and Marchant-Sheldon’s in Swanton – were ideal for taking care of their own children as well as others in the community.

“I love watching children grow and develop and just go through the different phases,” Gratton said. “They all have those ‘aha’ moments at different times, which is really fun to watch.”

Both women are registered providers, meaning they are certified by the State of Vermont to [partner with local schools to offer pre-Kindergarten education](#). Both also completed the Prior Learning Assessment through Community College of Vermont to earn credit for the college-level learning they’ve gained while on the job.

Gratton decided to go on and pursue her bachelor’s degree, which she is expected to complete this year.

“I started taking it more seriously than just being a daycare, or somebody that was babysitting children. It is more of a profession,” Marchant-Sheldon said. “There was such a need for it, and I absolutely love it.”

As of 2021, there were approximately 1,400 Franklin County kids in need of child care, according to an assessment by Let’s Grow Kids, a statewide child care advocacy group.

And while [child care slots are few and far between across Vermont](#), they are especially sparse in Swanton. Marchant-Sheldon, a 20-year resident of the town, said when long-time providers retired, new state regulations on the field made it difficult for the next generation to step up.

“It’s hard work and it takes money, it takes funding,” she said.

That’s where Act 76 comes in, the landmark child care bill that state lawmakers passed in 2023. The bill will invest \$125 million annually into Vermont’s child care system, making care more affordable for families and the profession more sustainable for providers.

“That bill is going to change the landscape for child care in Vermont,” Richards said.

In June 2023, Gov. Phil Scott vetoed the bill, opposing the new payroll tax that will help fund the initiative. While the legislature ultimately overturned the veto, Franklin County’s delegation largely voted “no,” except for Rep. Ashley Bartley (R-Fairfax) and Rep. Michael McCarthy (D-St. Albans City).

### **A vision for growth**

Just this past weekend, more Vermont families became eligible for child care tuition assistance through Act 76. In October, even more families will be granted lower rates.

To get ready for the flood of families who will soon be looking for care, the state has been providing “readiness payments,” among other forms of financial assistance, to current child care providers since fall 2023.

Providers have flexibility in how they use the payments, but are encouraged to use the dollars to support stability, expansion and quality. In Swanton, Marchant-Sheldon and Gratton saw an opportunity to start Spark Academy, confident they’d have sustainable future income and money in their pockets to keep their home programs running in the meantime.

“We wouldn’t have been able to do it without the funding,” Marchant-Sheldon said.

In addition to those readiness payments, Marchant-Sheldon and Gratton applied for an Infant and Toddler Capacity-Building grant from First Children’s Finance, the non-profit contracted by the State of Vermont to distribute designated American Rescue Plan Act dollars.

Spark Academy was awarded more than \$50,000, Erin Roche, director of First Children’s Finance said, due to the need for more child care spots in Franklin County.

“This was a great opportunity to support two women entrepreneurs who are investing their experience into something bigger,” Roche said.

Since December, First Children’s Finance has awarded 60 grants totaling \$1.9 million to child care programs across Vermont. Grants will continue to be awarded to new applicants annually.

These funding initiatives have made a variety of projects possible across the state.

Apple Tree Learning Center in Stowe, for example, built an addition onto its facility to accommodate more children. A former high school in Wilmington was transformed into a child care and community center. In Cabot, a child care center opened for the very first time.

“The main things we’re starting to see in the early stages of implementation: existing programs are expanding, new programs are opening and compensation is increasing for early childhood educators,” Richards said.

### **People-powered progress**

It was Gratton’s daughter who came up with Spark Academy’s name.

“We went back and forth with a million names...but then she said ‘spark’ and it sparked,” Marchant-Sheldon said, laughing.

Coming from their home-based programs, Marchant-Sheldon and Gratton want the new space to still have a “homey” feel while being more professional and classroom-like.

“We want to be a hub for families and a comfortable place for children,” Gratton said.

When the center opens, the women are excited to work both with each other and the five other staff members they've hired. The team will consist of caregivers and early childhood educators with varying levels of experience who all enjoy working with toddlers.

"Because both Michelle and I worked alone all the time, we know the value of a team and how it's better for the kids. There's more continuity," Gratton said.

Funding from Act 76 – including a 35% increase in state reimbursement rates (the funds paid directly to a child care program on behalf of an eligible family) – is helping raise wages for child care providers too.

For Richards, bolstering the early childhood workforce and fueling its pipeline is key to ensuring there's enough child care in Vermont for all families. Now that Act 76 is rolling out, she sees that as the next phase of work for Let's Grow Kids.

"We have to finish the job," Richards said. "Solving the child care crisis is within our reach. And that's what's so exhilarating about it. The funds are flowing. We owe it to Vermonters to get this right."

As for Spark Academy, its next steps are to finish renovations to its building, pass all safety inspections and finish up enrollment.

"We are thankful for the grant and the new Act 76, which makes it so parents are actually able to afford child care and be able to go to work," Marchant-Sheldon said. "We've had a lot of support from friends and family and our husbands too."

### **'Like brushing your teeth': Bill cuts red tape around sunscreen in schools to start habit young – My Champlain Valley – Holly Sullivan**

Despite being one of the cloudiest and coldest states, Vermont has the country's [second-highest rate](#) of new skin cancer cases per capita. Using more sunscreen could reduce the rate, and lawmakers want to make it easier to start the habit young.

Senators passed [S.187](#) last month to allow students to apply sunscreen freely without it being regulated like a medicine. The bill would let kids carry non-spray sunscreen in backpacks and slather it on whenever they see fit, as long as their parents sign an annual form. A House committee took up the proposal last week.

Right now, putting on sunscreen in Vermont schools is a tall order.

"If I give a Tylenol, if I give an ibuprofen, if I give Benadryl, or if I have a student who has prescription medication — I notify the parent every time I do that," said school nurse Clayton Wetzel, treasurer of the Vermont State School Nurses Association. "Imagine, we have 160 kids, and now I'm helping apply sunscreen for all of these people and then notifying parents about the application of sunscreen. It's not a very good use of anyone's time."



He walked legislators through the ponderous process [back in February](#):

A nurse needs to get an annual permission slip signed by a guardian, have a guardian deliver sunscreen in its original bottle and store it in the nurse's office. They need to call students in and put the sunscreen on them, then notify the guardian and write down a string of details for student health records: each date and time they put sunscreen on a student, the dosage, a reason why and any results of the remedy.

If the bill became law, sunscreen could become just another checkbox on a pre-existing health form, signifying, “Hey, if you sign this, we’re all set. You can send it in and you don’t have to worry about it,” Wetzell told Community News Service.

Twenty-seven states and Washington, D.C., have similar laws.

Exposure to ultraviolet light, which the sun emits, is closely tied to most forms of skin cancer, especially melanoma, the deadliest. That’s made sun damage a hot topic in Vermont, where sunscreen use is low and skin cancer rates are high. In 2013, more than a third of adults here reported having at least one sunburn in the past year, [according to state data](#). In 2015, that number was 65% for high schoolers and 54% for middle schoolers.

The last time the state asked students about sunscreen, [in 2013](#), less than three in 10 middle schoolers said they always or usually wore sunscreen SPF 15 or higher when out in the sun for over an hour. For high schoolers, it was less than two in 10.

When national nonprofit IMPACT Melanoma surveyed Vermonters in 2018, most said they don’t use sunscreen due to forgetfulness or lacking concern.

Vermonters, a “rapidly aging” and “fair-skinned” group of people, are negatively impacted by the state’s limited sunshine, Sharon Mallory, the state health department’s cancer control program director, [told a University of Vermont researcher](#) in 2020.

“Vermonters often get ‘short bursts’ of sun because of our short summer seasons,” Mallory told the researcher, Joy Benner. “It is thought in cancer research that short bursts may actually be more harmful than long-term exposure because you don’t build up that melanin reserve. We are also not as good at wearing sunscreen all year round because we have long winters and cloudy days, so people may not be wearing enough sunscreen during these times.”

Efforts to prevent skin cancer in the state have grown in recent years, such as supplying [free sunscreen dispensers](#) in state parks and banning tanning beds for people younger than 18.

Vermonters’ susceptibility to skin cancer is why so many experts are urging representatives to pass S.187. As for the focus on younger people: Sunburns during childhood raise the risk of melanoma by up to 80%, state officials say.

Ilisa Stalberg, family and childcare director at the Vermont Department of Health, said normalizing sunscreen use will protect kids’ skin as they get older.

“It’s just a good habit. And we know how influential school and peers are,” she said. “So, every time you go outside, you’re putting on sunscreen. It’s like brushing your teeth. It becomes a habit, and that is a future prevention strategy.”

Generally, S.187 has had little to no opposition. However, the bill’s specification of “non-aerosolized” sunscreen sparked some debate.

Brendan Atwood, public health policy advisor for the health department, suggested removing the word from the bill for fear of equity issues.

“Essentially, by restricting the use of aerosolized sunscreens, it just may force some folks to have to purchase sunscreens that may cost more. It just limits the options that are available to some folks,” he told senators Feb. 23.

Atwood acknowledged aerosolized sunscreens may trigger asthma in some students. But he stood behind the edit, believing schools could easily work around this issue.

On the flip side, Wetzel approved of the bill’s language.

“This is just anecdotally, but non-aerosolized doesn’t put as much product out for the period of time that people are applying it,” he told senators in the same meeting. “And it also uses propellants that could possibly be an irritant. Having an aerosolized product exploding in a backpack would make an even bigger mess. And just leaking, it could be a little bit dangerous.”

Still, most stakeholders seem to agree the bill would make life easier for students and teachers.

“It breaks down the barriers to utilizing sunscreen because it’s a lot (of stress) on a kid to have to go to the nurse to get sunscreen on,” Stalberg said. “Moving around the school is not simple — teachers need you in certain places at certain times, so it really does help there.”

### Vermont Flannel buys Vermont Teddy Bear – Shelburne News – Liberty Darr

The Vermont Flannel Company has purchased the assets of Vermont Teddy Bear, the largest manufacturer of teddy bears in North America and a massive Shelburne destination hot spot.

Vermont Flannel CEO Joe Van Deman said in a statement Tuesday, “I’ve been a fan of Vermont Teddy Bear for a long time. The experience here in Shelburne, the quality of the bears and the way the company gives back to the community are all truly amazing. It’s a really special place.”

Vermont Teddy Bear was born nearly 45 years ago when John Sortino, the company’s founder, crafted his first-ever Teddy Bear, Bearcho, in 1981. His son enjoyed the new friend so much that Sortino began selling these bears from a cart on Church Street in Burlington. Since then, the bears, many of which are made with love right at the Shelburne facility, have made it into the homes of millions across the globe.

The Vermont Flannel Company was founded by Mark and Linda Baker in East Barre in 1991. Since then, the company has built six retail locations across Vermont, two of which operate as production facilities as well, plus two additional retail locations in Maine. The team plans to open a ninth store in Waterbury this summer.

Both companies will continue to operate as separate brands, but partner in a variety of ways, similar to two collaborative projects already launched this past year, including one of Vermont Teddy Bear's classic 15-inch bears wearing a Vermont Flannel button-down shirt.

Together, the combined company will employ more than 70 people, with several remote employees in other states.

"What is really fun about both of these companies is that they have created such memorable experiences of something that is uniquely Vermont," Van Deman said. "You can't come to Vermont without stopping at the Vermont Teddy Bear Factory or taking home a piece of Vermont Flannel with you, and you can't leave either company's stores without a warm smile on your face."

Simultaneously, the ownership group of Vermont Teddy Bear has also sold the assets of its apparel divisions — Pajamagram, Pajamajean and the One for U — to an affiliate of Lionel Capital.

Bill Shouldice, CEO of Vermont Teddy Bear, added, "I am so thrilled to bring these two iconic Vermont brands together. It makes so much sense for the next chapter of Vermont Teddy Bear."

### **Costs balloon for planned Chittenden County recycling center – Williston Observer – Jason Starr**

The cost of Chittenden County's new recycling center will be nearly \$5 million more than what was estimated when voters approved a \$22 million bond for the project in 2022.

Chittenden Solid Waste District (CSWD) administrators are scaling back the scope of the project in an attempt to mitigate the cost overrun. CSWD Executive Director Sarah Reeves pointed to the increased cost of steel, concrete, asphalt and excavating compared to when the project was first budgeted in 2021 as the reason for the overrun.

"We just happened to catch it at the peak of pricing," Reeves said in a January meeting of the CSWD Board of Directors, referring to construction cost inflation, which she noted has since leveled off.

The new recycling center is built to handle 150 times the amount of material that the current facility on Avenue C in Williston processes, CSWD Director of Compliance and Hazardous Waste Josh Estey said in a February hearing with the Williston Development Review Board. The new center is sited on a 36-acre parcel on Redmond Road, near CSWD's Williston drop-off center and composting headquarters. It is being built for a decades-long horizon of residential

and commercial growth with flexibility to handle evolving product packaging, using an automated process that replaces the human sorters the current recycling center relies on.

“This project is needed, not just for Chittenden County but for the state,” Reeves said.

CSWD leadership has reduced the building size, changed the construction of the roof, narrowed the width of the access road and paused a planned community room to chip away at the cost overrun. They are also continuing to search for government grants and loans to close the gap. But Reeves said the organization, which is funded primarily by the 18 municipalities it serves, can cover the cost overrun with its own reserve funds. She also said doing so may lead to an increase in trash collection fees, which have remained flat for the past 12 years, to replenish reserves.

“Anything that makes it more expensive to live in Chittenden County and run a business in Chittenden County I know I’m personally not for,” said Williston’s representative on the CSWD board, Kelton Bogasky. “I don’t take that lightly, raising any fees that we charge.”

The Development Review Board gave the project preliminary approval in February. A final hearing with the DRB is scheduled for April 23. In the February hearing, engineer Greg Dixson of Colchester-based Krebs & Lansing Consulting Engineers said the 68,000-square-foot facility would attract about 80 truck trips a day on Redmond Road between the operating hours of 6 a.m. and 3:30 p.m.

Architect AES Northeast of Plattsburgh, N.Y., has designed the building. The CSWD has issued a request for proposals from companies to bid on constructing the project. Bids are due by April 26. The district hopes to have a construction company chosen by the end of May.

### Deeming Slate Ridge now in compliance, court rescinds Daniel Banyai warrant – VT Digger – Ethan Weinstein

The state Environmental Court has rescinded its arrest warrant for Daniel Banyai after the town of Pawlet said it had brought his Slate Ridge property into compliance with court orders related to zoning violations.

As of 9:30 a.m. Friday, Vermont’s inmate locator database still showed Banyai as detained at Marble Valley Regional Correctional Facility in Rutland.

Banyai has been held there on the warrant and a separate assault charge since March, when he [was arrested by Pawlet Second Constable Tom Covino following a traffic stop](#). Police [accused him of assaulting Covino during the arrest](#), leading to a felony aggravated assault charge for which he was held on \$15,000 bail.

According to court documents filed this week by Merrill Bent, Pawlet’s attorney, the town will file an affidavit outlining the costs of bringing Banyai’s property, called Slate Ridge, into compliance and will also request “compensatory damages.”

A deconstructed school building remains on Banyai's property, Bent wrote, but "Banyai's agents" have agreed to remove the materials within 60 days.

Slate Ridge, the [former paramilitary-style training facility](#), terrified its neighbors and garnered media attention nationwide. The warrant rescinded this week was issued last year by the state Environmental Court, which found Banyai in contempt amid his years-long legal saga with the town of Pawlet over zoning violations on the property.

Banyai bought his property in West Pawlet in 2013 and opened Slate Ridge in 2017.

Alleging that the activities and structures on his property violated town bylaws, Pawlet issued Banyai a notice of violation in 2019.

In March 2021, Thomas Durkin, the environmental court judge, [issued an order](#) that required Banyai to close Slate Ridge and remove unpermitted structures on his property, accelerating a legal battle that continues in the present day.

By February 2023, with Slate Ridge still out of compliance, a judge [threatened Banyai with jail time](#), eventually [issuing an arrest warrant in July](#). Meanwhile, lawmakers and Gov. Phil Scott approved a law [banning paramilitary training camps](#), in part inspired by the Slate Ridge debacle.

Despite the arrest warrant, Banyai remained free and [the order expired in September 2023](#), only for it to be renewed indefinitely in December after an inspection of Slate Ridge determined the property remained out of compliance with court orders.

Ignoring an order to turn himself in to authorities, Banyai evaded Vermont State Police and the Rutland County Sheriff's Office for months, with both agencies reporting repeated checks on the fugitive's Pawlet property. Perhaps, authorities said, [he'd left the state](#).

Three months after the warrant was reissued, the Pawlet constable arrested Banyai mere miles from Slate Ridge.

Banyai is scheduled to return to court on his aggravated assault charge on June 3.

### **Vermont Flannel buys Vermont Teddy Bear, fusing 2 prominent companies – VT Digger – Juan Vega de Soto**

Vermont Flannel announced Tuesday that [its ownership group](#), USA Brands, has acquired the assets of Vermont Teddy Bear.

The deal had been in the works for months, according to USA Brands president Matt Bigelow, and closed April 4. Vermont Teddy Bear's ownership group simultaneously sold its apparel divisions — [Pajamagram](#), [Pajamajean](#)s and [the 1 for U](#) — to an affiliate of New York City investment firm Lionel Capital.

“We’re really excited to have another company that supports domestic manufacturing,” said Bigelow, who declined to comment on the specific purchase price of Vermont Teddy Bear.

Ohio-based USA Brands — which also owns [All-American Clothing](#) and [Diamond Gusset](#) — now has 70 full-time employees in the state, between [Vermont Flannel](#) and [Vermont Teddy Bear](#), Bigelow estimated.

“There are no planned layoffs,” he said, indicating that both Vermont entities would continue to operate as standalone brands.

One eventual departure, however, is former Vermont Teddy Bear CEO Bill Shouldice. He plans to stay on in an advisory role during the transition before leaving.

Shouldice said he did not want to speculate on the new owners’ plans but that he had no knowledge of employees losing jobs during the consolidation.

“On day one of the sale everyone is still employed, and we’re proceeding as if that is going to be the case,” he said.

Joe Van Deman, CEO of USA Brands, is now the primary decision-maker at Vermont Teddy Bear, according to Bigelow.

Lindsay Kurrle, commissioner of the state Agency of Commerce and Community Development, said at a Wednesday press conference that she spoke to Van Deman on the day the deal was closed.

“At this point there was no news of layoffs or plans to pull out of Vermont,” Kurrle said.

Vermont Teddy Bear operates its factory and flagship retail store in Shelburne and is one of the country’s biggest teddy bear manufacturers.

Vermont Flannel has six retail locations across Vermont — two of which operate as production facilities — and two retail stores in Maine. The company plans to open a ninth store this summer in Waterbury, [according to a statement released by USA Brands](#).

Bigelow said there are plans for Vermont Flannel and Vermont Teddy Bear to partner on new products. The companies already launched [a collaborative teddy bear](#) wearing a Vermont Flannel button-down shirt last year.

### **Final Reading: For bill to ban flavored nicotine products, Gov. Phil Scott’s veto likely to stick – VT Digger**

Last Wednesday, Gov. Phil Scott [vetoed](#) S.18, a bill that would ban the sale of flavored e-liquids and nicotine products in Vermont.

Since then, [the bill](#) has spent a week on the Senate's action calendar with no movement from senators, raising the question: Did lawmakers have the votes to overturn that veto and pass the bill into law?

On Thursday, the Senate appeared to provide an answer.

In the afternoon, Senate President Pro Tem Phil Baruth, D-Chittenden Central, announced that the bill would not move forward for an override vote.

"Senators will see on the calendar, as they have for the last few days, [S.18](#), an act relating to banning flavored tobacco products and e-liquids, which was vetoed of course by the governor," Baruth said on the Senate floor. "It is not our intention to bring that up for an override vote."

Senate lawmakers passed S.18 [last year](#), and an amended version advanced out of the House [last month](#) by a 83-53 vote. The Senate voted [18-11](#) to [approve](#) those amendments a week later.

But overriding a veto requires a two-thirds majority in both chambers. On Thursday, Baruth seemed to admit that those votes had not materialized in the Senate.

All seven Senate Republicans [voted against the bill](#), as did Sens. Dick Sears, D-Bennington, Bobby Starr, D-Orleans, Jane Kitchel, D-Caledonia, and Tanya Vyhovsky P/D-Chittenden Central. Former Grand Isle Senator Dick Mazza, who resigned Monday, was absent.

The bill was instead sent back to the Senate Committee on Health and Welfare on Thursday, where it was first approved. According to the rules of the Senate, it cannot be further changed there.

The move is a blow to a [years-long](#) legislative effort to restrict the sale of flavored vapes and nicotine, with the goal of keeping addictive products out of the hands of children and youth.

Sen. Ginny Lyons, D-Chittenden Southeast, the chair of Senate Health and Welfare Committee and a longtime advocate for restricting flavored tobacco products, expressed disappointment with the move but said she was still assessing her options.

"It doesn't mean that the concept and some of the important provisions that are in the bill can't be taken up and put in another bill," she said. "I don't know. I'm still sorting out what's possible."

— *Peter D'Auria*

### **In the know**

Members of the House Committee on Ways and Means continued tinkering with legislation on Thursday that would [significantly transform education finance](#) over the next three years.

The idea they are considering would transition Vermont to a system in which the state education fund provides districts with a base payment per student. Districts would then be able to raise



additional money beyond that if local voters agree to increase homestead property taxes, a process that would still use a statewide grand list.

One development from today: The quickly moving legislation lacks support from four key associations representing school leaders and school board members.

Written testimony submitted by leaders of the Vermont Principals' Association, Vermont Superintendents Association, Vermont School Boards Association, and Vermont Association of School Business Officials said that their groups "have presented well-informed, expert testimony" on the delivery and cost of education.

"At every turn, we have urged a collaborative, thoughtful and substantive policy approach to addressing the costs of the education system. We don't believe that the yield bill honors that approach," they wrote.

The associations predicted that the proposal would lead voters to shoot down more school budgets in the future, a dire possibility for the organizations on the back of this year's [wave of school budget failures](#).

After a full day of testimony, it also seems less likely the legislation will include any significant cost containment measures for the next fiscal year, which begins in July. Committee members had considered clawing back money from school budgets earmarked for local capital reserve funds, or requiring a return of budget surpluses back to the education fund.

Still on the table: **a surcharge on short-term rentals** that would be sent to the education fund, at least in the short term.

Ways and Means heard from Austin Davis, a lobbyist for the Lake Champlain Chamber, who said he didn't expect his organization would "push too hard" against a small surcharge. Legislators are considering a new tax, likely between 1.5% and 3%, with rough revenue estimates anywhere from \$6 million to \$15 million.

— *Ethan Weinstein*

A bill moving through the Vermont Legislature this year would create dozens of **new positions across the state's judicial system** — and fund them with higher corporate taxes and fees.

The bill, [H.880](#), would support some 70 total positions, many of them new, from prosecutors to IT specialists. It's meant to give the courts additional resources to tackle [a stubborn backlog](#) of thousands of unresolved cases.

But a proposed funding mechanism for those positions — raising taxes on corporate income and increasing the annual fees due on many types of securities offered for sale in the state — [has drawn criticism](#) from Republican lawmakers and Gov. Phil Scott.

H.880 is one of three separate bills that the House passed in recent weeks that contain significant policy proposals with new tax revenue attached to cover their multi-million-dollar price tags. But their future in the Senate is unclear.



[Read more here.](#)

— *Shaun Robinson*

It was a big week for tourism in Vermont — maybe the biggest ever, if the state’s [preliminary traffic estimates](#) are anything to go by. (Something happened to the sun? Idk.)

**State tourism industry leaders** leveraged the hype to drum up support for their businesses — hotels, restaurants, theaters and ski areas among them — at the Statehouse on Thursday. Vermont’s tourism sector employs more than 11% of the state’s total workforce and brought in an estimated \$3 billion in visitor spending last year, according to data they shared at a press conference.

“The celestial event happened on its own,” said Heather Pelham, commissioner of the Vermont Department of Tourism and Marketing, drawing laughs from the crowd, but “the success of the day — and I think we can all agree that it was an amazing success of a day for the state — could not have happened (without) all the hard work of all of our partners in tourism and hospitality.”

Industry leaders such as Hans van Wees, general manager of Hotel Vermont in Burlington, urged lawmakers to pass legislation that creates more housing for workers, and to support career and technical education programs to encourage more young people to take jobs in Vermont.

“I’m concerned, together with a lot of my colleagues, about who’s going to follow me and others to take leadership positions in our industry,” van Wees said, pointing to Vermont’s status as one of the oldest states in the country, and how the state’s population [is aging rapidly](#).

The House also read [a resolution](#) on the floor Thursday highlighting the importance of tourism to the state. Later in the day, lawmakers made their way to the cafeteria to be wined and dined — literally — by members of the Vermont Specialty Food Association.

According to the association’s [website](#), this “legislative tasting” is “THE MOST highly anticipated event for legislators each year,” and offers “a chance for producers to highlight the importance of grants and funding for their industry.”

— *Shaun Robinson*

Visit our [2024 Bill tracker](#) for the latest updates on major legislation we are following.

**From:** Ramirez-Richer, Emma  
**Sent:** Friday, April 12, 2024 4:11 PM  
**To:** ANR  
**Subject:** Weekly News Links 4.12.24

**Notes:**

- **Earth Day Celebration:** Next Friday, April 19, is ANR's Earth Day celebration at National Life! The meeting will last from 9:30-11:30 and there will be coffee, tea, baked goods, presentations from Secretary Moore and other colleagues, and the presentation of the Canute Dalmasse Award to this year's awardee. Everyone is invited, but if you're not able to make it to Montpelier you can view remotely via the Teams link in your calendar for that time.
- **Amphibians:** As amphibians migrate to their spring habitats, you may see them on the road or on your property. Submit your sighting to the [Vermont Reptile and Amphibian Atlas](#) to help our Agency's biologists understand their movement. (More details in the article below!)

**News:**

- Amphibians crossing: Slow down for frogs and salamanders ([Waterbury Roundabout](#))
- A deep dive on Vermont's climate superfund bill ([Vermont Public](#))
- Americans More Willing to Pay for Climate Action After Extreme Weather ([University of Vermont](#))
- Fossil fuel companies can be linked to climate damages, Dartmouth scientist tells Vermont lawmakers ([Vermont Public](#))
- New EPA rule will require more of Vermont's public drinking water systems to address PFAS ([VTDigger](#))
- Vermont House unanimously passes bill to ban PFAS, or 'forever chemicals' ([WPTZ](#))
- For the first time, the EPA is regulating PFAS in drinking water. Here's what that means for Vermont ([Vermont Public](#))
- Vermont officials reviewing new EPA PFAS standards ([Bennington Banner](#))
- New Jersey Earthquake Is Felt in Vermont ([Seven Days](#))
- Don't trap and dump wild animals elsewhere, Vermont wardens say ([WPTZ](#))
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- Moretown updates town forest plan ([Valley Reporter](#))
- Morrisville Water & Light plans to surrender FERC license for Green River hydro ([Hydro Review](#))
- Deeming Slate Ridge now in compliance, court rescinds Daniel Banyai warrant ([VTDigger](#))
- Act 250 denies housing project ([The Citizen](#), Hinesburg)
- VAST reports bad winter for snowmobiling ([WCAX](#))
- Ski resorts are on pace for record season despite seemingly warm winter ([WPTZ](#))
- Vt. regulators approve lottery for 180 moose permits ([WCAX](#))
- Willoughby Steelhead Rainbow Trout Will Be Jumping ([North Star Monthly](#))

- Backyard bird safety tips from the Vt. Health Department ([WCAX](#))
- Recent Catastrophes Prompt New Thinking About Ways to Manage Vermont's Flood-Prone Landscape ([Seven Days](#))
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- State denies Lake Bomoseen herbicide application ([Rutland Herald](#))
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- Join the Conversation: Public Invited to Comment on Willoughby State Forest Equestrian Access Expansion ([FPR](#))

**Emma Ramirez-Richer** | Executive Assistant (she/her)  
[Vermont Agency of Natural Resources](#) Secretary's Office  
 1 National Life Drive, Davis 2, Montpelier, VT 05620  
 802-828-0316 (o) | 802-261-5920 (c) | [emma.ramirez-richer@vermont.gov](mailto:emma.ramirez-richer@vermont.gov)

Help raise money for Vermonterers impacted by flood damage and show your Vermont pride with *Vermont Strong* and *Tough Too* license plates and socks. [Click here to purchase your Vermont Strong gear](#) or visit [DMV.Vermont.gov/VermontStrong23](https://DMV.Vermont.gov/VermontStrong23). Impacted Vermonterers can find resources and referrals by visiting [Vermont.Gov/Flood](https://Vermont.Gov/Flood).

**From:** Ramirez-Richer, Emma  
**Sent:** Friday, April 12, 2024 4:58 PM  
**To:** ANR  
**Subject:** Re: Weekly News Links 4.12.24  
**Attachments:** Resilience Implementation Strategy Kick-off Events.pdf

Hi ANR,

I have one more event to share, from the Climate Action Office:

- On April 22 & 25, Secretary Julie Moore, State Treasurer Mike Pieciak, and the Climate Action Office will be hosting a virtual event to kick off the development of Vermont's Resilience Implementation Strategy. The team will discuss what the Resilience Implementation Strategy is and why it is needed, gather ideas and input that will help craft a vision for a climate-resilient Vermont, and invite future participation in next steps. [Register for the event here](#), and see more info in the attached flyer.

Thank you, have a great weekend!  
Emma

**Emma Ramirez-Richer** | Executive Assistant (she/her)  
[Vermont Agency of Natural Resources](#) Secretary's Office  
1 National Life Drive, Davis 2, Montpelier, VT 05620  
802-828-0316 (o) | 802-261-5920 (c) | [emma.ramirez-richter@vermont.gov](mailto:emma.ramirez-richter@vermont.gov)

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**From:** Ramirez-Richer, Emma <[Emma.Ramirez-Richer@vermont.gov](mailto:Emma.Ramirez-Richer@vermont.gov)>  
**Sent:** Friday, April 12, 2024 4:10 PM  
**To:** ANR <[ANR@vermont.gov](mailto:ANR@vermont.gov)>  
**Subject:** Weekly News Links 4.12.24

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# Resilience Implementation Strategy Kick-Off Events



Register for these virtual events at  
[climatechange.vermont.gov/calendar](https://climatechange.vermont.gov/calendar)

Over the past year, Vermont felt the effects of climate change acutely. Floods, heat waves, power outages and droughts are just some of the hardships climate change posed upon Vermonters.

The [Resilience Implementation Strategy](#) is an effort by the State of Vermont to plan for a climate-resilient future, where Vermonters can feel more resilient in their daily life and ultimately, withstand and recover from the harmful impacts of climate change. The Strategy will integrate and build upon significant work done to date including the [Climate Action Plan](#), the [State Hazard Mitigation Plan](#), the [VTrans Resilience Improvement Plan](#), and much more.

**Please join Secretary Julie Moore of the Agency of Natural Resources, State Treasurer Mike Pieciak, and the Climate Action Office for a virtual event to kick off the development of Vermont's Resilience Implementation Strategy. Together, we will:**

- understand what the Resilience Implementation Strategy is and why it is needed,
- gather ideas and input that will help craft a vision for a climate-resilient Vermont—and explore why a vision is important to the Strategy's success,
- and invite future participation in next steps.

Register here: <https://climatechange.vermont.gov/calendar>

**From:** Farnham, Douglas  
**Sent:** Monday, April 15, 2024 1:56 PM  
**To:** Moore, Julie  
**Subject:** S.259 An act relating to climate change cost recovery

Julie,

VEM is asking me what our position is on S.259 because of the linkage between the climate change superfund to the Community Resilience and Disaster Mitigation Grant Program from S.310 (which now has some problematic language regarding grants). I haven't engaged with it as directly since it is focused on climate adaptation writ large and recovery is only an element of that Is S.259 something we support?

**Douglas R. Farnham** | Chief Recovery Officer  
Vermont State Recovery Office  
802-585-8119 mobile

-----  
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Impacted Vermonters can find resources and referrals by visiting [Vermont.Gov/Flood](https://Vermont.Gov/Flood).



**From:** Gendron, Maggie  
**Sent:** Tuesday, April 23, 2024 12:00 PM  
**To:** Lazorchak, Jane  
**Subject:** RE: Invite to May 2 - Northern New England Climate Roundtable

Please RSVP if you go. And tell me so I can let others know who invited me.

---

**From:** Lazorchak, Jane <Jane.Lazorchak@vermont.gov>  
**Sent:** Thursday, April 18, 2024 5:02 PM  
**To:** Gendron, Maggie <Maggie.Gendron@vermont.gov>; Wolz, Marian <Marian.Wolz@vermont.gov>  
**Cc:** Coster, Billy <Billy.Coster@vermont.gov>  
**Subject:** RE: Invite to May 2 - Northern New England Climate Roundtable

Thanks. I would be interested, and hope Marian would join me too. Commissioner Batchelder shared it with me too.

---

**From:** Gendron, Maggie <[Maggie.Gendron@vermont.gov](mailto:Maggie.Gendron@vermont.gov)>  
**Sent:** Thursday, April 18, 2024 4:49 PM  
**To:** Lazorchak, Jane <[Jane.Lazorchak@vermont.gov](mailto:Jane.Lazorchak@vermont.gov)>; Wolz, Marian <[Marian.Wolz@vermont.gov](mailto:Marian.Wolz@vermont.gov)>  
**Cc:** Coster, Billy <[Billy.Coster@vermont.gov](mailto:Billy.Coster@vermont.gov)>  
**Subject:** FW: Invite to May 2 - Northern New England Climate Roundtable

If interested, Ill recommend you. Matt invited me today at the state house and I asked he send me a proper invite. Maggie

---

**From:** Matt Higginson <[matt\\_higginson@mail.mckinsey.com](mailto:matt_higginson@mail.mckinsey.com)>  
**Sent:** Thursday, April 18, 2024 3:58 PM  
**To:** Gendron, Maggie <[Maggie.Gendron@vermont.gov](mailto:Maggie.Gendron@vermont.gov)>  
**Cc:** [nne-events@mckinsey.com](mailto:nne-events@mckinsey.com); [caroline\\_wells@mckinsey.com](mailto:caroline_wells@mckinsey.com); [emily\\_chen@mckinsey.com](mailto:emily_chen@mckinsey.com); [christina\\_hong@mckinsey.com](mailto:christina_hong@mckinsey.com)  
**Subject:** Invite to May 2 - Northern New England Climate Roundtable

You don't often get email from [matt\\_higginson@mail.mckinsey.com](mailto:matt_higginson@mail.mckinsey.com). [Learn why this is important](#)

**EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.**

Hi Maggie,

We are delighted to invite you to attend a Northern New England Climate Roundtable discussion with McKinsey & Company, where our experts will lead an interactive discussion on **Climate Risk and Resilience** on **Thursday, May 2, from 4:30pm – 7pm** at the Dartmouth Tuck School of Business in Hanover, New Hampshire.

Please find full event details and RSVP [here](#).

Hors d'oeuvres and refreshments will be provided.

This event will convene top public and private sector sustainability leaders within the greater Northern New England region and include an interactive session on the economic impact of climate change as well as future forecasts of climate risk and mitigation best practices. There will also be ample opportunity to connect and network with peers.

It promises to be a fantastic evening – we hope you can join us!

Please don't hesitate to reach out with any questions.

Best,

Matt

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175 Greenwich Street, New York, NY 10007 United States

**From:** Werther, Guntram  
**Sent:** Thursday, May 2, 2024 12:27 PM  
**To:** Gendron, Maggie; Greenwood, Kim; Gomez, Steve  
**Subject:** House/Senate Appropriations ANR Relevant Note - 09:40 2 May 2024 Thursday

Senate Appropriations → no item of interest.

House Appropriations → Discussion and Joint Fiscal Report on S-310.

1. Rep. Questions → Funds in bill are administered by Public Safety, but work spills over to other agencies = Transportation/ANR. What collaboration is in place? Answer from Joint Fiscal = "Trying to build a structure... Goal is to be more streamlined..." The upshot is there is no formal funding but several other sections of bills use terms like "in consultation with..." and so forth relaying the intent to share funding among agencies to do this work. [Note: this is pretty nebulous commentary so ANR may want to inquire]. ← (35:00 in tape).
2. Rep. twice makes the case that municipalities cannot do this work and the State is not doing this pre-disaster preparedness work, so "What level of government?" → Suggests that Regional Planning Commissions get direct funding to "try to coordinate all of this...". Chair returns comment to S-310; Rep. says "Next Year" and later again in the tape "this will come next year." [Note: ANR may want a heads up on this as the push is to fund RPC's with General Fund and "special" fund revenues to do pre-disaster planning and preparedness. Representative commented that he was talking to several people and they agree with his point].
3. Increase to \$450,000 Emergency Medical Special Fund.
4. Joint Fiscal Report:
  - a. Makes point that there is no funding in S-310, but there are funds scattered in various bills and parts of government.
  - b. Community Resilience Disaster Mitigation Fund and Grant Program → Can transfer into this fund from the Big Bill contingency fund, where the CRDM fund is #2 → \$3.5 million is there.
  - c. Climate Superfund Bill has "a nexus" to this fund too.
  - d. H-622 in the Senate presently "seeks to harmonize" increases.
  - e. Discusses Credit Facility and several other items as "known unknowns" that may impose costs on agencies.
  - f. Discusses additional staffing for Regional Emergency Management Coordinators [Note: much talk over here, but I think this is the result] → original 5.5 FTE's raised and re-raised by various committees to: \$200,000 from General Fund plus access to Contingent Fund of \$3.5 million; See B-211 in "State Budget." This is for 5.5 plus 3 FTE's [Note: conversation is talk over here, so I'm not sure that is right]. ← (30:00 on the tape).
5. Discusses "Credit Financing" as source of funds and may use "Climate Infrastructure Financing" for work and administrative costs to build "effective coordination." A goal is to "maximize federal funds" but get clear of the unpredictable nature of those. ← (38:08).

Submitted:

Guntram Werther

**From:** Barney, Cole  
**Sent:** Monday, May 6, 2024 9:35 AM  
**To:** EXE; EXE - Cabinet  
**Cc:** EXE - Interns  
**Subject:** News Clips 05.06.24  
**Attachments:** News CLips 05.06.24.docx

#### Today's Articles

- Gov. Scott expected to sign bill loosening professional licensing requirements for immigrants – WCAX – Calvin Cutler
- Capitol Recap: House and Senate divided over new spending, proposed tax increases – Vermont Public – Peter Hirschfeld
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Help raise money for Vermonters impacted by flood damage and show your Vermont pride with *Vermont Strong* and *Tough Too* license plates and socks. [Click here to purchase your Vermont Strong gear](#) or visit [DMV.Vermont.gov/VermontStrong23](http://DMV.Vermont.gov/VermontStrong23).

Impacted Vermonters can find resources and referrals by visiting [Vermont.Gov/Flood](http://Vermont.Gov/Flood).

## Governor's Daily News Clips

**Monday, May 6, 2024**

### Gov. Scott expected to sign bill loosening professional licensing requirements for immigrants – WCAX – Calvin Cutler

Will loosening licensing requirements for immigrants help with Vermont's workforce crisis? A bill on its way to Governor Phil Scott would allow people to obtain professional licenses regardless of their immigration status.

It's no secret Vermont has an acute workforce shortage including nurses, accountants, pharmacists, drug counselors, and many jobs in the trades.

"Across the board, we have a workforce challenge in Vermont," said Matt Musgrave with the Associated General Contractors of Vermont. He says it's a long path to becoming an electrician. "apprenticeships are a one-to-one learning situation, so depending on the capacity of an organization, it limits the number of people they can bring in."

Vermont lawmakers are turning to new Americans to fill critical roles. [A bill on its way to the governor would expand the type of tax identification number people can use to obtain a professional license.](#) That means those in the country on green cards would be able to obtain licenses in critical jobs.

Under federal law, people without citizenship are prohibited from obtaining professional licenses, but the bill's sponsor, Rep. Esme Cole, D- Windsor, says it will pass constitutional muster. "A state must on its own enact law which allows for the repealing for that prohibition," she said.

About a quarter of most jobs in Vermont require some sort of license and statewide there are about 19,000 openings, with just over 7,000 people claiming unemployment. "Even if every unemployed Vermonter's skills, interests, and location perfectly aligned with the requirements of the open jobs, Vermont would still have 11,000 open positions," Cole said.

But Musgrave and other business leaders say the bill also sends a political message -- that Vermont is welcoming to new neighbors. "We want people to know the state of Vermont -- as well as employers -- are eager to bring people into the workforce, whether they're already here or if they're new Americans. We want to keep that door wide open," Musgrave said.

A spokesperson for the governor says he intends to sign the bill.

## Capitol Recap: House and Senate divided over new spending, proposed tax increases – Vermont Public – Peter Hirschfeld

Much of the coverage from Vermont Public's capital bureau this year has focused on tensions between Republican Gov. Phil Scott and Democratic leaders in the Legislature. But as lawmakers head into the final days of the 2024 legislative session, it's disagreements between the House and Senate that are taking center stage.

That's because Senate lawmakers have largely rejected the proposed tax increases that House lawmakers approved last month.

*In this week's edition of the Capitol Recap, Vermont Public's Mitch Wertlieb spoke with reporter Peter Hirschfeld to learn more about why Democrats are at odds with each other over the issue of new spending. Their conversation below has been edited and condensed for clarity.*

**Mitch Wertlieb:** A few weeks ago, the House approved more than \$130 million in tax hikes. And they wanted to use that revenue to fund new spending on housing, health care and public safety. What has the Senate done with those proposals?

**Peter Hirschfeld:** The Senate carries a sharp axe sometimes when it comes to budget proposals that are sent to them by the House. And they definitely broke that tool out this year.

You mentioned that [\\$130 million revenue package](#) that was passed by the House. It consisted largely of two separate proposals. One of them would have created a new income tax bracket for high earners — we're talking about people that make more than \$500,000 a year.

The other would have increased taxes on corporations, in part by boosting the top marginal corporate income tax rate to what would have been the highest in the country.

House lawmakers say working-class Vermonters have enormous needs right now. And they said government can address those needs by deriving more revenue from the people and corporations that can easily afford it.

But Caledonia County Sen. Jane Kitchel, the incredibly powerful chair of the Senate Appropriations Committee, said the approach favored by the House could carry some unintended consequences:

**Jane Kitchel:** *It's very easy to say, 'Oh my gosh, those people have wealth, and they should be paying more.' But oftentimes there's a lot more underneath it that has to be carefully examined.*

**Peter Hirschfeld:** Kitchel says it's unclear what sort of knock-on effects the House proposal would have. Would rich folks flee the state in ways that erode the tax base over time? Would Vermont's economic environment become less hospitable to the sorts of businesses that lawmakers are hoping to grow and attract?

Kitchel and other senators say Vermont needs solid answers to these kinds of questions before it moves forward with what they view as a significant change to tax policy in this state.

**Mitch Wertlieb:** If Senate lawmakers aren't willing to go along with those tax increases, then what happens to the programs those revenues were going to fund?

**Peter Hirschfeld:** A lot of them go by the wayside. And there are some initiatives that won't be happening, or have been scaled back, because revenue from those tax increases won't be available to fund them.

For example, the House had a plan that would have [expanded health care subsidies](#) for low-income seniors on Medicare. Under that plan, the state and federal governments would have covered Part B premiums for seniors who are struggling to afford them now.

Because the Senate rejected the revenue package needed to fund that proposal, that plan has been scaled back. And it means that about 8,000 low-income Vermonters who would have received about \$2,000 a month in new subsidies under the House plan will now have to continue paying those premiums out of pocket.

Perhaps the most stark difference between the House and Senate budgets, though, comes in the area of affordable housing. House lawmakers used that tax increase on high earners we talked about to fund a [10-year plan for housing](#). And it would have plowed \$50 million next year alone into the construction and rehabilitation of much needed housing units.

Waterbury Rep. Tom Stevens is the chair of the House committee that oversees housing issues. And he says that Vermont's housing future is tied to funding decisions made by the Legislature:

**Tom Stevens:** *We take the housing crisis seriously. We think that the first thing you need to do is to provide funds for building. That's been the chorus, if you will, in my committee for the 15 years that I've been here, which is more money will build more housing.*

**Peter Hirschfeld:** There's real concern in the House that in rejecting the proposed tax increases that would have funded those housing initiatives, the Legislature is abrogating its responsibility to address what is, for a lot of Vermonters, the single biggest economic issue in their lives here.

**Mitch Wertlieb:** We're hearing lawmakers are hoping to adjourn by May 10. How will House and Senate leaders reconcile what seem like some pretty big disagreements between now and then?

**Peter Hirschfeld:** The Senate isn't rejecting the idea of new revenues out of hand. And they're raising about \$19 million for budget needs by implementing some fee increases at the Department of Financial Regulation. But that's as far as the Senate is willing to go. And while Senate President Pro Tem Phil Baruth says he understands the thinking of House lawmakers like Tom Stevens, he says the Senate cannot follow them on that journey.

**Phil Baruth:** *And our philosophy is different about trying to balance the needs of Vermonters on a fixed income, Vermonters who feel that they are taxed at the maximum capacity now, and responding to these emergencies.*

**Peter Hirschfeld:** Baruth says his chamber is also mindful of the fact that [education taxes](#) will be going up by more than \$200 million next year, due to budget increases approved by school



boards. And, a 0.44% payroll tax enacted by lawmakers last year to fund their [childcare bill](#) will go into effect on July 1. And Baruth says those increases are already at the upper limits of what the Senate believes the tax base here can bear.

This means the revenue box that budget writers in both chambers have to live within is going to be a lot tighter than it was when it left the House. And the budget that the House and Senate lawmakers finalize is going to reflect that reality.

### **Vermont lawmakers want 'Big Oil' to pay for flood and climate change-related damage – WPTZ – Stephen Biddix**

After hours of debate in Montpelier on Friday, the House gave preliminary approval to a [bill](#) that could make Vermont the first in the nation to hold "Big Oil" responsible for damage from climate-related events seen with increased frequency in recent years across the state.

The goal of the bill is to hold fossil fuel corporations like Exxon Mobile responsible for climate change-related events and to create the Climate Superfund Cost Recovery Program.

"Those dollars then go into the Vermont economy for the cost of our community for mitigation projects," said Rep. Amy Sheldon, a Democrat from Middlebury.

Supporters point to last summer's historic floods and the late spring frost that impacted farms as just a few examples of climate change-related weather patterns, and say Vermonters should not be on the hook for something they didn't do.

"We've had repeated major flood-related damages in our state," said Andy Jones, the farm manager at Intervale Community Farms. "We expect floods and we have managed around them for decades, but the magnitude of the floods are changing."

The bill covers any event from January 1995 to December 2024.

"On July 12, 2023, 99% of Intervale Community Farm and all of our farm neighbors were flooded, wiping out approximately \$200,000 worth of our crops and around \$500,000 of our neighbors' crops," Jones said.

The bill has received some opposition, as some lawmakers are concerned that oil companies will most likely take Vermont to court to avoid paying the damages calculated by the state. They said they ultimately don't want taxpayers to have to pay for a legal battle.

Opponents also would rather see a bigger state with more money, like California or New York, take on this feat first.

It is set to receive final approval Tuesday, and the governor has not yet decided on his stance on the bill.

### **Capitol Beat: Vermont's Flood Safety Act clears House – Times Argus**

On Friday, the Vermont House voted to pass S.213, the Flood Safety Act.

The bill takes steps to reduce flood risk across Vermont, at a critical time when flood-related disasters are becoming more frequent and more severe.

According to a news release, “Following the devastating floods of 2023, and in recognition that Vermont averages nearly two major flooding disasters annually, Vermont lawmakers took important steps to advance policies to improve our collective flood preparedness. These policies will improve public safety, reduce damages and the mounting costs associated with flood recovery, better support our municipalities and our residents, improve water quality, support biodiversity and protect recreational opportunities.”

“We are so grateful to the Vermont House for their recognition of the severity of our flooding problem in passing the Flood Safety Act,” said Lauren Oates, director of external affairs with The Nature Conservancy in Vermont. “Vermonters cannot afford another spring flood, summer microburst, or fall tropical event without policy action that reduces our collective vulnerability to and growing cost of these increasing flood risks.”

The bill heads back to the Senate for consideration of the House amendments.

### **Insurance paperwork**

This week, Vermont health care clinicians praised lawmakers for passing H.766, a bill that will reduce administrative delays in care and streamline insurance requirements.

Health care organizations, including the Vermont Medical Society, Vermont Academy of Family Physicians, American Academy of Pediatrics Vermont Chapter, Vermont Association of Hospital and Health Systems, Bi-State Primary Care, Vermont HealthFirst and University of Vermont Health Network supported the steps the bill takes in reducing insurance paperwork burdens for Vermont providers and in removing barriers to care for Vermont patients.

They have urged Gov. Phil Scott to sign the bill.

The House unanimously passed the bill.

A critical addition to the bill made by the Senate and approved by the House requires insurance companies to give patients access to at least one type of available asthma inhaler without prior authorization.

The bill also makes a number of other improvements to the health insurance paperwork system including ending a process where insurance companies could request patient records before paying for health care services that had been delivered.

The Senate also shared bipartisan, broad support.

### **Into the race**

Lt. Gov. David Zuckerman, a progressive Democrat, has announced he will seek another term.

“With 24 years of public service experience, I’m not done fighting for Vermonters,” Zuckerman said this week. “This is a critical moment for our state. Vermont is becoming less affordable for working families. We face a housing crisis, a climate emergency, and rising regressive property taxes that are crushing working class people. As Vermonters suffer, our healthcare system costs continue to rise at unsustainable rates. In the face of continued threats to our democracy, we must come together,”

In addition, Republican Gregory Thayer, of Rutland, is also seeking the lieutenant governor’s seat.

“Every Vermonter needs to know that with the current leadership in Montpelier, the future of Vermont looks bleak, and traveling down a stormy road. My goal is to create a different, a better future for the Green Mountain State,” he said in a statement. “The Lieutenant Governor can work with the Administration to best manage the state as well as presiding over the legislation in the State Senate. Its really the only role of government that works on both ends of the street ... and that’s critical to righting our ship of state which right now is headed right into a bad storm.”

### **Lead pipe funding**

Rutland City is the beneficiary of part of a \$28.6 million appropriation for Vermont lead pipe replacement from the U.S. Environmental Protection Agency.

Rutland has received \$800,000 through the Bipartisan Infrastructure Law to inventory lead service lines. Bethel received \$2.5 million to begin a preliminary engineering report and environmental report for replacing lead service lines.

According to the EPA news release, lead can cause a range of serious health impacts, including irreversible harm to brain development in children.

“To protect children and families, President Biden has committed to replacing every lead pipe in the country. Today’s announcement ... takes another major step to advance this work and the (Biden) Administration’s commitment to environmental justice. This funding builds on the Administration’s Lead Pipe and Paint Action Plan and EPA’s Get the Lead Out Initiative.”

“The science is clear, there is no safe level of lead exposure, and the primary source of harmful exposure in drinking water is through lead pipes,” said EPA Administrator Michael Regan. “President Biden understands it is critical to identify and remove lead pipes as quickly as possible, and he has secured significant resources for states and territories to accelerate the permanent removal of dangerous lead pipes once and for all.”

“When people in the world’s richest country turn on their taps, the water that comes out should be clean,” said U.S. Sen. Bernie Sanders. “That’s why I fought hard to pass the Bipartisan Infrastructure Law in our last Congress and ensure Vermont got its fair share.”

“We take seriously the public health risk presented by lead exposure through drinking water,” said Vermont Agency of Natural Resources Secretary Julie Moore. “With this substantial

funding, we stand poised to expedite the identification and replacement of lead service lines, improving the well-being of our communities, and helping us reach our goal of ensuring all Vermonters have access to safe, clean drinking water.”

### **Overdose prevention**

The governor is expected to consider a bill aimed at the overdose crisis in the state.

The Senate this week voted 21-8 to embrace an evidence-based solution to the overdose crisis by advancing legislation that would authorize and fund an overdose prevention center in Burlington.

According to a news release, “The legislation represents a needed intervention for Vermont, which has seen a 500% increase in overdose deaths since 2010, losing over 1,500 community members to preventable overdose deaths since 2014.”

Grey Gardner, senior policy counsel for the Drug Policy Alliance, said, “Vermont legislators are once again showing extraordinary leadership in advancing health-based solutions to a health crisis.”

Gardner said seven years ago, Scott said the research on OPCs was “inconclusive” but that he was “willing to listen.”

According to DPA, since then, fatal overdoses have steadily increased to record levels — and now there’s vast research showing conclusive benefits of OPCs.

More than 500 Vermonters representing 70 cities and towns across Vermont, and some 50 organizations, signed a public letter in support of OPCs.

Scott has been critical of overdose prevention sites.

### **Antisemitism bill**

U.S. Rep. Becca Balint this week released a statement on H.R. 6090, the Antisemitism Awareness Act:

“The steady rise of antisemitism is dangerous and deeply disturbing. As the grandchild of a man killed in the Holocaust, I never thought I would see this dramatic increase in antisemitism in my country in my lifetime. It’s critical we work to tackle this hatred with real, effective action.”

Balint said HR. 6090 is not that.

“It’s a misguided, ineffective attempt at getting to the root of this issue. The antisemitism so many American Jews face is not abstract,” she said in the statement. “I’ve heard from many Vermonters and Jewish friends across the country that they are scared — scared to go to synagogue and observe holidays. Their children are afraid to be identified as Jewish. This shocks and sickens me.”

She concluded: “Addressing rising antisemitism requires serious action — not performative bills that attempt to score political points instead of confronting the clear and present threats to Jewish Americans.”

### **Flood response**

The Senate Agriculture Committee this week unveiled the Rural Prosperity and Food Security Act, a multi-year Farm Bill proposal that includes several bills championed by U.S. Sen, Peter Welch to help Vermont farmers and rural communities impacted by flooding and natural disasters.

“Extreme weather events are wreaking havoc on communities across the country — including in Vermont, where communities are still grappling with the aftermath of last summer’s brutal floods,” said Welch. “This Farm Bill includes crucial priorities I’ve pushed for that work to streamline and improve disaster relief for communities impacted by flooding and natural disasters and increase funding for programs that support resiliency for farmers in Vermont and across the country. It’s vital that Congress passes this Farm Bill and gives farmers, producers, and rural communities the resources and tools necessary to make a full recovery after a disaster.”

### **Wakeboat rule**

The Department of Environmental Conservation has published a new rule regulating wakeboats and wakesports under Vermont’s Use of Public Waters Rules.

This rule, developed in response to a petition filed by Responsible Wakes for Vermont Lakes, seeks to protect Vermont’s environment while balancing a range of recreational activities.

As of April 15, a wakeboat may only operate in “wakesports” mode in designated wakesports zones of Vermont’s lakes, ponds, and reservoirs. A wakesports zone of a lake or pond is an area of at least 50 acres over 20 feet deep, at least 200 feet wide, and over 500 feet from shore. The wakesports zone has been established to address concerns that wakeboats erode vulnerable shoreline when the distance to shore is not adequate to dissipate the wakes and stir up lake bottom sediments in shallower waters.

Under the new rule, wakesports can be operated on 30 of Vermont’s inland lakes. These lakes can accommodate a designated zone far enough from the shore and in deep enough waters, where there are fewer environmental impacts or recreational conflicts.

“The wakeboat rule — developed with significant input from the Vermont public — is science-based and reflective of Vermonters’ shared interests in environmental stewardship and outdoor recreation,” said DEC Commissioner Jason Batchelder in a statement.

The rule requires all wakeboats to decontaminate or clean their ballast tanks when moving between lakes. Wakeboats are required to follow the rules on how to operate a vessel as outlined under 23 V.S.A. §3311 of the state statutes.

Tobacco settlement Attorney General Charity Clark this week announced Vermont received almost \$25 million from tobacco manufacturers under the tobacco Master Settlement Agreement.

Annually, Vermont receives monies from tobacco manufacturers from the MSA, which resolved the state's lawsuit filed in the 1990s.

The settlement funds are credited to the State's Tobacco Fund, and the Legislature determines how they are spent.

On Nov. 23, 1998, Vermont's attorney general and 51 state and territory attorneys general signed the MSA with the four largest cigarette manufacturers in the United States, including Philip Morris and R.J. Reynolds. The MSA settled lawsuits brought by the attorneys general for violating consumer protection laws and to recover health care costs associated with treating smoking-related illnesses.

To date, more than 45 tobacco companies have joined the MSA. As a leader in this effort, Vermont has received more than \$794 million from the tobacco companies since 1998.

"Tobacco companies caused a health crisis in this country, the effects of which we continue to feel today. In fact, we received more money through the MSA this year due to increased tobacco sales in Vermont," said Clark in a statement. "The MSA is the most significant example of states working together to hold businesses accountable for harms caused to our communities."

To date, more than \$165 billion has been distributed to the settling states.

### **Online privacy**

Sen. Welch this week joined other lawmakers as new cosponsors for the bipartisan, bicameral Children and Teens' Online Privacy Protection Act, more commonly referred to as COPPA 2.0.

"Our children's lives are increasingly integrated with the internet, from completing homework to connecting with friends. As our kids and grandkids spend more time online, ensuring they are protected from harm is a shared priority — whether you're in a red state or blue state. This bill will enact crucial protections to help safeguard children and teens' online privacy," said Welch.

According to a news release, the number of children being exploited and abused online continues to increase at an alarming rate around the globe. In 2021, the Vermont Internet Crimes Against Children Task Force Program received 452 CyberTips from the National Center for Missing and Exploited Children, an increase from 2020. During the COVID-19 pandemic, Vermont experienced a 150% increase in reported child exploitation and attempted exploitation online.

"We are proud to support COPPA 2.0 which will allow educators and schools to harness the full potential and benefits of educational technologies while protecting children and teens online," said Marc Egan, Director of Government Relations at the National Education Association.

### **Efficiency standards**

U.S. Sen. Peter Welch, chair of the Senate Agriculture Committee's Subcommittee on Rural Development and Energy, this week applauded the Department of Energy's announcement that the agency has finalized amended water heater efficiency standards to save consumers \$7 billion on annual utility bills and cut down on harmful pollution.

The DOE's announcement comes after Welch and U.S. Sen. Jeanne Shaheen, of New Hampshire, led a group of Senate colleagues in calling on the department to update water heater efficiency standards to lower utility bills for families and accelerate clean energy deployment.

The amended standards announced by DOE would require the most commonly sized electric water heaters to achieve efficiency gains with heat pump technology, helping to accelerate the deployment of this cost-effective, clean energy technology while also reducing strain on the electric grid.

### **House supermajority supports major flood resilience bill – Vermont Public – Abagael Giles**

Lawmakers in the Vermont House on Friday passed [the biggest bill of the session aimed at reducing damages from flooding](#) in the state.

During a roll call vote at second reading Thursday, the bill passed by a vote of 111 to 26, earning the support of a supermajority of the chamber, [as it did in the Vermont Senate](#).

Gov. Phil Scott is expected to veto the bill, and environmental advocates and lawmakers who support it are hopeful the policy would carry that momentum in a possible override vote.

The Flood Safety Act would create a new statewide permitting system intended to limit new construction in major river corridors — the area where rivers move freely outside their banks during big rain events — across the state.

During big storms, rivers often swell and change their course in river corridors, sending floodwater barreling through new channels. The bill would restrict development in the swathe of land along their banks where they're likely to move when this happens, with exceptions for building in existing communities and village centers.

Speaking on the House floor Thursday, Rep. Larry Satcowitz, a Democrat from Randolph, called the bill “long overdue.”

“We used to think that wetlands were wastelands with no useful function. We know better now. We used to think that floodplains were better if they never saw floodwaters. We know better now,” he said. “We used to think that dredging and armoring rivers were efficient and effective means to control them. We know much better now. This knowledge has been learned at great cost. This bill is a product of those hard won lessons.”

By some estimates, as much as 80% of the damages Vermont sees from flooding occur in the river corridor. And while development in floodplains, where rivers are prone to spill their banks and inundate buildings, is regulated by the Federal Emergency Management Agency (FEMA), there are no federal standards for building in river corridors.

Vermont has historically allowed towns to voluntarily enforce regulations on development in their river corridors, but very few municipalities do so, largely due to limited staffing capacity.

Environmental advocates and many at Vermont's Regional Planning Commissions warn that this leaves thousands of miles of flood-prone land open for development that will have to be rebuilt over and over again, at great cost to homeowners and taxpayers.

Additionally, when rivers are allowed to move freely outside of village centers where they are constrained by infrastructure, it allows floodwaters to disperse their momentum, dampening their impact downstream.

Climate change-fueled flooding is already costing taxpayers exorbitantly. Last summer's floods cost the state north of \$1 billion — and by some estimates, [Vermont could see billions more](#) in flood related damages by the end of the century.

Further [research from the University of Vermont](#) suggests those impacts are disproportionately borne by lower income households and mobile home park residents, making flooding an environmental justice issue in the state.

The bill also creates new funding and regulatory oversight of private dams in Vermont. One million dollars would be set aside for the first year, which will fund repairs and removals.

It also bans exposed polystyrene foam in floating docks — which advocates with the environmental advocacy organization Conservation Law Foundation say is increasingly breaking off and polluting Vermont's waterways, as more intense storms cause bigger waves and faster flows of water into the state's lakes and ponds.

Additionally, the bill codifies in statute Vermont's practice of requiring any new development in a protected wetland be offset by restoring twice the amount of wetland disturbed, or paying a fee to facilitate that work.

Wetlands are useful for mitigating flood risk because they slow down floodwaters and filter out pollutants. Analysis following Tropical Storm Irene found that the Otter Creek Wetland Complex [saved Middlebury from more than \\$1.8 million](#) in flood damages during the storm.

And as Vermont sees more extreme rain due to human-caused climate change, many in state government and the Legislature want to look to our landscape for affordable solutions.

Every major environmental group in the state supports the bill, including the Nature Conservancy, Vermont Natural Resources Council, the Lake Champlain Committee and the Connecticut River Conservancy.

Lauren Oates, with the Nature Conservancy, says they are most eager to see the river corridor regulations implemented.

"It's highly hazardous, and creates about 80% of Vermont's flood related damages," she said. "And this bill recognizes that it is a significant life safety and also cost expense to taxpayers to keep developing in those areas."



Speaking on the House floor on Thursday, Rep. Kari Dolan of Waitsfield told her colleagues that in a state where most of the historic development has been along rivers, protecting Vermont communities from “the misery” flooding brings is paramount.

“It is an important step and arguably the most cost effective step to temper the power of floods before they inflict damages to homes, businesses and communities,” she said.

Notably, the Vermont House added an amendment that requires the Agency of Natural Resources conduct a study about how exempting low-income property owners from having to pay fees associated with wetland, Act 250 and other permits would affect state revenues.

Rep. Laura Sibilio, an Independent from Dover, introduced the amendment in the House Committee on Energy and Environment. She strongly supports protections for wetlands and river corridors, but worries that fees associated with environmental regulation have a greater impact on people with more moderate means in Vermont.

“We need to protect our environment, we need to keep people out of harm’s way — which is a lot of the work that we’re trying to do here,” she said. “But people — Vermonters — need to be able to live here as well.”

Gov. Scott is expected to veto the bill, largely over concerns about the cost and staffing capacity — though lawmakers have allocated an additional 15 staff positions for it at ANR and say the funding required is all included in the Senate version of the budget.

House Minority Leader Pattie McCoy of Poultney echoed Scott’s concerns on the floor.

“I appreciate the sense of urgency many are feeling, however, the timelines provided in this bill, particularly related to river corridor regulation and dam safety are very aggressive and do not provide adequate time to bring Vermonters along with this significant change in public policy,” she said.

However, many Republicans in districts hit hard by last summer’s floods voted to support the policy, and several say the caucus was divided over the bill.

The policy now goes back to the Vermont Senate for final review.

### **Education Bill Would Speed up Secretary Search Process – Seven Days – Alison Novak**

Three committees in the Vermont House have signed off on a bill intended to speed up the search process for a secretary of education and ensure the search had enough money to be properly carried out.

The proposed changes in state law come after the most recent search for an education secretary took nearly a year. That process ended in controversy this week when the Senate rejected Florida administrator Zoie Saunders, Gov. Phil Scott's pick for the post. Immediately after the vote, the governor indefinitely appointed Saunders *interim* secretary, a designation that does not require

legislative approval.

[S.167](#), the so-called miscellaneous education bill, has already been approved by the Senate. But the House Education Committee added the new language this week. It says that the State Board of Education "shall begin a robust national search process not later than 60 days after public notification of the resignation of a Secretary of Education."

House Education chair Rep. Peter Conlon (D-Cornwall) said the provision was added "to make sure these important searches are done in a timely manner."

Though statute is somewhat vague on how the search for a new secretary is initiated, Conlon said, the State Board of Education customarily awaits a letter from the governor before beginning the process. The board then conducts the search and sends three finalists to the governor, who appoints one. A majority of senators must then vote to confirm the nominee.

After former secretary Dan French resigned in April 2023, Gov. Scott [waited almost four months](#) to ask the state board to initiate the process. The governor's spokesperson, Jason Maulucci, chalked up the delay to a busy end to the 2023 legislative session and the state's emergency response to catastrophic flooding in early July.

The miscellaneous ed bill also gives the state board authority to "request from the Agency of Education the funds necessary to utilize outside resources for the search process." The board has a small budget, and Conlon said the provision was added to ensure it has enough funding to conduct a thorough search.

*Seven Days* reported in October that the [state board spent roughly \\$500](#) on its most recent secretary search, a figure that pales in comparison to the money that Vermont school districts spend to hire principals and superintendents. At a meeting in September, state board chair Jennifer Samuelson explained that the board didn't have the budget to hire a national firm to conduct the search and was told by the state's Department of Human Resources that such a measure was unnecessary.

In testimony last month, Samuelson told legislators that the board did not contact references for candidates, instead leaving that job to the governor's office. When *Seven Days* asked about this, Maulucci said the governor's interview committee did not call finalists' references but instead called several of each candidates' colleagues and coworkers to learn more about them.

Board chair Samuelson has said she doesn't think a lack of funds hampered her search committee's work. But two former state board chairs said recently that it had affected their ability to conduct board business.

In [testimony](#) to the House Education Committee last week, Krista Huling, who led the 2018 search that ended with French's appointment, told lawmakers that the board's requests for legal counsel and money were regularly denied by both the Scott administration and under former governor Peter Shumlin. Huling said it was challenging to find, interview and present at least three secretary candidates to the governor with the "very modest budget" they had.

Huling laid part of the blame on Act 98, legislation passed in 2012 that changed the role of education commissioner to an education secretary who reported to the governor rather than the state board. The law also gave the governor, rather than the state board, final say on the choice for education secretary. Huling said the change had the effect of making education in the state "highly politicized."

Another former state board member, Stephan Morse, echoed Huling's sentiments in an interview with *Seven Days* on Monday. Morse, a former Republican state representative who served on the board from 2009 to 2017, said that before Act 98, the Agency of Education staff wasn't beholden to the governor but rather worked for the board. Morse said he believes that Vermont's education system has suffered and become more political in the years since the secretary began reporting to the governor instead of the board.

On Friday, the House Education Committee considered an additional tweak to the miscellaneous education bill. It would have required the state board to publicly release the names and credentials of the secretary finalists when they were forwarded to the governor. But lawmakers backed away from that provision over worries it might deter some candidates from applying for the job.

By contrast, finalists for principal and superintendent jobs in Vermont are typically named publicly.

The House Education, Ways and Means and Appropriations committees all approved the bill on Friday. It is expected to go before the full House next week.

### Communication Union Districts continue broadband rollout – WCAX – Melissa Cooney

Town by town, Vermont is getting connected - thanks to Communication Union Districts rolling out fiber cable.

The Vermont Community Broadband Board says the work of the CUDs is moving the needle, with the vast majority of Vermonters getting access to fiber connection - something they say is a change from a year and a half ago.

Davis Brakeley calls his experience of trying to surf the web just over a year ago 'the dark ages.'

Brakeley is on the Board of Trustees of the Shard Villa Residential Care Home in Salisbury. Shard Villa has dozens of residents and employees looking to get online for job requirements, connecting with family, or telehealth at any time

He says there was one provider in the area - but it had no incentive to improve the connection due to the low population.

"There was no way to upgrade it despite our best efforts," he said.

That's when they tapped into Maple Broadband - Addison County's Communication Union District that began construction in October 2022.

They've built fiber broadband access in over 32 miles of Addison County, with another 68-mile build underway that would hook up over 200 customers.

"Our goal is to make sure that every on-grid address in Addison County has access to fiber service from at least one provider - doesn't necessarily have to be us. But if there isn't a fiber service plan, then you're going to make sure that we bring our fiber here," said Ellie de Villiers of Maple Broadband. She says running a CUD includes turning over every stone to find funding to make it happen.

She says they've received millions of dollars through the American Rescue Plan, and they plan on tapping into a new funding pool from the Broadband Equity Access and Employment Act, or "BEAD".

"The state received \$229 million from the Broadband Equity Access and Deployment Act. This is about \$100,000 more than we expected to receive and much of that is thanks to organizations and Vermonters and staff here pulling out the stops to correct the FCC Broadband Map," said Rob Fish of Vermont

Fish says CUDs statewide are making headway, with 6 CUDs impacting customers. EC Fiber is the first to achieve universal service to every household in their district, NEK broadband is rolling out 450 miles of fiber to service 6,000 households, and Southern Vermont CUD partnered with a private provider to connect customers.

Simultaneously, and perhaps ironically, private providers are rolling out fiber now, too.

"The creation of the Communication Union Districts introduced an element of competition, that if the private incumbent doesn't get there first, somebody else will right we'll have competition. While we're excited for competition, we're also excited for a private partner there's just that up to the plate and to build out their areas," said Fish.

For rural communities like the Shard Villa, Brakeley says being seen as a valuable customer is invaluable for their progress as a business.

"We were just a voice in the wilderness and the density of other potential clients was so limited, they didn't really pay a lot of attention to us. So it was so great to have somebody suddenly say, yes, we can do that. And yes, you are important to us," said Brakeley.

On the federal level, advocates like Senator Peter Welch are supporting the extension of the Affordable Connectivity Program, which allows costs to remain affordable for broadband.

### Thousands participate in Vermont's unofficial state holiday 'Green Up Day' – WPTZ – Stephen Biddix

All across Vermont on Saturday people took part in Green Up Day. It's the unofficial state holiday where trash and litter are collected and placed into green bags to prepare for summer outdoor recreation.

"Oh, it's so important. Green Up Day should be every day. It's an exciting day in Vermont. It's unique to Vermont, driving over here today and seeing the volume of green bags on the side of the road is just phenomenal," said Tom Spencer of stewardMRV.

Others participating echoed Spencer's sentiment, and brought up how important it is for Vermont's outdoors to be clean.

"Outdoor recreation is what the foundation is for this community, so we need to take care of our golden goose so to speak, and take care of it and maintain it," said Eric Friedman, the executive director of the Mad River Valley Chamber of Commerce.

This year it was all hands on deck as Green Up Vermont aimed to make history.

"We are going for a Guinness World Record for the most pledges received to pick up trash in 24 hours, so we are well on our way to achieving this record. We need 5,000 signups and people are just having a blast with it," said Kate Alberghini, the executive director of Green Up Vermont.

This Green Up day was also a bit different for some than years past with all the river flooding and rain some areas of the state have received.

"The flooding this year created quite the mess of debris from the rivers flowing up into our beautiful parks so we got a group of about 5-10 people coming to clean that up," said Spencer.

After all their hard work a cookout and good times awaited them.

"It's such a heartwarming thing to see our community come together on a day like this," said Friedman.

### Lingering since the pandemic, postal woes show gradual improvement – Waterbury RoundAbout – Oliver Stavri

Mary Spencer ordered an important medication through the mail in March. When neither her package, nor any other mail, arrived for more than a week, the 71-year-old Duxbury resident visited the post office in Waterbury while she was in town and picked up her medication and other correspondence.

Once there, Spencer asked post office employees when she could expect mail delivery at home. The Waterbury post office needed to hire a rural carrier for her route, she learned. Until then,

Spencer would have to travel to town to retrieve her letters and packages. A month later, Spencer said she was receiving mail maybe twice a week.

Spencer is among many Vermonters who have missed the timely delivery of medications, financial documents, bills and urgent legal notices sent via the U.S. Postal Service in recent months. Staffing shortages in Waterbury are among post office problems across Vermont that have disrupted deliveries and inconvenienced residents.

In Montpelier, federal officials recently chose a new post office location — nearly 10 months after damage from major statewide flooding left the downtown post office shuttered. The postal service earlier this year announced that it has begun processing mail that's leaving Vermont in Hartford, Connecticut, shifting some of the workload away from sorting facilities in White River Junction and Essex Junction, [according to Seven Days newspaper](#).

Other moves are affecting local markets such as a temporary post office closure in Cabot that has forced residents in and around the rural area to drive even farther to collect their mail.

In late February, one of Waterbury's three carriers on rural routes left and the postal service has struggled to fill it, according to Stephen Doherty, a postal service spokesman in Boston who emailed in response to questions. The Waterbury office recently hired for one of its open city routes and two rural carrier positions, he wrote.

"It's no secret that unemployment is historically low right now, making it difficult for local companies to hire and retain good help," Doherty wrote. "Unfortunately, the postal service is not exempt from that dilemma."

On-and-off mud season conditions from January through March didn't help either as many local gravel roads were posted for local traffic only and, as Doherty put it, posed "delivery challenges that are unique to this area."

Crossett Hill in Duxbury where Spencer has lived for 25 years is on one of the three Waterbury rural routes. Driving on dirt roads there is difficult, especially during mud season, but mail arrived regularly every day until the COVID-19 pandemic, she recalled. Since then, delivery became more sporadic. Spencer said she and her neighbors loved their longtime carrier, who alerted residents in a Front Porch Forum message that she transferred to the East Montpelier post office to be closer to home.

"I didn't realize it meant that then there was no one to cover our route but apparently that was the case," Spencer said, recalling the delays in recent weeks. "We really had two weeks where we didn't get any mail."

Spencer said she understands the reasons for delays but would like to know when mail isn't coming so she can plan to get it herself when she goes to town to swim. She has always appreciated the carriers who navigate their rural road to bring needed mail, she said.

"They have been very good," Spencer said. "It's no reflection on them."

### **Few but dedicated carriers**

Jon Whitley started carrying mail part time for Waterbury in 2012 after his U.S. Army deployment in Afghanistan. Now a full-time postal employee, he delivers fewer letters and more packages, particularly from online retail giant Amazon, which accounts for 90% of his daily package volume, he said.

Whitley agreed to an interview to share his own views and clarified he was not speaking for the postal service. He said the uptick in Amazon shipments under the retailer's contract with the federal service has put extra demands on carriers. "They're making part-timers work, per contract, on Sundays and holidays, minus Christmas and New Year's," he said, "so that burns a lot of people out."

The work is arduous, he added, and starting pay is comparable to an entry-level position in a less-strenuous environment. The residents where he delivers, though, make the effort worthwhile, he said. "The better relationship we have with the people on the route, it's more motivation and makes you feel good about it," he said.

Theresa George, 63, who lives on Blush Hill in Waterbury, said the direct connection to a local post office and local employees is valuable. "You talk to Waterbury when you call," she said. The local problems, however, stem from national management of the postal service under Postmaster General Louis DeJoy, she said.

### **Congressional delegation relays frustrations**

Many Vermonters have written to their representatives in the Senate and House of Representatives, sharing their frustrations.

Aaron White is a spokesman for Sen. Peter Welch, D-Vt. He relayed comments from the senator on the familiar topic: "The consistent failure of the U.S. Postal Service national management to communicate with and deliver for the people of Vermont is incredibly frustrating — from Waterbury to Burlington, Montpelier to White River Junction, and across our state," Welch said. "It is a symptom of Postmaster General DeJoy's refusal to engage with the communities that have watched this essential service rapidly deteriorate during his tenure."

On April 1, Vermont's Congressional members issued a joint press release after the USPS announced its plan to replace the Montpelier post office. They praised the move but continued their criticism of Postmaster DeJoy's leadership.

"It should not take the better part of a year, heroic grassroots efforts, and constant work by the Delegation and state leaders for Postmaster General DeJoy to do his job — especially after a catastrophic natural disaster," the statement from Welch along with Sen. Bernie Sanders, I-Vt., and Rep. Becca Balint, D-Vt., states.

The lawmakers emphasize the essential role the postal service plays in daily life for individuals, families, small businesses, etc. in Vermont. "They need a functional USPS not only to mail letters and packages, but for the delivery of important documents like their Social Security checks, the delivery of lifesaving prescription drugs, and to pay their bills on time. This is especially true in rural areas," the delegation wrote.

“We strongly urge the Postmaster General and the USPS Board of Governors to focus on restoring the trust that both Vermonters and the American people have had for generations in the postal service, and immediately address any remaining lapses in service. In the meantime, we will continue the fight to restore reliable postal service for our communities and safe and fair working conditions for our postal workers, in Montpelier and across the state.”

Back on Crossett Hill in Duxbury, Spencer’s neighbor Anne Hutchinson posted in a social media message group on May 1 some welcome news about the mail after talking with one of the Waterbury postal carriers: “Saw PO Christine today and she shared that she will finally start with delivery this Saturday!”

### **Civil rights advocates urge lawmakers to add equal protection clause to Vermont Constitution – Vermont Public – Peter Hirschfeld & Mary Williams Engisch**

As marginalized populations ponder the future of civil liberties under a U.S. Supreme Court that’s already reversed abortion rights and affirmative action policies, the Legislature is looking to strengthen anti-discrimination laws in Vermont by adding an equal protection clause to the state’s constitution.

The Senate late last month unanimously advanced a [proposed constitutional amendment](#), known as PR.4, that would guarantee “equal treatment under the law” for nine protected classes, including race, sex, disability, gender identity and sexual orientation.

The proposal is scheduled for a House vote this week. If both chambers of the Legislature approve the measure again during the next legislative biennium, then Vermont voters will decide whether to ratify the amendment in the 2026 general election.

“The Vermont Constitution is the foundation of all Vermont law and all state government action,” said Big Hartman, executive director of the Vermont Human Rights Commission. “We believe our constitution should absolutely contain equal rights protections explicitly.”

Vermont’s motto is “Freedom and Unity.” But nowhere in the [state’s constitution](#) are there any prohibitions against discrimination based on a person’s race, sex, religion or other characteristics.

Civil rights advocates have been working for years to change that. And the campaign is gaining steam, due in part to growing concerns about landmark decisions coming out of a [U.S. Supreme Court now controlled by a conservative majority](#) of justices.

In the 2022, the Supreme Court [overturned Roe v. Wade](#). In 2023, the court issued a ruling that [ends affirmative action policies](#) in college admissions. The court has issued similarly controversial decisions related to voting rights and tribal sovereignty.

Rev. Mark Hughes, the executive director of the Vermont Racial Justice Alliance, told Vermont Public that the court’s rulings force an urgent conversation about what the future is going to look like for groups whose rights and liberties hinge on the court’s interpretation of the federal constitution.



“Since we’re having this conversation, it’s important to ask ourselves the question, ‘Is there any way that the state of Vermont can extend the protection of its citizens, particularly those in marginalized communities, given the political climate that we’re actually in right now?’” Hughes said.

The Vermont Racial Justice Alliance, the Vermont Commission on Women and the Vermont Office of Racial Equity all say the state can and should extend protections to those communities. And they say Vermont can accomplish the task by amending its constitution.

Just as Vermont voters [added a reproductive liberty amendment](#) to the state constitution after the overturning of *Roe v. Wade*, Hughes said, the state now needs a similar safeguard against discrimination.

The Vermont Racial Justice Alliance [led the campaign](#) for an amendment in 2022 that repealed constitutional language stating that a person could be held as a “servant, slave or apprentice ... for the payment of debts, damages, fines, costs or the like.”

“Addressing systemic racism ... requires a comprehensive approach that includes legal, legislative, social, cultural and other efforts to promote equity, justice and equality for all,” Hughes said. “This is not a silver bullet. It’s not going to do it by itself. It’s one of many tools.”

The proposed amendment would make clear that the state “shall not deny equal treatment under the law on account of” certain protected characteristics. The nine classes named in the provision advanced by the Senate are race, ethnicity, sex, religion, disability, sexual orientation, gender identity, gender expression and national origin.

Neither legal experts nor advocates think the amendment would have any significant impact immediately upon ratification. But they say it could inform and influence court decisions over time in ways that mitigate racial and gender inequality.

That’s because it would give state courts a new touchstone for discrimination cases that come before them in the future, according to Peter Teachout, a professor at Vermont Law School who specializes in constitutional law.

Teachout said the proposed amendment could give Vermont’s Supreme Court the latitude to arrive at decisions that they wouldn’t necessarily get to if they were relying exclusively on the 14th Amendment in the U.S. Constitution, or Article 7 of the Vermont Constitution, which is the language courts often look to when considering the merits of equal protection claims.

“States can provide protections, greater protections, against discrimination than the Supreme Court has held the 14th Amendment provides against discrimination,” Teachout said. “Adding an equal protection clause to the Vermont Constitution would allow Vermont to develop its own homegrown, more robust protection of people from discrimination than you find in Supreme Court decisions today.”

Teachout, however, said the proposed amendment is not a failsafe against the sorts of outcomes people such as Hughes are worried about. If the U.S. Supreme Court, for instance, rules that

college admissions policies can't give weight to someone based on their race, then Vermont courts can't issue rulings that contradict that precedent.

Where federal supremacy isn't in play, Teachout said, the amendment could play a substantive role in shaping legal decisions.

And Windham County Sen. Nader Hashim, a Democrat, said it protects against a dystopian future in which Vermont's Legislature is controlled by people who would seek to roll back the rights of protected classes enumerated in the amendment.

"I don't know what the future holds. I don't know who will be sitting here in 50 years or 100 years, and I don't know what their beliefs might be," Hashim said. "But I do know with a strong conviction that I don't want to witness a future in my lifetime or future generations' lifetimes in which government can pass or enforce laws that discriminate and cause division among Vermonters."

Cary Brown, executive director of the Vermont Commission on Women, said the proposed amendment is the culmination of a decades-long campaign that began as a push to get an equal rights amendment in the U.S. Constitution.

"This has been a very, very long time coming," Brown said.

Though the national equal rights campaign has stalled, a [majority of states](#) have since added equal protection clauses to their state constitutions. Brown said she hopes Vermont's version will change the standard of review used by courts in assessing discrimination claims.

"Under existing sex discrimination laws, the burden of proof rests with the victim ... but with this amendment, that could change the presumption of constitutionality of laws that use sex or any of the other listed classifications to treat people differently," she said. "And the burden of demonstrating they're constitutional would shift to the state, which would be a significant improvement."

### **UVM Cancels Commencement Speaker Amid Pro-Palestinian Protest – Seven Days – Colin Flanders**

U.S. Ambassador to the United Nations Linda Thomas-Greenfield, who drew the ire of pro-Palestine activists, will not speak as planned at the University of Vermont's commencement this month.

University president Suresh Garimella delivered the news in a campus-wide email late Friday that offered no explanation for the change. He did write, however, that graduating students deserve to be able to celebrate their achievements.

It was part of a message discussing the administration's response to a pro-Palestine encampment set up on Sunday on a campus green to demand, among other things, that the school cancel Thomas-Greenfield's keynote address. In February, Thomas-Greenfield cast the U.S. vote that

vetoed a U.N. resolution calling for a humanitarian pause to Israel's attacks in the Gaza Strip.

Garimella also indicated that the school was initiating discipline of students involved in the encampment, saying it is in violation of school policies.

"Those who continue to violate UVM policies do so intentionally despite having been given the opportunity to express themselves within campus rules," the president wrote. "Therefore, regrettably, appropriate student conduct processes have been initiated for those who have persistently violated university policy."

UVM spokesperson Adam White didn't immediately respond to an interview request. UVM Students for Justice in Palestine, one of the student groups organizing the encampment, posted a message on Instagram Friday evening heralding the decision as a victory.

"When we fight, we win," the post says.

More than 50 tents have popped up at Andrew Harris Commons since Sunday night. Protesters have held rallies and vigils this week. Similar demonstrations have been happening at Middlebury College. To date, no arrests have been reported at Vermont demonstrations, though about 90 people were charged at Dartmouth College in New Hampshire on Wednesday night.

The scene at UVM was quiet on Friday afternoon. Students worked on laptops, read books and dozed in the sun. On Saturday night, demonstrators plan to host a screening of *Israelism*, a 2023 documentary that explores the complicated relationship some American Jews have with Israel. One of the filmmakers, Sam Eilertsen, planned to attend the showing and take questions afterward, according to the UVM Students for Justice in Palestine.

UVM administrators had notified students earlier this week that they were violating several university policies and could face increasing sanctions, including fines, if the encampment at Andrews Harris Commons remained in place.

In his message on Friday, Garimella did not say how many students might face disciplinary action.

In October, just two weeks after the attacks on Israel by Hamas, UVM canceled a lecture by Mohammed El-Kurd, a Palestinian poet and correspondent for the *Nation* who was scheduled to speak at the Davis Center, citing safety concerns. Emails later obtained by *Seven Days* through the open records law revealed no threats had been made and that the decision led professors to worry that UVM was stifling speech over contested issues.

### Washed out Lamoille Valley rail trail gets Green Up Day tune up – WCAX – Sophia Thomas

The washed out Lamoille Valley Rail Trail got a Green Up Day tune up.

Last summer, just days before its official opening, floods [wiped out](#) several sections of the trail.

“It was just really sad to see how much had to be repaired after we were so close to having the full thing open,” Lisa Towery of Waterville recalled. After a winter of repairs, most sections of the 93-mile trail are open, though flood debris remains. Towery and other locals came to green up the Jeffersonville stretch of the trail. “It’s great to give a little bit back for something we love to use,” Towery said.

Northern Forest Canoe Trail and several other local organizations partnered with Green Up Vermont to tidy up the hardest hit of the trail. Clean-up crews descended on Hyde Park, Morrisville, Wolcott, Johnson, Hardwick and Jeffersonville. Cambridge Area Rotary Club led the effort in Jeffersonville, picking up discarded trash from Route 15 and flood remnants along the Lamoille River.

Volunteer Peter Ingvoldstad discovered a terrain of tires. “Mother nature made a mess,” he said, pointing to the rubble. “It was sad but we’re Vermonters for crimony’s sake! Just build things back again, you know, hopefully smarter.” Ingvoldstad says washed out sections of Jeffersonville’s bit of trail and Cambridge Junction Bridge should be fully patched up in the coming months.

Volunteers hauled out dozens of bags of trash. “It’s fun to help the earth!” said Cambridge’s Luke Ducharm. “That way, it can stay clean and more people can stay healthy.” Rotary member Michael Bessler surveyed the tidied trail. “It looks beautiful and we’re going to carry on that tradition.”

### **COVID wrecked Vermont's open meeting law. Lawmakers want to put it back together – Vermont Public – Howard Weiss-Tisman**

When the COVID-19 pandemic hit, lawmakers had to figure out how to allow select boards and school boards to meet safely.

Before the pandemic, Vermont’s [Open Meeting Law](#) was clear — boards had to meet in a physical room and allow the public access to whatever business was being discussed in open session.

But as COVID-19 began spreading across Vermont lawmakers were forced to put together [a new law](#) that allowed boards to meet remotely, and not have to designate a physical space as Vermont towns have traditionally done.

The new law, which was extended twice since the emergency measure was first contemplated during the early days of the pandemic, is set to expire at the end of June.

So, lawmakers are now trying to figure out what to do about the open meeting law, weighing the advantages of remote hybrid meetings, that make the meeting much more accessible for everyone, with the technological and logistic challenges of asking every small town to transmit and film their meetings.

“We had to address how we wanted to allow public boards and commissions to meet moving forward,” said Addison County Sen. Ruth Hardy, chair of the Senate Committee on Government Operations, and a co-sponsor of [S.55](#), the bill that is proposing changes to Vermont’s Open Meeting Law. “We really wanted to make sure that we were learning from the lessons of COVID, and whether, and if, we wanted to extend the fully remote meeting option and make it permanent.”

Hardy said the bill sponsors started out from the point of allowing all public bodies to conduct their meetings remotely, and not designate a public location, just as meetings were conducted at the height of the pandemic.

In testimony earlier this session, one group after the next talked about how convenient it was to hold meetings online.

The public has easier access to meetings, and board members themselves can take part from home if they have transportation or family issues.

But there was also pushback.

[The Vermont Association of Broadcasters](#) said reporters should have access to town officials in person during official proceedings, and if a board meeting is scheduled, there should be a way to attend.

And many select board members from small towns said they didn’t have the time or the technology to record meetings, and hold on to recordings, as the bill originally required. Many towns continued holding their meetings in public, even during COVID-19, and they did not want to be forced under the new law to begin filming their meetings.

In the end, lawmakers settled on allowing select boards and school boards to offer a hybrid option online, but those boards will now also have a public space open and available for anyone who wants to attend.

So if the bill advances as written, select boards and school boards would not have to offer an online option, but every board would have to meet in public, even if they had their meeting live on Zoom, or on another platform.

“We took a lot of testimony, and really just trying to get to the point where we felt our open meeting law would be technologically in the 21st century,” Hardy said. “But also maintain a lot of the things that we as Vermonters really value about our public meetings, which is the ability to talk to people face-to-face, and to really get to know the people that are in your communities.”

The committee heard testimony from Vermonters with disabilities who said every board should have to offer their public meetings online, whatever the inconvenience or cost to select boards in small towns.

“There’s always going to be a reason why it’s too hard for the system to change, so if change is going to have to happen err on the side of inclusion,” Kate Larose, [Vermont Center for Independent Living](#)’s pandemic equity coordinator, told the House Committee on Government

Operations and Military Affairs last week. “You’re going to make a lot of people mad no matter what, and my advice would be making people mad who are the paid professional staff members, and not the people who need to access to democracy.”

Even as the House was finishing up its amendments to the Senate bill Friday, committee chair Rep. Michael McCarthy said the collision of 21st-century technology with Vermont’s 250-year experiment in representative democracy would surely lead to more debates, and he supported the bill even though it was not yet perfect.

“This whole thing that we’re doing in this bill is an update to Open Meeting Law,” McCarthy said just before the committee voted to approve the bill. “And a couple of the details are things that we’re going to be talking about for years, because the technology is changing, the public’s expectations are changing; the Vermont League of Cities and Towns versus the Vermont Press Association’s feelings about how long a record should be retained, are things that we’re probably going to be debating for years to come.”

The issue was further complicated by the fact that other boards, such as town energy and conservation committees, are subject to the open meeting law, and the current bill does allow advisory boards to meet remotely, without designating a public space.

But lawmakers were stymied by contemplating changes to town meeting, and how the new open meeting law could affect the annual town meeting, where voting is held from the floor.

As part of the bill, an advisory committee led by the Secretary of State’s Office will form to look at what’s working, what isn’t and whether technology can somehow make it easier for Vermonters to attend town meeting in the spring.

The bill is headed toward a debate on the House floor.

### Construction begins Monday on chicanes on VT-108 to combat notch 'stuckages' – WPTZ – Sid Bewlay

This week, Vermont's Agency of Transportation will begin construction between Jeffersonville and Stowe on Route 108 in Vermont to fight "stuckages" in Smugglers' Notch this season.

It's the latest step to combat tractor-trailers getting stuck on the narrow, winding road.

"It's notoriously tricky, it's very, very tight," said Todd Sears, with Vermont's Agency of Transportation. "It's got sharp, sharp angles. And consequently, we have tractor-trailers that get stuck."

The chicanes will be placed lower down Route 108 on either side of the notch as a warning for truck drivers.

"It essentially mimics the geometry that you would find up top down lower on the mountain so that the tractor-trailer, when it's coming up, has to negotiate a particularly tight turn," said Sears. "It should not be able to make it through that turn and it's able to just back out and turn around."

If the driver gets "stuck" in the chicane and proceeds to then actually get stuck on the road, AOT will continue to enforce fines.

A first offense can cost \$1,000 while a second offense can be more than \$4,000.

Sears said there have been around 5 "stuckages" in the notch in the past three years.

The chicanes will be completed before the road opens for the season and the effectiveness will be evaluated at the end of the year.

If AOT determines that they work, Sears said that permanent chicanes will be installed that blend in with the environment.

### Historians launch investigation into state hospital patients believed to be buried in Waterbury – WCAX – Sophia Thomas

Vermont historians are launching an investigation into state hospital patients believed to be buried on Perry Hill in Waterbury.

Rep. Anne Donahue, R-Northfield/Berlin, has spent over a decade working to identify their unmarked gravesites. "It seemed to me that we owed it to them, to identify them, to give them their identities back," Donahue explained.

Beginning in the 1890s, patients from then Vermont State Asylum for the Insane, many stigmatized and abandoned by families, were relegated to the unceremonial burials. Records indicate dozens buried on Perry Hill and nearby areas. "I just thought that was that was such a loss of dignity, such an indicator of how little those lives were valued back at that time," Donahue said.

A marble plaque, installed in the 1990s, adorns the hillside to honor the patients. But Donahue wants more. She convinced the Vermont Division for Historic Preservation to investigate the site for burial shafts. If found, they'll install a fence around the site to protect it from the nearby mountain bike path.

Donahue and project partner Vermont Old Cemetery Association hope the investigation brings patients' identities into the 21st century. "If people still remember your name, you never die," VOCA President Thomas Giffin said. "I think, people who died in a state hospital, people don't remember their name."

Through her research, Donahue believes she's identified 18 of the 19 suspected patients buried on Perry Hill. She's even helped families find loved ones, like the fourth great aunt of a woman in Connecticut. "Now I know what happened," Donahue says the woman told her. "I know where

she's buried. And that means so much to me. Thank you so much for your work. And that's what it's about."

The state will kickstart its archeological investigation of the site in the coming months.

### **Vermont, federal officials plan rabies bait drop as wildlife cases rise – VT Digger – Corey McDonald**

Federal and state agencies will be bait-dropping oral rabies vaccine doses throughout northwest Vermont counties to counter a growing outbreak among wildlife.

In a press release this week, officials with the Vermont Department of Health and the U.S. Department of Agriculture's wildlife services program said they plan to distribute more than 250,000 doses of an oral rabies vaccine in parts of Chittenden, Lamoille, Franklin and Grand Isle counties.

It's an expansion from last year, when roughly 38,000 doses [were dropped throughout Chittenden County](#). This year's early distribution, scheduled to begin on May 4, is in addition to an annual bait drop conducted each August.

Rabies is a deadly viral disease that affects the brains of infected mammals. In Vermont, rabies is most often seen in raccoons, skunks, foxes, bats and woodchucks. Pets and livestock can also get the disease if they have not been vaccinated for rabies.

While the state has seen a "significant increase of rabid animals" in Chittenden County over the past several years, according to the release, the outbreak is now impacting Franklin County, and state and federal officials are working to stave off the disease's spread to other counties.

Officials said in the press release that 51 animals in Chittenden County have tested positive for rabies since March 2022 — 10 of which have been identified this year.

In Franklin County, five animals tested positive for the disease in March. The county had no cases of rabies among land animals in 2022 or 2023.

The bait drop is designed to help prevent spread of rabies among wildlife, "protecting people and domestic animals who may come into contact with them," said Dr. Natalie Kwit, a public health veterinarian with the health department.

The sweet-smelling oral bait is expected to be dropped from low-flying planes in rural areas, by helicopter in suburban areas and by hand in more residential areas.

The bait packs are not poisonous and are not harmful to people, pets or wildlife, but "if you find a bait pack, please don't touch it unless necessary," officials said in the press release.



## Vermont Senate passes Act 250 reform bill after whirlwind debate – VT Digger – Carly Berlin

After a flurry of last-minute deliberations, the Vermont Senate passed a mammoth bill on Friday afternoon that makes sweeping reforms to the state's land use and housing policies.

The bill, [H.687](#), relaxes the reach of Act 250 – Vermont's half-century-old land use review law – in existing development centers, a move proponents hope will clear red tape and encourage more housing growth amid [an acute housing shortage](#). It also lays the groundwork for extending Act 250's protections over to-be-determined ecologically sensitive areas.

The bill's passage marks a major juncture for legislators, who for years have attempted – and failed – to thread the needle on modernizing Act 250. Proponents of H.687 argue it strikes the right balance between protecting Vermont's natural resources in an era of climate change while also lowering barriers to more housing development.

"I hope that we can all look ahead and celebrate both the places that we've allowed to further thrive, the people that we've allowed to live here," said Sen. Kesha Ram Hinsdale, D/P-Chittenden Southeast, before voting in favor of the bill late Friday. "And also the places that we love and care about, that we get to still gaze upon and celebrate. And that's truly what makes us Vermont."

Yet the bill has more hurdles to clear. The Senate made fundamental changes to [the version passed by the House in March](#); as lawmakers race toward a planned adjournment date of May 10, time is running out for the two chambers to reconcile their differences.

And as lawmakers consider their next moves, they also face [the possibility of a veto](#) from Gov. Phil Scott. The Republican governor has [criticized earlier versions](#) of H.687, arguing that it does not go far enough to promote housing development, particularly in rural areas. The Senate passed H.687 with 18 votes in favor and 10 against, making the likelihood of a veto override – which requires a two-thirds majority – questionable.

### **Who should hear Act 250 appeals?**

One of the Senate's major changes to the bill involves who will hear appeals of Act 250 permits. The Senate's version keeps appeals in the judicial system, while teeing up a study to consider moving appeals out of the courts and to a new quasi-judicial board.

"There's no reason to make a decision now," Sen. Christopher Bray, D-Addison, told colleagues during [an all-Senate caucus](#) yesterday. He noted that moving appeals to the new board had arisen as a contentious issue, and proposed the study instead.

The House's version of H.687 would have shifted appeals to such a board, modeled after the Public Utility Commission. Proponents argue that shifting appeals out of the courts would speed up the process, and allow the new board to make precedent-setting decisions on land use policies.

The Senate's approval of a study appears as something of a concession to the Scott administration, which has [voiced its strong opposition](#) to shifting appeals to the new board. Officials have argued that the move would in fact increase the time it takes a developer to get a permit and potentially increase development costs.

### **Housing policies in the mix**

H.687 sets in motion a years-long process to chop Vermont into a series of "tiers" that will dictate how development is treated under Act 250, loosening the law's reach in some municipalities and strengthening its protections over "critical natural resources areas."

Yet the actual boundaries of those tiers are largely left up to future mapping and rulemaking efforts. In the meantime, the bill sets up a number of interim exemptions from Act 250, including one for all housing projects within the state's [24 designated downtown areas](#) through July 2028, and up to 50 units in dozens of [village centers](#) around the state.

The sprawling bill – which multiple senators lamented they had not had enough time to fully read and comprehend – includes a laundry list of other housing policies and money for programs outside of the Act 250 realm.

It creates a new property transfer tax on second homes, expected to bring in about [\\$10 million](#) this coming year. It places a property tax valuation freeze on some newly constructed and rehabbed homes in areas impacted by last year's catastrophic flooding. The bill also includes [flood disclosure requirements](#) for home purchases, rental agreements, and mobile home lot leases.

A [last-minute amendment](#) Friday would have placed a temporary moratorium on no-cause evictions in [municipalities that have already voted](#) to approve the protections for tenants, but have faced roadblocks at the Statehouse. The amendment failed, though, as senators considered it not to be pertinent to the bill.

H.687 will now be sent back to the House, and leadership can decide to either concur with the Senate's changes or request a conference committee to allow members of the two chambers to hash out their differences. Asked whether he anticipates the House will call for a conference committee, Conor Kennedy, chief of staff for Speaker of the House, Rep. Jill Krowinski, D-Burlington, said via text that he wasn't sure yet.

"I think we need to dig into the details before we make any call!" he said.

### **UVM commencement speaker out as pro-Palestinian protest continues – VT Digger – Peter D'Auria**

Linda Thomas-Greenfield, the U.S. ambassador to the United Nations, will no longer speak at the University of Vermont's commencement ceremony, the university announced Friday evening.

The cancellation appears to be a victory for a nearly [week-old encampment](#) of pro-Palestinian protesters on UVM's Burlington campus. Protesters had demanded that Thomas-Greenfield be removed as the university's commencement speaker, saying that the ambassador was complicit in the U.S.' decision to veto three U.N. resolutions calling for a cease-fire in Gaza amid the ongoing Israel-Hamas war.

"It is with regret that I share that our planned speaker, Ambassador Linda Thomas-Greenfield, will not be joining us to deliver the Commencement address," UVM president Suresh Garimella wrote in a lengthy email to community members.

It was not immediately clear what had caused the change of plans. Adam White, a university spokesperson, declined to answer questions.

Thomas-Greenfield and UVM "share the goal of a commencement ceremony that appropriately honors graduates and their achievements," White said in a texted statement. "Our graduating students want to enjoy the celebration of commencement, and we do not want the potential of disruption from a vocal minority to interfere with the moment."

Commencement events are scheduled to take place May 18 and 19.

The announcement is the latest development in a fast-moving week on UVM's campus. On Sunday, amid a nationwide surge of protest on university campuses over the Israel-Hamas war, several hundred students descended on Andrew Harris Commons and pitched a number of tents.

Students issued a series of demands, including the cancellation of the commencement speaker, divestment from Israeli companies, the cutting of ties with Israeli academic institutions and amnesty for student protesters.

Earlier this week, UVM said that it would [release information](#) about how its roughly \$840 million endowment was invested, another demand made by protesters. At the time, White said that the information was part of an already-scheduled presentation to trustees.

"Victory!" read a Friday evening Instagram post on the page of UVM Students for Justice in Palestine, a prominent campus activist group. "Now, UVM must divest."

Garimella's Friday evening email also addressed the continued presence of the encampment on UVM's campus.

"While I am grateful to the students and university leaders who have engaged in conversation, I note that the demonstration has been continuously in violation of university policies since its inception," Garimella wrote. "Those who continue to violate UVM policies do so intentionally despite having been given the opportunity to express themselves within campus rules. Therefore, regrettably, appropriate student conduct processes have been initiated for those who have persistently violated university policy."

It was not immediately clear what "appropriate student conduct processes" meant. White, the UVM spokesperson, did not respond to a question on the subject.

## Final Reading: Senate passes annual capital bill — with new Statehouse furniture in the mix – VT Digger

The Senate was talking about construction on Friday. Specifically, the chamber passed their version of this year’s capital bill — legislation that is both large, and contains multitudes.

While the crux of H.882 is in funding bonded state infrastructure projects, the bill also includes a handful of policy proposals, some on hot-button topics in different parts of the state.

For instance, the bill includes measures designed to keep the state fish hatchery in Salisbury open through at least 2027. To the dismay of some anglers, funding for the historic hatchery wasn’t included in Gov. Phil Scott’s 2025 budget proposal earlier this year.

As approved by the Senate, H.882 states that the hatchery “shall not close” without approval from the Legislature and tasks the administration with reporting annually on the state of the facility. (Both the House and Senate included \$550,000 for the hatchery in 2025 in their respective proposed budgets.)

The bill would also task the administration with studying whether a portion of the former Windsor prison site, which was shuttered in 2017, could be transferred to a nearby wildlife management area — or, whether certain portions are more suitable for future redevelopment.

It would also authorize the administration to sign a lease for a secure youth facility run by the Department for Children and Families on state land in Vergennes. Plans are for a developer to stand up the facility and then lease it back to the state, said Sen. Russ Ingalls, R-Essex, reporting the bill on the floor Friday.

Several minutes earlier, Ingalls had pointed out one other measure in the bill that’s, frankly, very different: a \$100,000 appropriation for the Statehouse sergeant-at-arms to buy new tables and chairs for the cafeteria.

“We have a seating problem up in the cafeteria — there’s not enough chairs most of the time,” Ingalls said, adding he hopes the sergeant-at-arms can “make that space work up there a little bit better than what it is right now.”

Maybe they could pick up a few power strips, too?

— *Shaun Robinson*

### **In the know**

For the third time in as many years, a crowd filed into a conference room at the University of Vermont last Thursday evening for a panel about Indigenous belonging. The focus, once again, was on **Vermont’s four state-recognized tribes**.

Among the headline speakers was Darryl Leroux, a University of Ottawa associate professor who's conducted leading research on Indigenous heritage in the region.

"There's such obvious and compelling evidence that these groups do not represent Abenaki people in any way," Leroux said during the panel, detailing the findings of a paper he published last year about Abenaki identity in and around Vermont.

"How," he continued, "did the state of Vermont recognize them as such?"

Leroux's work has backed [assertions made for years](#) by the leaders of Odanak First Nation, an Abenaki tribe centered in southern Quebec. The First Nation has maintained that many members of Vermont's four state-recognized tribes are not Indigenous and, instead, are appropriating Abenaki identity in ways that are harmful to their people.

Leaders of the state-recognized tribes in Vermont have sought over the past several years to, as they tell it, defend their culture against attacks levied by a former ally.

But if the content of last week's panel wasn't entirely new, it came at a time in which the dispute over tribal identity in the state has become more entrenched.

[Read more here.](#)

— *Shaun Robinson*

## On the move

After a flurry of last-minute deliberations, the Vermont Senate passed a mammoth bill on Friday afternoon that makes sweeping reforms to the state's land use and housing policies.

The bill, [H.687](#), **relaxes the reach of Act 250** — Vermont's half-century-old land use review law — in existing development centers, a move proponents hope will clear red tape and encourage more housing growth amid [an acute housing shortage](#). It also lays the groundwork for extending Act 250's protections over to-be-determined ecologically sensitive areas.

The bill's passage marks a major juncture for legislators, who for years have attempted — and failed — to thread the needle on modernizing Act 250.

Yet the bill has more hurdles to clear. The Senate made fundamental changes to [the version passed by the House in March](#); as lawmakers race toward a planned adjournment date on May 10, the two chambers have little time left to reconcile their differences.

*Read more tonight on VTDigger.org.*

— *Carly Berlin*

## May the Fourth be with you

It seems that legislators are feeling a little... hairy this close to adjournment.

At the end of the House's floor session Friday, Rep. Brian Cina, P/D-Burlington, stood up to announce to his colleagues the arrival of a holiday this weekend: May the 4th, "a holiday for Star Wars lovers."

"For those who don't know, Star Wars is a science fiction saga about the epic struggle within the force, between the powers of light and darkness," Cina explained to his colleagues. Okay, Criterion Collection!

Nerds everywhere have proclaimed May 4th "Star Wars Day," as a riff on the series' classic line, "May the force be with you."

"Madame Speaker," Cina continued, "May I end the week with a quote from Star Wars that captures how the body might feel right now, after many months of hard work and many debates with many words, from the indelible Wookiee, Chewbacca?"

A perhaps unsuspecting House Speaker Jill Krowinski, D-Burlington, gave him her blessing. That's when Cina let out a relatively convincing [Wookiee call](#) that went something like, "Eeeeeuuuuuugggggghhhhhhhhh!"

— *Sarah Mearhoff*

Visit our [2024 Bill tracker](#) for the latest updates on major legislation we are following.

**From:** Barney, Cole  
**Sent:** Monday, May 6, 2024 9:35 AM  
**To:** EXE; EXE - Cabinet  
**Cc:** EXE - Interns  
**Subject:** News Clips 05.06.24  
**Attachments:** News CLips 05.06.24.docx

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Help raise money for Vermonters impacted by flood damage and show your Vermont pride with *Vermont Strong* and *Tough Too* license plates and socks. [Click here to purchase your Vermont Strong gear](#) or visit [DMV.Vermont.gov/VermontStrong23](http://DMV.Vermont.gov/VermontStrong23).

Impacted Vermonters can find resources and referrals by visiting [Vermont.Gov/Flood](http://Vermont.Gov/Flood).



## Governor's Daily News Clips

**Monday, May 6, 2024**

### Gov. Scott expected to sign bill loosening professional licensing requirements for immigrants – WCAX – Calvin Cutler

Will loosening licensing requirements for immigrants help with Vermont's workforce crisis? A bill on its way to Governor Phil Scott would allow people to obtain professional licenses regardless of their immigration status.

It's no secret Vermont has an acute workforce shortage including nurses, accountants, pharmacists, drug counselors, and many jobs in the trades.

"Across the board, we have a workforce challenge in Vermont," said Matt Musgrave with the Associated General Contractors of Vermont. He says it's a long path to becoming an electrician. "apprenticeships are a one-to-one learning situation, so depending on the capacity of an organization, it limits the number of people they can bring in."

Vermont lawmakers are turning to new Americans to fill critical roles. [A bill on its way to the governor would expand the type of tax identification number people can use to obtain a professional license.](#) That means those in the country on green cards would be able to obtain licenses in critical jobs.

Under federal law, people without citizenship are prohibited from obtaining professional licenses, but the bill's sponsor, Rep. Esme Cole, D- Windsor, says it will pass constitutional muster. "A state must on its own enact law which allows for the repealing for that prohibition," she said.

About a quarter of most jobs in Vermont require some sort of license and statewide there are about 19,000 openings, with just over 7,000 people claiming unemployment. "Even if every unemployed Vermonter's skills, interests, and location perfectly aligned with the requirements of the open jobs, Vermont would still have 11,000 open positions," Cole said.

But Musgrave and other business leaders say the bill also sends a political message -- that Vermont is welcoming to new neighbors. "We want people to know the state of Vermont -- as well as employers -- are eager to bring people into the workforce, whether they're already here or if they're new Americans. We want to keep that door wide open," Musgrave said.

A spokesperson for the governor says he intends to sign the bill.

## Capitol Recap: House and Senate divided over new spending, proposed tax increases – Vermont Public – Peter Hirschfeld

Much of the coverage from Vermont Public's capital bureau this year has focused on tensions between Republican Gov. Phil Scott and Democratic leaders in the Legislature. But as lawmakers head into the final days of the 2024 legislative session, it's disagreements between the House and Senate that are taking center stage.

That's because Senate lawmakers have largely rejected the proposed tax increases that House lawmakers approved last month.

*In this week's edition of the Capitol Recap, Vermont Public's Mitch Wertlieb spoke with reporter Peter Hirschfeld to learn more about why Democrats are at odds with each other over the issue of new spending. Their conversation below has been edited and condensed for clarity.*

**Mitch Wertlieb:** A few weeks ago, the House approved more than \$130 million in tax hikes. And they wanted to use that revenue to fund new spending on housing, health care and public safety. What has the Senate done with those proposals?

**Peter Hirschfeld:** The Senate carries a sharp axe sometimes when it comes to budget proposals that are sent to them by the House. And they definitely broke that tool out this year.

You mentioned that [\\$130 million revenue package](#) that was passed by the House. It consisted largely of two separate proposals. One of them would have created a new income tax bracket for high earners — we're talking about people that make more than \$500,000 a year.

The other would have increased taxes on corporations, in part by boosting the top marginal corporate income tax rate to what would have been the highest in the country.

House lawmakers say working-class Vermonters have enormous needs right now. And they said government can address those needs by deriving more revenue from the people and corporations that can easily afford it.

But Caledonia County Sen. Jane Kitchel, the incredibly powerful chair of the Senate Appropriations Committee, said the approach favored by the House could carry some unintended consequences:

**Jane Kitchel:** *It's very easy to say, 'Oh my gosh, those people have wealth, and they should be paying more.' But oftentimes there's a lot more underneath it that has to be carefully examined.*

**Peter Hirschfeld:** Kitchel says it's unclear what sort of knock-on effects the House proposal would have. Would rich folks flee the state in ways that erode the tax base over time? Would Vermont's economic environment become less hospitable to the sorts of businesses that lawmakers are hoping to grow and attract?

Kitchel and other senators say Vermont needs solid answers to these kinds of questions before it moves forward with what they view as a significant change to tax policy in this state.

**Mitch Wertlieb:** If Senate lawmakers aren't willing to go along with those tax increases, then what happens to the programs those revenues were going to fund?

**Peter Hirschfeld:** A lot of them go by the wayside. And there are some initiatives that won't be happening, or have been scaled back, because revenue from those tax increases won't be available to fund them.

For example, the House had a plan that would have [expanded health care subsidies](#) for low-income seniors on Medicare. Under that plan, the state and federal governments would have covered Part B premiums for seniors who are struggling to afford them now.

Because the Senate rejected the revenue package needed to fund that proposal, that plan has been scaled back. And it means that about 8,000 low-income Vermonters who would have received about \$2,000 a month in new subsidies under the House plan will now have to continue paying those premiums out of pocket.

Perhaps the most stark difference between the House and Senate budgets, though, comes in the area of affordable housing. House lawmakers used that tax increase on high earners we talked about to fund a [10-year plan for housing](#). And it would have plowed \$50 million next year alone into the construction and rehabilitation of much needed housing units.

Waterbury Rep. Tom Stevens is the chair of the House committee that oversees housing issues. And he says that Vermont's housing future is tied to funding decisions made by the Legislature:

**Tom Stevens:** *We take the housing crisis seriously. We think that the first thing you need to do is to provide funds for building. That's been the chorus, if you will, in my committee for the 15 years that I've been here, which is more money will build more housing.*

**Peter Hirschfeld:** There's real concern in the House that in rejecting the proposed tax increases that would have funded those housing initiatives, the Legislature is abrogating its responsibility to address what is, for a lot of Vermonters, the single biggest economic issue in their lives here.

**Mitch Wertlieb:** We're hearing lawmakers are hoping to adjourn by May 10. How will House and Senate leaders reconcile what seem like some pretty big disagreements between now and then?

**Peter Hirschfeld:** The Senate isn't rejecting the idea of new revenues out of hand. And they're raising about \$19 million for budget needs by implementing some fee increases at the Department of Financial Regulation. But that's as far as the Senate is willing to go. And while Senate President Pro Tem Phil Baruth says he understands the thinking of House lawmakers like Tom Stevens, he says the Senate cannot follow them on that journey.

**Phil Baruth:** *And our philosophy is different about trying to balance the needs of Vermonters on a fixed income, Vermonters who feel that they are taxed at the maximum capacity now, and responding to these emergencies.*

**Peter Hirschfeld:** Baruth says his chamber is also mindful of the fact that [education taxes](#) will be going up by more than \$200 million next year, due to budget increases approved by school

boards. And, a 0.44% payroll tax enacted by lawmakers last year to fund their [childcare bill](#) will go into effect on July 1. And Baruth says those increases are already at the upper limits of what the Senate believes the tax base here can bear.

This means the revenue box that budget writers in both chambers have to live within is going to be a lot tighter than it was when it left the House. And the budget that the House and Senate lawmakers finalize is going to reflect that reality.

### **Vermont lawmakers want 'Big Oil' to pay for flood and climate change-related damage – WPTZ – Stephen Biddix**

After hours of debate in Montpelier on Friday, the House gave preliminary approval to a [bill](#) that could make Vermont the first in the nation to hold "Big Oil" responsible for damage from climate-related events seen with increased frequency in recent years across the state.

The goal of the bill is to hold fossil fuel corporations like Exxon Mobile responsible for climate change-related events and to create the Climate Superfund Cost Recovery Program.

"Those dollars then go into the Vermont economy for the cost of our community for mitigation projects," said Rep. Amy Sheldon, a Democrat from Middlebury.

Supporters point to last summer's historic floods and the late spring frost that impacted farms as just a few examples of climate change-related weather patterns, and say Vermonters should not be on the hook for something they didn't do.

"We've had repeated major flood-related damages in our state," said Andy Jones, the farm manager at Intervale Community Farms. "We expect floods and we have managed around them for decades, but the magnitude of the floods are changing."

The bill covers any event from January 1995 to December 2024.

"On July 12, 2023, 99% of Intervale Community Farm and all of our farm neighbors were flooded, wiping out approximately \$200,000 worth of our crops and around \$500,000 of our neighbors' crops," Jones said.

The bill has received some opposition, as some lawmakers are concerned that oil companies will most likely take Vermont to court to avoid paying the damages calculated by the state. They said they ultimately don't want taxpayers to have to pay for a legal battle.

Opponents also would rather see a bigger state with more money, like California or New York, take on this feat first.

It is set to receive final approval Tuesday, and the governor has not yet decided on his stance on the bill.

### **Capitol Beat: Vermont's Flood Safety Act clears House – Times Argus**

On Friday, the Vermont House voted to pass S.213, the Flood Safety Act.

The bill takes steps to reduce flood risk across Vermont, at a critical time when flood-related disasters are becoming more frequent and more severe.

According to a news release, “Following the devastating floods of 2023, and in recognition that Vermont averages nearly two major flooding disasters annually, Vermont lawmakers took important steps to advance policies to improve our collective flood preparedness. These policies will improve public safety, reduce damages and the mounting costs associated with flood recovery, better support our municipalities and our residents, improve water quality, support biodiversity and protect recreational opportunities.”

“We are so grateful to the Vermont House for their recognition of the severity of our flooding problem in passing the Flood Safety Act,” said Lauren Oates, director of external affairs with The Nature Conservancy in Vermont. “Vermonters cannot afford another spring flood, summer microburst, or fall tropical event without policy action that reduces our collective vulnerability to and growing cost of these increasing flood risks.”

The bill heads back to the Senate for consideration of the House amendments.

### **Insurance paperwork**

This week, Vermont health care clinicians praised lawmakers for passing H.766, a bill that will reduce administrative delays in care and streamline insurance requirements.

Health care organizations, including the Vermont Medical Society, Vermont Academy of Family Physicians, American Academy of Pediatrics Vermont Chapter, Vermont Association of Hospital and Health Systems, Bi-State Primary Care, Vermont HealthFirst and University of Vermont Health Network supported the steps the bill takes in reducing insurance paperwork burdens for Vermont providers and in removing barriers to care for Vermont patients.

They have urged Gov. Phil Scott to sign the bill.

The House unanimously passed the bill.

A critical addition to the bill made by the Senate and approved by the House requires insurance companies to give patients access to at least one type of available asthma inhaler without prior authorization.

The bill also makes a number of other improvements to the health insurance paperwork system including ending a process where insurance companies could request patient records before paying for health care services that had been delivered.

The Senate also shared bipartisan, broad support.

### **Into the race**

Lt. Gov. David Zuckerman, a progressive Democrat, has announced he will seek another term.

“With 24 years of public service experience, I’m not done fighting for Vermonters,” Zuckerman said this week. “This is a critical moment for our state. Vermont is becoming less affordable for working families. We face a housing crisis, a climate emergency, and rising regressive property taxes that are crushing working class people. As Vermonters suffer, our healthcare system costs continue to rise at unsustainable rates. In the face of continued threats to our democracy, we must come together,”

In addition, Republican Gregory Thayer, of Rutland, is also seeking the lieutenant governor’s seat.

“Every Vermonter needs to know that with the current leadership in Montpelier, the future of Vermont looks bleak, and traveling down a stormy road. My goal is to create a different, a better future for the Green Mountain State,” he said in a statement. “The Lieutenant Governor can work with the Administration to best manage the state as well as presiding over the legislation in the State Senate. Its really the only role of government that works on both ends of the street ... and that’s critical to righting our ship of state which right now is headed right into a bad storm.”

### **Lead pipe funding**

Rutland City is the beneficiary of part of a \$28.6 million appropriation for Vermont lead pipe replacement from the U.S. Environmental Protection Agency.

Rutland has received \$800,000 through the Bipartisan Infrastructure Law to inventory lead service lines. Bethel received \$2.5 million to begin a preliminary engineering report and environmental report for replacing lead service lines.

According to the EPA news release, lead can cause a range of serious health impacts, including irreversible harm to brain development in children.

“To protect children and families, President Biden has committed to replacing every lead pipe in the country. Today’s announcement ... takes another major step to advance this work and the (Biden) Administration’s commitment to environmental justice. This funding builds on the Administration’s Lead Pipe and Paint Action Plan and EPA’s Get the Lead Out Initiative.”

“The science is clear, there is no safe level of lead exposure, and the primary source of harmful exposure in drinking water is through lead pipes,” said EPA Administrator Michael Regan. “President Biden understands it is critical to identify and remove lead pipes as quickly as possible, and he has secured significant resources for states and territories to accelerate the permanent removal of dangerous lead pipes once and for all.”

“When people in the world’s richest country turn on their taps, the water that comes out should be clean,” said U.S. Sen. Bernie Sanders. “That’s why I fought hard to pass the Bipartisan Infrastructure Law in our last Congress and ensure Vermont got its fair share.”

“We take seriously the public health risk presented by lead exposure through drinking water,” said Vermont Agency of Natural Resources Secretary Julie Moore. “With this substantial

funding, we stand poised to expedite the identification and replacement of lead service lines, improving the well-being of our communities, and helping us reach our goal of ensuring all Vermonters have access to safe, clean drinking water.”

### **Overdose prevention**

The governor is expected to consider a bill aimed at the overdose crisis in the state.

The Senate this week voted 21-8 to embrace an evidence-based solution to the overdose crisis by advancing legislation that would authorize and fund an overdose prevention center in Burlington.

According to a news release, “The legislation represents a needed intervention for Vermont, which has seen a 500% increase in overdose deaths since 2010, losing over 1,500 community members to preventable overdose deaths since 2014.”

Grey Gardner, senior policy counsel for the Drug Policy Alliance, said, “Vermont legislators are once again showing extraordinary leadership in advancing health-based solutions to a health crisis.”

Gardner said seven years ago, Scott said the research on OPCs was “inconclusive” but that he was “willing to listen.”

According to DPA, since then, fatal overdoses have steadily increased to record levels — and now there’s vast research showing conclusive benefits of OPCs.

More than 500 Vermonters representing 70 cities and towns across Vermont, and some 50 organizations, signed a public letter in support of OPCs.

Scott has been critical of overdose prevention sites.

### **Antisemitism bill**

U.S. Rep. Becca Balint this week released a statement on H.R. 6090, the Antisemitism Awareness Act:

“The steady rise of antisemitism is dangerous and deeply disturbing. As the grandchild of a man killed in the Holocaust, I never thought I would see this dramatic increase in antisemitism in my country in my lifetime. It’s critical we work to tackle this hatred with real, effective action.”

Balint said HR. 6090 is not that.

“It’s a misguided, ineffective attempt at getting to the root of this issue. The antisemitism so many American Jews face is not abstract,” she said in the statement. “I’ve heard from many Vermonters and Jewish friends across the country that they are scared — scared to go to synagogue and observe holidays. Their children are afraid to be identified as Jewish. This shocks and sickens me.”

She concluded: “Addressing rising antisemitism requires serious action — not performative bills that attempt to score political points instead of confronting the clear and present threats to Jewish Americans.”

### **Flood response**

The Senate Agriculture Committee this week unveiled the Rural Prosperity and Food Security Act, a multi-year Farm Bill proposal that includes several bills championed by U.S. Sen, Peter Welch to help Vermont farmers and rural communities impacted by flooding and natural disasters.

“Extreme weather events are wreaking havoc on communities across the country — including in Vermont, where communities are still grappling with the aftermath of last summer’s brutal floods,” said Welch. “This Farm Bill includes crucial priorities I’ve pushed for that work to streamline and improve disaster relief for communities impacted by flooding and natural disasters and increase funding for programs that support resiliency for farmers in Vermont and across the country. It’s vital that Congress passes this Farm Bill and gives farmers, producers, and rural communities the resources and tools necessary to make a full recovery after a disaster.”

### **Wakeboat rule**

The Department of Environmental Conservation has published a new rule regulating wakeboats and wakesports under Vermont’s Use of Public Waters Rules.

This rule, developed in response to a petition filed by Responsible Wakes for Vermont Lakes, seeks to protect Vermont’s environment while balancing a range of recreational activities.

As of April 15, a wakeboat may only operate in “wakesports” mode in designated wakesports zones of Vermont’s lakes, ponds, and reservoirs. A wakesports zone of a lake or pond is an area of at least 50 acres over 20 feet deep, at least 200 feet wide, and over 500 feet from shore. The wakesports zone has been established to address concerns that wakeboats erode vulnerable shoreline when the distance to shore is not adequate to dissipate the wakes and stir up lake bottom sediments in shallower waters.

Under the new rule, wakesports can be operated on 30 of Vermont’s inland lakes. These lakes can accommodate a designated zone far enough from the shore and in deep enough waters, where there are fewer environmental impacts or recreational conflicts.

“The wakeboat rule — developed with significant input from the Vermont public — is science-based and reflective of Vermonters’ shared interests in environmental stewardship and outdoor recreation,” said DEC Commissioner Jason Batchelder in a statement.

The rule requires all wakeboats to decontaminate or clean their ballast tanks when moving between lakes. Wakeboats are required to follow the rules on how to operate a vessel as outlined under 23 V.S.A. §3311 of the state statutes.

Tobacco settlement Attorney General Charity Clark this week announced Vermont received almost \$25 million from tobacco manufacturers under the tobacco Master Settlement Agreement.



Annually, Vermont receives monies from tobacco manufacturers from the MSA, which resolved the state's lawsuit filed in the 1990s.

The settlement funds are credited to the State's Tobacco Fund, and the Legislature determines how they are spent.

On Nov. 23, 1998, Vermont's attorney general and 51 state and territory attorneys general signed the MSA with the four largest cigarette manufacturers in the United States, including Philip Morris and R.J. Reynolds. The MSA settled lawsuits brought by the attorneys general for violating consumer protection laws and to recover health care costs associated with treating smoking-related illnesses.

To date, more than 45 tobacco companies have joined the MSA. As a leader in this effort, Vermont has received more than \$794 million from the tobacco companies since 1998.

"Tobacco companies caused a health crisis in this country, the effects of which we continue to feel today. In fact, we received more money through the MSA this year due to increased tobacco sales in Vermont," said Clark in a statement. "The MSA is the most significant example of states working together to hold businesses accountable for harms caused to our communities."

To date, more than \$165 billion has been distributed to the settling states.

### **Online privacy**

Sen. Welch this week joined other lawmakers as new cosponsors for the bipartisan, bicameral Children and Teens' Online Privacy Protection Act, more commonly referred to as COPPA 2.0.

"Our children's lives are increasingly integrated with the internet, from completing homework to connecting with friends. As our kids and grandkids spend more time online, ensuring they are protected from harm is a shared priority — whether you're in a red state or blue state. This bill will enact crucial protections to help safeguard children and teens' online privacy," said Welch.

According to a news release, the number of children being exploited and abused online continues to increase at an alarming rate around the globe. In 2021, the Vermont Internet Crimes Against Children Task Force Program received 452 CyberTips from the National Center for Missing and Exploited Children, an increase from 2020. During the COVID-19 pandemic, Vermont experienced a 150% increase in reported child exploitation and attempted exploitation online.

"We are proud to support COPPA 2.0 which will allow educators and schools to harness the full potential and benefits of educational technologies while protecting children and teens online," said Marc Egan, Director of Government Relations at the National Education Association.

### **Efficiency standards**

U.S. Sen. Peter Welch, chair of the Senate Agriculture Committee's Subcommittee on Rural Development and Energy, this week applauded the Department of Energy's announcement that the agency has finalized amended water heater efficiency standards to save consumers \$7 billion on annual utility bills and cut down on harmful pollution.

The DOE's announcement comes after Welch and U.S. Sen. Jeanne Shaheen, of New Hampshire, led a group of Senate colleagues in calling on the department to update water heater efficiency standards to lower utility bills for families and accelerate clean energy deployment.

The amended standards announced by DOE would require the most commonly sized electric water heaters to achieve efficiency gains with heat pump technology, helping to accelerate the deployment of this cost-effective, clean energy technology while also reducing strain on the electric grid.

### **House supermajority supports major flood resilience bill – Vermont Public – Abagael Giles**

Lawmakers in the Vermont House on Friday passed [the biggest bill of the session aimed at reducing damages from flooding](#) in the state.

During a roll call vote at second reading Thursday, the bill passed by a vote of 111 to 26, earning the support of a supermajority of the chamber, [as it did in the Vermont Senate](#).

Gov. Phil Scott is expected to veto the bill, and environmental advocates and lawmakers who support it are hopeful the policy would carry that momentum in a possible override vote.

The Flood Safety Act would create a new statewide permitting system intended to limit new construction in major river corridors — the area where rivers move freely outside their banks during big rain events — across the state.

During big storms, rivers often swell and change their course in river corridors, sending floodwater barreling through new channels. The bill would restrict development in the swathe of land along their banks where they're likely to move when this happens, with exceptions for building in existing communities and village centers.

Speaking on the House floor Thursday, Rep. Larry Satcowitz, a Democrat from Randolph, called the bill “long overdue.”

“We used to think that wetlands were wastelands with no useful function. We know better now. We used to think that floodplains were better if they never saw floodwaters. We know better now,” he said. “We used to think that dredging and armoring rivers were efficient and effective means to control them. We know much better now. This knowledge has been learned at great cost. This bill is a product of those hard won lessons.”

By some estimates, as much as 80% of the damages Vermont sees from flooding occur in the river corridor. And while development in floodplains, where rivers are prone to spill their banks and inundate buildings, is regulated by the Federal Emergency Management Agency (FEMA), there are no federal standards for building in river corridors.

Vermont has historically allowed towns to voluntarily enforce regulations on development in their river corridors, but very few municipalities do so, largely due to limited staffing capacity.

Environmental advocates and many at Vermont's Regional Planning Commissions warn that this leaves thousands of miles of flood-prone land open for development that will have to be rebuilt over and over again, at great cost to homeowners and taxpayers.

Additionally, when rivers are allowed to move freely outside of village centers where they are constrained by infrastructure, it allows floodwaters to disperse their momentum, dampening their impact downstream.

Climate change-fueled flooding is already costing taxpayers exorbitantly. Last summer's floods cost the state north of \$1 billion — and by some estimates, [Vermont could see billions more](#) in flood related damages by the end of the century.

Further [research from the University of Vermont](#) suggests those impacts are disproportionately borne by lower income households and mobile home park residents, making flooding an environmental justice issue in the state.

The bill also creates new funding and regulatory oversight of private dams in Vermont. One million dollars would be set aside for the first year, which will fund repairs and removals.

It also bans exposed polystyrene foam in floating docks — which advocates with the environmental advocacy organization Conservation Law Foundation say is increasingly breaking off and polluting Vermont's waterways, as more intense storms cause bigger waves and faster flows of water into the state's lakes and ponds.

Additionally, the bill codifies in statute Vermont's practice of requiring any new development in a protected wetland be offset by restoring twice the amount of wetland disturbed, or paying a fee to facilitate that work.

Wetlands are useful for mitigating flood risk because they slow down floodwaters and filter out pollutants. Analysis following Tropical Storm Irene found that the Otter Creek Wetland Complex [saved Middlebury from more than \\$1.8 million](#) in flood damages during the storm.

And as Vermont sees more extreme rain due to human-caused climate change, many in state government and the Legislature want to look to our landscape for affordable solutions.

Every major environmental group in the state supports the bill, including the Nature Conservancy, Vermont Natural Resources Council, the Lake Champlain Committee and the Connecticut River Conservancy.

Lauren Oates, with the Nature Conservancy, says they are most eager to see the river corridor regulations implemented.

"It's highly hazardous, and creates about 80% of Vermont's flood related damages," she said. "And this bill recognizes that it is a significant life safety and also cost expense to taxpayers to keep developing in those areas."

Speaking on the House floor on Thursday, Rep. Kari Dolan of Waitsfield told her colleagues that in a state where most of the historic development has been along rivers, protecting Vermont communities from “the misery” flooding brings is paramount.

“It is an important step and arguably the most cost effective step to temper the power of floods before they inflict damages to homes, businesses and communities,” she said.

Notably, the Vermont House added an amendment that requires the Agency of Natural Resources conduct a study about how exempting low-income property owners from having to pay fees associated with wetland, Act 250 and other permits would affect state revenues.

Rep. Laura Sibilio, an Independent from Dover, introduced the amendment in the House Committee on Energy and Environment. She strongly supports protections for wetlands and river corridors, but worries that fees associated with environmental regulation have a greater impact on people with more moderate means in Vermont.

“We need to protect our environment, we need to keep people out of harm’s way — which is a lot of the work that we’re trying to do here,” she said. “But people — Vermonters — need to be able to live here as well.”

Gov. Scott is expected to veto the bill, largely over concerns about the cost and staffing capacity — though lawmakers have allocated an additional 15 staff positions for it at ANR and say the funding required is all included in the Senate version of the budget.

House Minority Leader Pattie McCoy of Poultney echoed Scott’s concerns on the floor.

“I appreciate the sense of urgency many are feeling, however, the timelines provided in this bill, particularly related to river corridor regulation and dam safety are very aggressive and do not provide adequate time to bring Vermonters along with this significant change in public policy,” she said.

However, many Republicans in districts hit hard by last summer’s floods voted to support the policy, and several say the caucus was divided over the bill.

The policy now goes back to the Vermont Senate for final review.

### **Education Bill Would Speed up Secretary Search Process – Seven Days – Alison Novak**

Three committees in the Vermont House have signed off on a bill intended to speed up the search process for a secretary of education and ensure the search had enough money to be properly carried out.

The proposed changes in state law come after the most recent search for an education secretary took nearly a year. That process ended in controversy this week when the Senate rejected Florida administrator Zoie Saunders, Gov. Phil Scott's pick for the post. Immediately after the vote, the governor indefinitely appointed Saunders *interim* secretary, a designation that does not require

legislative approval.

[S.167](#), the so-called miscellaneous education bill, has already been approved by the Senate. But the House Education Committee added the new language this week. It says that the State Board of Education "shall begin a robust national search process not later than 60 days after public notification of the resignation of a Secretary of Education."

House Education chair Rep. Peter Conlon (D-Cornwall) said the provision was added "to make sure these important searches are done in a timely manner."

Though statute is somewhat vague on how the search for a new secretary is initiated, Conlon said, the State Board of Education customarily awaits a letter from the governor before beginning the process. The board then conducts the search and sends three finalists to the governor, who appoints one. A majority of senators must then vote to confirm the nominee.

After former secretary Dan French resigned in April 2023, Gov. Scott [waited almost four months](#) to ask the state board to initiate the process. The governor's spokesperson, Jason Maulucci, chalked up the delay to a busy end to the 2023 legislative session and the state's emergency response to catastrophic flooding in early July.

The miscellaneous ed bill also gives the state board authority to "request from the Agency of Education the funds necessary to utilize outside resources for the search process." The board has a small budget, and Conlon said the provision was added to ensure it has enough funding to conduct a thorough search.

*Seven Days* reported in October that the [state board spent roughly \\$500](#) on its most recent secretary search, a figure that pales in comparison to the money that Vermont school districts spend to hire principals and superintendents. At a meeting in September, state board chair Jennifer Samuelson explained that the board didn't have the budget to hire a national firm to conduct the search and was told by the state's Department of Human Resources that such a measure was unnecessary.

In testimony last month, Samuelson told legislators that the board did not contact references for candidates, instead leaving that job to the governor's office. When *Seven Days* asked about this, Maulucci said the governor's interview committee did not call finalists' references but instead called several of each candidates' colleagues and coworkers to learn more about them.

Board chair Samuelson has said she doesn't think a lack of funds hampered her search committee's work. But two former state board chairs said recently that it had affected their ability to conduct board business.

In [testimony](#) to the House Education Committee last week, Krista Huling, who led the 2018 search that ended with French's appointment, told lawmakers that the board's requests for legal counsel and money were regularly denied by both the Scott administration and under former governor Peter Shumlin. Huling said it was challenging to find, interview and present at least three secretary candidates to the governor with the "very modest budget" they had.

Huling laid part of the blame on Act 98, legislation passed in 2012 that changed the role of education commissioner to an education secretary who reported to the governor rather than the state board. The law also gave the governor, rather than the state board, final say on the choice for education secretary. Huling said the change had the effect of making education in the state "highly politicized."

Another former state board member, Stephan Morse, echoed Huling's sentiments in an interview with *Seven Days* on Monday. Morse, a former Republican state representative who served on the board from 2009 to 2017, said that before Act 98, the Agency of Education staff wasn't beholden to the governor but rather worked for the board. Morse said he believes that Vermont's education system has suffered and become more political in the years since the secretary began reporting to the governor instead of the board.

On Friday, the House Education Committee considered an additional tweak to the miscellaneous education bill. It would have required the state board to publicly release the names and credentials of the secretary finalists when they were forwarded to the governor. But lawmakers backed away from that provision over worries it might deter some candidates from applying for the job.

By contrast, finalists for principal and superintendent jobs in Vermont are typically named publicly.

The House Education, Ways and Means and Appropriations committees all approved the bill on Friday. It is expected to go before the full House next week.

### Communication Union Districts continue broadband rollout – WCAX – Melissa Cooney

Town by town, Vermont is getting connected - thanks to Communication Union Districts rolling out fiber cable.

The Vermont Community Broadband Board says the work of the CUDs is moving the needle, with the vast majority of Vermonters getting access to fiber connection - something they say is a change from a year and a half ago.

Davis Brakeley calls his experience of trying to surf the web just over a year ago 'the dark ages.'

Brakeley is on the Board of Trustees of the Shard Villa Residential Care Home in Salisbury. Shard Villa has dozens of residents and employees looking to get online for job requirements, connecting with family, or telehealth at any time

He says there was one provider in the area - but it had no incentive to improve the connection due to the low population.

"There was no way to upgrade it despite our best efforts," he said.

That's when they tapped into Maple Broadband - Addison County's Communication Union District that began construction in October 2022.

They've built fiber broadband access in over 32 miles of Addison County, with another 68-mile build underway that would hook up over 200 customers.

"Our goal is to make sure that every on-grid address in Addison County has access to fiber service from at least one provider - doesn't necessarily have to be us. But if there isn't a fiber service plan, then you're going to make sure that we bring our fiber here," said Ellie de Villiers of Maple Broadband. She says running a CUD includes turning over every stone to find funding to make it happen.

She says they've received millions of dollars through the American Rescue Plan, and they plan on tapping into a new funding pool from the Broadband Equity Access and Employment Act, or "BEAD".

"The state received \$229 million from the Broadband Equity Access and Deployment Act. This is about \$100,000 more than we expected to receive and much of that is thanks to organizations and Vermonters and staff here pulling out the stops to correct the FCC Broadband Map," said Rob Fish of Vermont

Fish says CUDs statewide are making headway, with 6 CUDs impacting customers. EC Fiber is the first to achieve universal service to every household in their district, NEK broadband is rolling out 450 miles of fiber to service 6,000 households, and Southern Vermont CUD partnered with a private provider to connect customers.

Simultaneously, and perhaps ironically, private providers are rolling out fiber now, too.

"The creation of the Communication Union Districts introduced an element of competition, that if the private incumbent doesn't get there first, somebody else will right we'll have competition. While we're excited for competition, we're also excited for a private partner there's just that up to the plate and to build out their areas," said Fish.

For rural communities like the Shard Villa, Brakeley says being seen as a valuable customer is invaluable for their progress as a business.

"We were just a voice in the wilderness and the density of other potential clients was so limited, they didn't really pay a lot of attention to us. So it was so great to have somebody suddenly say, yes, we can do that. And yes, you are important to us," said Brakeley.

On the federal level, advocates like Senator Peter Welch are supporting the extension of the Affordable Connectivity Program, which allows costs to remain affordable for broadband.

### Thousands participate in Vermont's unofficial state holiday 'Green Up Day' – WPTZ – Stephen Biddix

All across Vermont on Saturday people took part in Green Up Day. It's the unofficial state holiday where trash and litter are collected and placed into green bags to prepare for summer outdoor recreation.

"Oh, it's so important. Green Up Day should be every day. It's an exciting day in Vermont. It's unique to Vermont, driving over here today and seeing the volume of green bags on the side of the road is just phenomenal," said Tom Spencer of stewardMRV.

Others participating echoed Spencer's sentiment, and brought up how important it is for Vermont's outdoors to be clean.

"Outdoor recreation is what the foundation is for this community, so we need to take care of our golden goose so to speak, and take care of it and maintain it," said Eric Friedman, the executive director of the Mad River Valley Chamber of Commerce.

This year it was all hands on deck as Green Up Vermont aimed to make history.

"We are going for a Guinness World Record for the most pledges received to pick up trash in 24 hours, so we are well on our way to achieving this record. We need 5,000 signups and people are just having a blast with it," said Kate Alberghini, the executive director of Green Up Vermont.

This Green Up day was also a bit different for some than years past with all the river flooding and rain some areas of the state have received.

"The flooding this year created quite the mess of debris from the rivers flowing up into our beautiful parks so we got a group of about 5-10 people coming to clean that up," said Spencer.

After all their hard work a cookout and good times awaited them.

"It's such a heartwarming thing to see our community come together on a day like this," said Friedman.

### Lingering since the pandemic, postal woes show gradual improvement – Waterbury RoundAbout – Oliver Stavri

Mary Spencer ordered an important medication through the mail in March. When neither her package, nor any other mail, arrived for more than a week, the 71-year-old Duxbury resident visited the post office in Waterbury while she was in town and picked up her medication and other correspondence.

Once there, Spencer asked post office employees when she could expect mail delivery at home. The Waterbury post office needed to hire a rural carrier for her route, she learned. Until then,



Spencer would have to travel to town to retrieve her letters and packages. A month later, Spencer said she was receiving mail maybe twice a week.

Spencer is among many Vermonters who have missed the timely delivery of medications, financial documents, bills and urgent legal notices sent via the U.S. Postal Service in recent months. Staffing shortages in Waterbury are among post office problems across Vermont that have disrupted deliveries and inconvenienced residents.

In Montpelier, federal officials recently chose a new post office location — nearly 10 months after damage from major statewide flooding left the downtown post office shuttered. The postal service earlier this year announced that it has begun processing mail that's leaving Vermont in Hartford, Connecticut, shifting some of the workload away from sorting facilities in White River Junction and Essex Junction, [according to Seven Days newspaper](#).

Other moves are affecting local markets such as a temporary post office closure in Cabot that has forced residents in and around the rural area to drive even farther to collect their mail.

In late February, one of Waterbury's three carriers on rural routes left and the postal service has struggled to fill it, according to Stephen Doherty, a postal service spokesman in Boston who emailed in response to questions. The Waterbury office recently hired for one of its open city routes and two rural carrier positions, he wrote.

"It's no secret that unemployment is historically low right now, making it difficult for local companies to hire and retain good help," Doherty wrote. "Unfortunately, the postal service is not exempt from that dilemma."

On-and-off mud season conditions from January through March didn't help either as many local gravel roads were posted for local traffic only and, as Doherty put it, posed "delivery challenges that are unique to this area."

Crossett Hill in Duxbury where Spencer has lived for 25 years is on one of the three Waterbury rural routes. Driving on dirt roads there is difficult, especially during mud season, but mail arrived regularly every day until the COVID-19 pandemic, she recalled. Since then, delivery became more sporadic. Spencer said she and her neighbors loved their longtime carrier, who alerted residents in a Front Porch Forum message that she transferred to the East Montpelier post office to be closer to home.

"I didn't realize it meant that then there was no one to cover our route but apparently that was the case," Spencer said, recalling the delays in recent weeks. "We really had two weeks where we didn't get any mail."

Spencer said she understands the reasons for delays but would like to know when mail isn't coming so she can plan to get it herself when she goes to town to swim. She has always appreciated the carriers who navigate their rural road to bring needed mail, she said.

"They have been very good," Spencer said. "It's no reflection on them."

### **Few but dedicated carriers**

Jon Whitley started carrying mail part time for Waterbury in 2012 after his U.S. Army deployment in Afghanistan. Now a full-time postal employee, he delivers fewer letters and more packages, particularly from online retail giant Amazon, which accounts for 90% of his daily package volume, he said.

Whitley agreed to an interview to share his own views and clarified he was not speaking for the postal service. He said the uptick in Amazon shipments under the retailer's contract with the federal service has put extra demands on carriers. "They're making part-timers work, per contract, on Sundays and holidays, minus Christmas and New Year's," he said, "so that burns a lot of people out."

The work is arduous, he added, and starting pay is comparable to an entry-level position in a less-strenuous environment. The residents where he delivers, though, make the effort worthwhile, he said. "The better relationship we have with the people on the route, it's more motivation and makes you feel good about it," he said.

Theresa George, 63, who lives on Blush Hill in Waterbury, said the direct connection to a local post office and local employees is valuable. "You talk to Waterbury when you call," she said. The local problems, however, stem from national management of the postal service under Postmaster General Louis DeJoy, she said.

### **Congressional delegation relays frustrations**

Many Vermonters have written to their representatives in the Senate and House of Representatives, sharing their frustrations.

Aaron White is a spokesman for Sen. Peter Welch, D-Vt. He relayed comments from the senator on the familiar topic: "The consistent failure of the U.S. Postal Service national management to communicate with and deliver for the people of Vermont is incredibly frustrating — from Waterbury to Burlington, Montpelier to White River Junction, and across our state," Welch said. "It is a symptom of Postmaster General DeJoy's refusal to engage with the communities that have watched this essential service rapidly deteriorate during his tenure."

On April 1, Vermont's Congressional members issued a joint press release after the USPS announced its plan to replace the Montpelier post office. They praised the move but continued their criticism of Postmaster DeJoy's leadership.

"It should not take the better part of a year, heroic grassroots efforts, and constant work by the Delegation and state leaders for Postmaster General DeJoy to do his job — especially after a catastrophic natural disaster," the statement from Welch along with Sen. Bernie Sanders, I-Vt., and Rep. Becca Balint, D-Vt., states.

The lawmakers emphasize the essential role the postal service plays in daily life for individuals, families, small businesses, etc. in Vermont. "They need a functional USPS not only to mail letters and packages, but for the delivery of important documents like their Social Security checks, the delivery of lifesaving prescription drugs, and to pay their bills on time. This is especially true in rural areas," the delegation wrote.

“We strongly urge the Postmaster General and the USPS Board of Governors to focus on restoring the trust that both Vermonters and the American people have had for generations in the postal service, and immediately address any remaining lapses in service. In the meantime, we will continue the fight to restore reliable postal service for our communities and safe and fair working conditions for our postal workers, in Montpelier and across the state.”

Back on Crossett Hill in Duxbury, Spencer’s neighbor Anne Hutchinson posted in a social media message group on May 1 some welcome news about the mail after talking with one of the Waterbury postal carriers: “Saw PO Christine today and she shared that she will finally start with delivery this Saturday!”

### **Civil rights advocates urge lawmakers to add equal protection clause to Vermont Constitution – Vermont Public – Peter Hirschfeld & Mary Williams Engisch**

As marginalized populations ponder the future of civil liberties under a U.S. Supreme Court that’s already reversed abortion rights and affirmative action policies, the Legislature is looking to strengthen anti-discrimination laws in Vermont by adding an equal protection clause to the state’s constitution.

The Senate late last month unanimously advanced a [proposed constitutional amendment](#), known as PR.4, that would guarantee “equal treatment under the law” for nine protected classes, including race, sex, disability, gender identity and sexual orientation.

The proposal is scheduled for a House vote this week. If both chambers of the Legislature approve the measure again during the next legislative biennium, then Vermont voters will decide whether to ratify the amendment in the 2026 general election.

“The Vermont Constitution is the foundation of all Vermont law and all state government action,” said Big Hartman, executive director of the Vermont Human Rights Commission. “We believe our constitution should absolutely contain equal rights protections explicitly.”

Vermont’s motto is “Freedom and Unity.” But nowhere in the [state’s constitution](#) are there any prohibitions against discrimination based on a person’s race, sex, religion or other characteristics.

Civil rights advocates have been working for years to change that. And the campaign is gaining steam, due in part to growing concerns about landmark decisions coming out of a [U.S. Supreme Court now controlled by a conservative majority](#) of justices.

In the 2022, the Supreme Court [overturned Roe v. Wade](#). In 2023, the court issued a ruling that [ends affirmative action policies](#) in college admissions. The court has issued similarly controversial decisions related to voting rights and tribal sovereignty.

Rev. Mark Hughes, the executive director of the Vermont Racial Justice Alliance, told Vermont Public that the court’s rulings force an urgent conversation about what the future is going to look like for groups whose rights and liberties hinge on the court’s interpretation of the federal constitution.

“Since we’re having this conversation, it’s important to ask ourselves the question, ‘Is there any way that the state of Vermont can extend the protection of its citizens, particularly those in marginalized communities, given the political climate that we’re actually in right now?’” Hughes said.

The Vermont Racial Justice Alliance, the Vermont Commission on Women and the Vermont Office of Racial Equity all say the state can and should extend protections to those communities. And they say Vermont can accomplish the task by amending its constitution.

Just as Vermont voters [added a reproductive liberty amendment](#) to the state constitution after the overturning of *Roe v. Wade*, Hughes said, the state now needs a similar safeguard against discrimination.

The Vermont Racial Justice Alliance [led the campaign](#) for an amendment in 2022 that repealed constitutional language stating that a person could be held as a “servant, slave or apprentice ... for the payment of debts, damages, fines, costs or the like.”

“Addressing systemic racism ... requires a comprehensive approach that includes legal, legislative, social, cultural and other efforts to promote equity, justice and equality for all,” Hughes said. “This is not a silver bullet. It’s not going to do it by itself. It’s one of many tools.”

The proposed amendment would make clear that the state “shall not deny equal treatment under the law on account of” certain protected characteristics. The nine classes named in the provision advanced by the Senate are race, ethnicity, sex, religion, disability, sexual orientation, gender identity, gender expression and national origin.

Neither legal experts nor advocates think the amendment would have any significant impact immediately upon ratification. But they say it could inform and influence court decisions over time in ways that mitigate racial and gender inequality.

That’s because it would give state courts a new touchstone for discrimination cases that come before them in the future, according to Peter Teachout, a professor at Vermont Law School who specializes in constitutional law.

Teachout said the proposed amendment could give Vermont’s Supreme Court the latitude to arrive at decisions that they wouldn’t necessarily get to if they were relying exclusively on the 14th Amendment in the U.S. Constitution, or Article 7 of the Vermont Constitution, which is the language courts often look to when considering the merits of equal protection claims.

“States can provide protections, greater protections, against discrimination than the Supreme Court has held the 14th Amendment provides against discrimination,” Teachout said. “Adding an equal protection clause to the Vermont Constitution would allow Vermont to develop its own homegrown, more robust protection of people from discrimination than you find in Supreme Court decisions today.”

Teachout, however, said the proposed amendment is not a failsafe against the sorts of outcomes people such as Hughes are worried about. If the U.S. Supreme Court, for instance, rules that

college admissions policies can't give weight to someone based on their race, then Vermont courts can't issue rulings that contradict that precedent.

Where federal supremacy isn't in play, Teachout said, the amendment could play a substantive role in shaping legal decisions.

And Windham County Sen. Nader Hashim, a Democrat, said it protects against a dystopian future in which Vermont's Legislature is controlled by people who would seek to roll back the rights of protected classes enumerated in the amendment.

"I don't know what the future holds. I don't know who will be sitting here in 50 years or 100 years, and I don't know what their beliefs might be," Hashim said. "But I do know with a strong conviction that I don't want to witness a future in my lifetime or future generations' lifetimes in which government can pass or enforce laws that discriminate and cause division among Vermonters."

Cary Brown, executive director of the Vermont Commission on Women, said the proposed amendment is the culmination of a decades-long campaign that began as a push to get an equal rights amendment in the U.S. Constitution.

"This has been a very, very long time coming," Brown said.

Though the national equal rights campaign has stalled, a [majority of states](#) have since added equal protection clauses to their state constitutions. Brown said she hopes Vermont's version will change the standard of review used by courts in assessing discrimination claims.

"Under existing sex discrimination laws, the burden of proof rests with the victim ... but with this amendment, that could change the presumption of constitutionality of laws that use sex or any of the other listed classifications to treat people differently," she said. "And the burden of demonstrating they're constitutional would shift to the state, which would be a significant improvement."

### **UVM Cancels Commencement Speaker Amid Pro-Palestinian Protest – Seven Days – Colin Flanders**

U.S. Ambassador to the United Nations Linda Thomas-Greenfield, who drew the ire of pro-Palestine activists, will not speak as planned at the University of Vermont's commencement this month.

University president Suresh Garimella delivered the news in a campus-wide email late Friday that offered no explanation for the change. He did write, however, that graduating students deserve to be able to celebrate their achievements.

It was part of a message discussing the administration's response to a pro-Palestine encampment set up on Sunday on a campus green to demand, among other things, that the school cancel Thomas-Greenfield's keynote address. In February, Thomas-Greenfield cast the U.S. vote that

vetoed a U.N. resolution calling for a humanitarian pause to Israel's attacks in the Gaza Strip.

Garimella also indicated that the school was initiating discipline of students involved in the encampment, saying it is in violation of school policies.

"Those who continue to violate UVM policies do so intentionally despite having been given the opportunity to express themselves within campus rules," the president wrote. "Therefore, regrettably, appropriate student conduct processes have been initiated for those who have persistently violated university policy."

UVM spokesperson Adam White didn't immediately respond to an interview request. UVM Students for Justice in Palestine, one of the student groups organizing the encampment, posted a message on Instagram Friday evening heralding the decision as a victory.

"When we fight, we win," the post says.

More than 50 tents have popped up at Andrew Harris Commons since Sunday night. Protesters have held rallies and vigils this week. Similar demonstrations have been happening at Middlebury College. To date, no arrests have been reported at Vermont demonstrations, though about 90 people were charged at Dartmouth College in New Hampshire on Wednesday night.

The scene at UVM was quiet on Friday afternoon. Students worked on laptops, read books and dozed in the sun. On Saturday night, demonstrators plan to host a screening of *Israelism*, a 2023 documentary that explores the complicated relationship some American Jews have with Israel. One of the filmmakers, Sam Eilertsen, planned to attend the showing and take questions afterward, according to the UVM Students for Justice in Palestine.

UVM administrators had notified students earlier this week that they were violating several university policies and could face increasing sanctions, including fines, if the encampment at Andrews Harris Commons remained in place.

In his message on Friday, Garimella did not say how many students might face disciplinary action.

In October, just two weeks after the attacks on Israel by Hamas, UVM canceled a lecture by Mohammed El-Kurd, a Palestinian poet and correspondent for the *Nation* who was scheduled to speak at the Davis Center, citing safety concerns. Emails later obtained by *Seven Days* through the open records law revealed no threats had been made and that the decision led professors to worry that UVM was stifling speech over contested issues.

### Washed out Lamoille Valley rail trail gets Green Up Day tune up – WCAX – Sophia Thomas

The washed out Lamoille Valley Rail Trail got a Green Up Day tune up.

Last summer, just days before its official opening, floods [wiped out](#) several sections of the trail.

“It was just really sad to see how much had to be repaired after we were so close to having the full thing open,” Lisa Towery of Waterville recalled. After a winter of repairs, most sections of the 93-mile trail are open, though flood debris remains. Towery and other locals came to green up the Jeffersonville stretch of the trail. “It’s great to give a little bit back for something we love to use,” Towery said.

Northern Forest Canoe Trail and several other local organizations partnered with Green Up Vermont to tidy up the hardest hit of the trail. Clean-up crews descended on Hyde Park, Morrisville, Wolcott, Johnson, Hardwick and Jeffersonville. Cambridge Area Rotary Club led the effort in Jeffersonville, picking up discarded trash from Route 15 and flood remnants along the Lamoille River.

Volunteer Peter Ingvoldstad discovered a terrain of tires. “Mother nature made a mess,” he said, pointing to the rubble. “It was sad but we’re Vermonters for crimony’s sake! Just build things back again, you know, hopefully smarter.” Ingvoldstad says washed out sections of Jeffersonville’s bit of trail and Cambridge Junction Bridge should be fully patched up in the coming months.

Volunteers hauled out dozens of bags of trash. “It’s fun to help the earth!” said Cambridge’s Luke Ducharm. “That way, it can stay clean and more people can stay healthy.” Rotary member Michael Bessler surveyed the tidied trail. “It looks beautiful and we’re going to carry on that tradition.”

### **COVID wrecked Vermont's open meeting law. Lawmakers want to put it back together – Vermont Public – Howard Weiss-Tisman**

When the COVID-19 pandemic hit, lawmakers had to figure out how to allow select boards and school boards to meet safely.

Before the pandemic, Vermont’s [Open Meeting Law](#) was clear — boards had to meet in a physical room and allow the public access to whatever business was being discussed in open session.

But as COVID-19 began spreading across Vermont lawmakers were forced to put together [a new law](#) that allowed boards to meet remotely, and not have to designate a physical space as Vermont towns have traditionally done.

The new law, which was extended twice since the emergency measure was first contemplated during the early days of the pandemic, is set to expire at the end of June.

So, lawmakers are now trying to figure out what to do about the open meeting law, weighing the advantages of remote hybrid meetings, that make the meeting much more accessible for everyone, with the technological and logistic challenges of asking every small town to transmit and film their meetings.

“We had to address how we wanted to allow public boards and commissions to meet moving forward,” said Addison County Sen. Ruth Hardy, chair of the Senate Committee on Government Operations, and a co-sponsor of [S.55](#), the bill that is proposing changes to Vermont’s Open Meeting Law. “We really wanted to make sure that we were learning from the lessons of COVID, and whether, and if, we wanted to extend the fully remote meeting option and make it permanent.”

Hardy said the bill sponsors started out from the point of allowing all public bodies to conduct their meetings remotely, and not designate a public location, just as meetings were conducted at the height of the pandemic.

In testimony earlier this session, one group after the next talked about how convenient it was to hold meetings online.

The public has easier access to meetings, and board members themselves can take part from home if they have transportation or family issues.

But there was also pushback.

[The Vermont Association of Broadcasters](#) said reporters should have access to town officials in person during official proceedings, and if a board meeting is scheduled, there should be a way to attend.

And many select board members from small towns said they didn’t have the time or the technology to record meetings, and hold on to recordings, as the bill originally required. Many towns continued holding their meetings in public, even during COVID-19, and they did not want to be forced under the new law to begin filming their meetings.

In the end, lawmakers settled on allowing select boards and school boards to offer a hybrid option online, but those boards will now also have a public space open and available for anyone who wants to attend.

So if the bill advances as written, select boards and school boards would not have to offer an online option, but every board would have to meet in public, even if they had their meeting live on Zoom, or on another platform.

“We took a lot of testimony, and really just trying to get to the point where we felt our open meeting law would be technologically in the 21st century,” Hardy said. “But also maintain a lot of the things that we as Vermonters really value about our public meetings, which is the ability to talk to people face-to-face, and to really get to know the people that are in your communities.”

The committee heard testimony from Vermonters with disabilities who said every board should have to offer their public meetings online, whatever the inconvenience or cost to select boards in small towns.

“There’s always going to be a reason why it’s too hard for the system to change, so if change is going to have to happen err on the side of inclusion,” Kate Larose, [Vermont Center for Independent Living](#)’s pandemic equity coordinator, told the House Committee on Government



Operations and Military Affairs last week. “You’re going to make a lot of people mad no matter what, and my advice would be making people mad who are the paid professional staff members, and not the people who need to access to democracy.”

Even as the House was finishing up its amendments to the Senate bill Friday, committee chair Rep. Michael McCarthy said the collision of 21st-century technology with Vermont’s 250-year experiment in representative democracy would surely lead to more debates, and he supported the bill even though it was not yet perfect.

“This whole thing that we’re doing in this bill is an update to Open Meeting Law,” McCarthy said just before the committee voted to approve the bill. “And a couple of the details are things that we’re going to be talking about for years, because the technology is changing, the public’s expectations are changing; the Vermont League of Cities and Towns versus the Vermont Press Association’s feelings about how long a record should be retained, are things that we’re probably going to be debating for years to come.”

The issue was further complicated by the fact that other boards, such as town energy and conservation committees, are subject to the open meeting law, and the current bill does allow advisory boards to meet remotely, without designating a public space.

But lawmakers were stymied by contemplating changes to town meeting, and how the new open meeting law could affect the annual town meeting, where voting is held from the floor.

As part of the bill, an advisory committee led by the Secretary of State’s Office will form to look at what’s working, what isn’t and whether technology can somehow make it easier for Vermonters to attend town meeting in the spring.

The bill is headed toward a debate on the House floor.

### Construction begins Monday on chicanes on VT-108 to combat notch 'stuckages' – WPTZ – Sid Bewlay

This week, Vermont's Agency of Transportation will begin construction between Jeffersonville and Stowe on Route 108 in Vermont to fight "stuckages" in Smugglers' Notch this season.

It's the latest step to combat tractor-trailers getting stuck on the narrow, winding road.

"It's notoriously tricky, it's very, very tight," said Todd Sears, with Vermont's Agency of Transportation. "It's got sharp, sharp angles. And consequently, we have tractor-trailers that get stuck."

The chicanes will be placed lower down Route 108 on either side of the notch as a warning for truck drivers.

"It essentially mimics the geometry that you would find up top down lower on the mountain so that the tractor-trailer, when it's coming up, has to negotiate a particularly tight turn," said Sears. "It should not be able to make it through that turn and it's able to just back out and turn around."

If the driver gets "stuck" in the chicane and proceeds to then actually get stuck on the road, AOT will continue to enforce fines.

A first offense can cost \$1,000 while a second offense can be more than \$4,000.

Sears said there have been around 5 "stuckages" in the notch in the past three years.

The chicanes will be completed before the road opens for the season and the effectiveness will be evaluated at the end of the year.

If AOT determines that they work, Sears said that permanent chicanes will be installed that blend in with the environment.

### Historians launch investigation into state hospital patients believed to be buried in Waterbury – WCAX – Sophia Thomas

Vermont historians are launching an investigation into state hospital patients believed to be buried on Perry Hill in Waterbury.

Rep. Anne Donahue, R-Northfield/Berlin, has spent over a decade working to identify their unmarked gravesites. "It seemed to me that we owed it to them, to identify them, to give them their identities back," Donahue explained.

Beginning in the 1890s, patients from then Vermont State Asylum for the Insane, many stigmatized and abandoned by families, were relegated to the unceremonial burials. Records indicate dozens buried on Perry Hill and nearby areas. "I just thought that was that was such a loss of dignity, such an indicator of how little those lives were valued back at that time," Donahue said.

A marble plaque, installed in the 1990s, adorns the hillside to honor the patients. But Donahue wants more. She convinced the Vermont Division for Historic Preservation to investigate the site for burial shafts. If found, they'll install a fence around the site to protect it from the nearby mountain bike path.

Donahue and project partner Vermont Old Cemetery Association hope the investigation brings patients' identities into the 21st century. "If people still remember your name, you never die," VOCA President Thomas Giffin said. "I think, people who died in a state hospital, people don't remember their name."

Through her research, Donahue believes she's identified 18 of the 19 suspected patients buried on Perry Hill. She's even helped families find loved ones, like the fourth great aunt of a woman in Connecticut. "Now I know what happened," Donahue says the woman told her. "I know where

she's buried. And that means so much to me. Thank you so much for your work. And that's what it's about."

The state will kickstart its archeological investigation of the site in the coming months.

### **Vermont, federal officials plan rabies bait drop as wildlife cases rise – VT Digger – Corey McDonald**

Federal and state agencies will be bait-dropping oral rabies vaccine doses throughout northwest Vermont counties to counter a growing outbreak among wildlife.

In a press release this week, officials with the Vermont Department of Health and the U.S. Department of Agriculture's wildlife services program said they plan to distribute more than 250,000 doses of an oral rabies vaccine in parts of Chittenden, Lamoille, Franklin and Grand Isle counties.

It's an expansion from last year, when roughly 38,000 doses [were dropped throughout Chittenden County](#). This year's early distribution, scheduled to begin on May 4, is in addition to an annual bait drop conducted each August.

Rabies is a deadly viral disease that affects the brains of infected mammals. In Vermont, rabies is most often seen in raccoons, skunks, foxes, bats and woodchucks. Pets and livestock can also get the disease if they have not been vaccinated for rabies.

While the state has seen a "significant increase of rabid animals" in Chittenden County over the past several years, according to the release, the outbreak is now impacting Franklin County, and state and federal officials are working to stave off the disease's spread to other counties.

Officials said in the press release that 51 animals in Chittenden County have tested positive for rabies since March 2022 — 10 of which have been identified this year.

In Franklin County, five animals tested positive for the disease in March. The county had no cases of rabies among land animals in 2022 or 2023.

The bait drop is designed to help prevent spread of rabies among wildlife, "protecting people and domestic animals who may come into contact with them," said Dr. Natalie Kwit, a public health veterinarian with the health department.

The sweet-smelling oral bait is expected to be dropped from low-flying planes in rural areas, by helicopter in suburban areas and by hand in more residential areas.

The bait packs are not poisonous and are not harmful to people, pets or wildlife, but "if you find a bait pack, please don't touch it unless necessary," officials said in the press release.

## Vermont Senate passes Act 250 reform bill after whirlwind debate – VT Digger – Carly Berlin

After a flurry of last-minute deliberations, the Vermont Senate passed a mammoth bill on Friday afternoon that makes sweeping reforms to the state's land use and housing policies.

The bill, [H.687](#), relaxes the reach of Act 250 – Vermont's half-century-old land use review law – in existing development centers, a move proponents hope will clear red tape and encourage more housing growth amid [an acute housing shortage](#). It also lays the groundwork for extending Act 250's protections over to-be-determined ecologically sensitive areas.

The bill's passage marks a major juncture for legislators, who for years have attempted – and failed – to thread the needle on modernizing Act 250. Proponents of H.687 argue it strikes the right balance between protecting Vermont's natural resources in an era of climate change while also lowering barriers to more housing development.

"I hope that we can all look ahead and celebrate both the places that we've allowed to further thrive, the people that we've allowed to live here," said Sen. Kesha Ram Hinsdale, D/P-Chittenden Southeast, before voting in favor of the bill late Friday. "And also the places that we love and care about, that we get to still gaze upon and celebrate. And that's truly what makes us Vermont."

Yet the bill has more hurdles to clear. The Senate made fundamental changes to [the version passed by the House in March](#); as lawmakers race toward a planned adjournment date of May 10, time is running out for the two chambers to reconcile their differences.

And as lawmakers consider their next moves, they also face [the possibility of a veto](#) from Gov. Phil Scott. The Republican governor has [criticized earlier versions](#) of H.687, arguing that it does not go far enough to promote housing development, particularly in rural areas. The Senate passed H.687 with 18 votes in favor and 10 against, making the likelihood of a veto override – which requires a two-thirds majority – questionable.

### **Who should hear Act 250 appeals?**

One of the Senate's major changes to the bill involves who will hear appeals of Act 250 permits. The Senate's version keeps appeals in the judicial system, while teeing up a study to consider moving appeals out of the courts and to a new quasi-judicial board.

"There's no reason to make a decision now," Sen. Christopher Bray, D-Addison, told colleagues during [an all-Senate caucus](#) yesterday. He noted that moving appeals to the new board had arisen as a contentious issue, and proposed the study instead.

The House's version of H.687 would have shifted appeals to such a board, modeled after the Public Utility Commission. Proponents argue that shifting appeals out of the courts would speed up the process, and allow the new board to make precedent-setting decisions on land use policies.

The Senate's approval of a study appears as something of a concession to the Scott administration, which has [voiced its strong opposition](#) to shifting appeals to the new board. Officials have argued that the move would in fact increase the time it takes a developer to get a permit and potentially increase development costs.

### **Housing policies in the mix**

H.687 sets in motion a years-long process to chop Vermont into a series of "tiers" that will dictate how development is treated under Act 250, loosening the law's reach in some municipalities and strengthening its protections over "critical natural resources areas."

Yet the actual boundaries of those tiers are largely left up to future mapping and rulemaking efforts. In the meantime, the bill sets up a number of interim exemptions from Act 250, including one for all housing projects within the state's [24 designated downtown areas](#) through July 2028, and up to 50 units in dozens of [village centers](#) around the state.

The sprawling bill – which multiple senators lamented they had not had enough time to fully read and comprehend – includes a laundry list of other housing policies and money for programs outside of the Act 250 realm.

It creates a new property transfer tax on second homes, expected to bring in about [\\$10 million](#) this coming year. It places a property tax valuation freeze on some newly constructed and rehabbed homes in areas impacted by last year's catastrophic flooding. The bill also includes [flood disclosure requirements](#) for home purchases, rental agreements, and mobile home lot leases.

A [last-minute amendment](#) Friday would have placed a temporary moratorium on no-cause evictions in [municipalities that have already voted](#) to approve the protections for tenants, but have faced roadblocks at the Statehouse. The amendment failed, though, as senators considered it not to be pertinent to the bill.

H.687 will now be sent back to the House, and leadership can decide to either concur with the Senate's changes or request a conference committee to allow members of the two chambers to hash out their differences. Asked whether he anticipates the House will call for a conference committee, Conor Kennedy, chief of staff for Speaker of the House, Rep. Jill Krowinski, D-Burlington, said via text that he wasn't sure yet.

"I think we need to dig into the details before we make any call!" he said.

### **UVM commencement speaker out as pro-Palestinian protest continues – VT Digger – Peter D'Auria**

Linda Thomas-Greenfield, the U.S. ambassador to the United Nations, will no longer speak at the University of Vermont's commencement ceremony, the university announced Friday evening.

The cancellation appears to be a victory for a nearly [week-old encampment](#) of pro-Palestinian protesters on UVM's Burlington campus. Protesters had demanded that Thomas-Greenfield be removed as the university's commencement speaker, saying that the ambassador was complicit in the U.S.' decision to veto three U.N. resolutions calling for a cease-fire in Gaza amid the ongoing Israel-Hamas war.

"It is with regret that I share that our planned speaker, Ambassador Linda Thomas-Greenfield, will not be joining us to deliver the Commencement address," UVM president Suresh Garimella wrote in a lengthy email to community members.

It was not immediately clear what had caused the change of plans. Adam White, a university spokesperson, declined to answer questions.

Thomas-Greenfield and UVM "share the goal of a commencement ceremony that appropriately honors graduates and their achievements," White said in a texted statement. "Our graduating students want to enjoy the celebration of commencement, and we do not want the potential of disruption from a vocal minority to interfere with the moment."

Commencement events are scheduled to take place May 18 and 19.

The announcement is the latest development in a fast-moving week on UVM's campus. On Sunday, amid a nationwide surge of protest on university campuses over the Israel-Hamas war, several hundred students descended on Andrew Harris Commons and pitched a number of tents.

Students issued a series of demands, including the cancellation of the commencement speaker, divestment from Israeli companies, the cutting of ties with Israeli academic institutions and amnesty for student protesters.

Earlier this week, UVM said that it would [release information](#) about how its roughly \$840 million endowment was invested, another demand made by protesters. At the time, White said that the information was part of an already-scheduled presentation to trustees.

"Victory!" read a Friday evening Instagram post on the page of UVM Students for Justice in Palestine, a prominent campus activist group. "Now, UVM must divest."

Garimella's Friday evening email also addressed the continued presence of the encampment on UVM's campus.

"While I am grateful to the students and university leaders who have engaged in conversation, I note that the demonstration has been continuously in violation of university policies since its inception," Garimella wrote. "Those who continue to violate UVM policies do so intentionally despite having been given the opportunity to express themselves within campus rules. Therefore, regrettably, appropriate student conduct processes have been initiated for those who have persistently violated university policy."

It was not immediately clear what "appropriate student conduct processes" meant. White, the UVM spokesperson, did not respond to a question on the subject.

## Final Reading: Senate passes annual capital bill — with new Statehouse furniture in the mix – VT Digger

The Senate was talking about construction on Friday. Specifically, the chamber passed their version of this year’s capital bill — legislation that is both large, and contains multitudes.

While the crux of H.882 is in funding bonded state infrastructure projects, the bill also includes a handful of policy proposals, some on hot-button topics in different parts of the state.

For instance, the bill includes measures designed to keep the state fish hatchery in Salisbury open through at least 2027. To the dismay of some anglers, funding for the historic hatchery wasn’t included in Gov. Phil Scott’s 2025 budget proposal earlier this year.

As approved by the Senate, H.882 states that the hatchery “shall not close” without approval from the Legislature and tasks the administration with reporting annually on the state of the facility. (Both the House and Senate included \$550,000 for the hatchery in 2025 in their respective proposed budgets.)

The bill would also task the administration with studying whether a portion of the former Windsor prison site, which was shuttered in 2017, could be transferred to a nearby wildlife management area — or, whether certain portions are more suitable for future redevelopment.

It would also authorize the administration to sign a lease for a secure youth facility run by the Department for Children and Families on state land in Vergennes. Plans are for a developer to stand up the facility and then lease it back to the state, said Sen. Russ Ingalls, R-Essex, reporting the bill on the floor Friday.

Several minutes earlier, Ingalls had pointed out one other measure in the bill that’s, frankly, very different: a \$100,000 appropriation for the Statehouse sergeant-at-arms to buy new tables and chairs for the cafeteria.

“We have a seating problem up in the cafeteria — there’s not enough chairs most of the time,” Ingalls said, adding he hopes the sergeant-at-arms can “make that space work up there a little bit better than what it is right now.”

Maybe they could pick up a few power strips, too?

— *Shaun Robinson*

### **In the know**

For the third time in as many years, a crowd filed into a conference room at the University of Vermont last Thursday evening for a panel about Indigenous belonging. The focus, once again, was on **Vermont’s four state-recognized tribes**.

Among the headline speakers was Darryl Leroux, a University of Ottawa associate professor who's conducted leading research on Indigenous heritage in the region.

"There's such obvious and compelling evidence that these groups do not represent Abenaki people in any way," Leroux said during the panel, detailing the findings of a paper he published last year about Abenaki identity in and around Vermont.

"How," he continued, "did the state of Vermont recognize them as such?"

Leroux's work has backed [assertions made for years](#) by the leaders of Odanak First Nation, an Abenaki tribe centered in southern Quebec. The First Nation has maintained that many members of Vermont's four state-recognized tribes are not Indigenous and, instead, are appropriating Abenaki identity in ways that are harmful to their people.

Leaders of the state-recognized tribes in Vermont have sought over the past several years to, as they tell it, defend their culture against attacks levied by a former ally.

But if the content of last week's panel wasn't entirely new, it came at a time in which the dispute over tribal identity in the state has become more entrenched.

[Read more here.](#)

— *Shaun Robinson*

## On the move

After a flurry of last-minute deliberations, the Vermont Senate passed a mammoth bill on Friday afternoon that makes sweeping reforms to the state's land use and housing policies.

The bill, [H.687](#), **relaxes the reach of Act 250** — Vermont's half-century-old land use review law — in existing development centers, a move proponents hope will clear red tape and encourage more housing growth amid [an acute housing shortage](#). It also lays the groundwork for extending Act 250's protections over to-be-determined ecologically sensitive areas.

The bill's passage marks a major juncture for legislators, who for years have attempted — and failed — to thread the needle on modernizing Act 250.

Yet the bill has more hurdles to clear. The Senate made fundamental changes to [the version passed by the House in March](#); as lawmakers race toward a planned adjournment date on May 10, the two chambers have little time left to reconcile their differences.

*Read more tonight on VT Digger.org.*

— *Carly Berlin*

## May the Fourth be with you

It seems that legislators are feeling a little... hairy this close to adjournment.



At the end of the House's floor session Friday, Rep. Brian Cina, P/D-Burlington, stood up to announce to his colleagues the arrival of a holiday this weekend: May the 4th, "a holiday for Star Wars lovers."

"For those who don't know, Star Wars is a science fiction saga about the epic struggle within the force, between the powers of light and darkness," Cina explained to his colleagues. Okay, Criterion Collection!

Nerds everywhere have proclaimed May 4th "Star Wars Day," as a riff on the series' classic line, "May the force be with you."

"Madame Speaker," Cina continued, "May I end the week with a quote from Star Wars that captures how the body might feel right now, after many months of hard work and many debates with many words, from the indelible Wookiee, Chewbacca?"

A perhaps unsuspecting House Speaker Jill Krowinski, D-Burlington, gave him her blessing. That's when Cina let out a relatively convincing [Wookiee call](#) that went something like, "Eeeeeuuuuuugggggghhhhhhhhh!"

— *Sarah Mearhoff*

Visit our [2024 Bill tracker](#) for the latest updates on major legislation we are following.

**From:** Barney, Cole  
**Sent:** Tuesday, May 7, 2024 8:12 AM  
**To:** EXE; EXE - Cabinet  
**Cc:** EXE - Interns  
**Subject:** News Clips 05.07.24  
**Attachments:** News Clips 05.07.24.docx

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- Bill on tax sales and abatement nears governor's desk, research continues – Times Argus – Keith Whitcomb, Jr.
- More Vermont school budgets up for votes on Monday, Tuesday – WCAX – Lucy Caile
- Abbey Duke Replaces Emma Mulvaney-Stanak in Legislature – Seven Days – Kevin McCallum
- Vermont students urge residents to pass school budgets ahead of another round of revotes – WPTZ – Adrian Pastor
- UVM encampment grows, student protesters remain firm on demands – WCAX – Calvin Cutler
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- Phil Scott appoints Democrat to fill Emma Mulvaney-Stanak's House seat – VT Digger – Corey McDonald
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Help raise money for Vermonters impacted by flood damage and show your Vermont pride with *Vermont Strong* and *Tough Too* license plates and socks. [Click here to purchase your Vermont Strong gear](#) or visit [DMV.Vermont.gov/VermontStrong23](http://DMV.Vermont.gov/VermontStrong23).

Impacted Vermonters can find resources and referrals by visiting [Vermont.Gov/Flood](http://Vermont.Gov/Flood).



## Governor's Daily News Clips

**Tuesday, May 7, 2024**

### Vt. House greenlights bill requiring fossil fuel companies to pay for climate change damage – WCAX

The Vermont House of Representatives has given the greenlight to a bill seeking to hold fossil fuel companies accountable for their role in climate change.

The bill would allow the state of Vermont to sue fossil fuel companies in an effort to have them pay for the environmental damage of climate change-fueled extreme weather.

The bill passed the House 94-34 Monday afternoon.

Skeptics call the proposal hypocritical and say we have all benefited from oil and gas production, including helping to create green technology.

### Vermont House passes Climate Superfund Act with tripartisan support – Vermont Public – Abagael Giles

The Vermont House has passed a landmark bill that would force the biggest fossil fuel companies in the world to compensate the state for damage wrought by climate change.

Modeled after the [federal Superfund program](#), the policy would require companies like ExxonMobil Corporation and Shell to pay Vermont a share of what climate change has cost the state in recent decades. Vermont would use those payments to establish a program to fund recovery from climate-fueled disasters and work to adapt to the state's already-changed climate.

Vermont could become the first state in the country to enact such legislation. New York, California, Massachusetts and Maryland are all considering similar bills, as is Congress.

But Gov. Phil Scott has signaled he will likely veto the bill over concerns about how much it would cost the state to take big oil companies to court — and how long it would take Vermont to recoup damages. The Senate passed the bill in late March by a vote of 26 to 3.

The bill targets companies that extract and refine the fuels for damages, rather than the small businesses that distribute them, like fuel dealers or gas stations.

It comes following Vermont's tangle last summer with flooding, which officials say [cost the state north of \\$1 billion in property damages](#). The [state climatologist says](#) the extreme rain Vermont saw during that event was made worse by human-caused climate change, and it's part of a trend the state should expect to continue in the coming decades.

Many Vermonters remain displaced from their homes and small communities are still reeling financially following that event. Meanwhile, companies like Exxon, Chevron and Shell have [reported record high profits in recent years](#), and continue to expand their fossil fuel production.

Several House Republicans have echoed the governor's concern about the costs of the litigation. A few told their peers they thought it was wrong to contemplate suing big oil companies for the damage their products are causing because Vermonters have burned fossil fuels for decades.

"I think we have to all recognize we bought this stuff. We're still buying it," said Rep. Anne Donahue, a Republican from Northfield. "We are complicit. Madam Speaker, we create the market and without our actions, without a market, none of this damage would exist. It takes two to tango, but the bigger partner is the one who is creating the market as purchasers."

Executives at top oil companies have made similar arguments over the years.

[Extensive reporting](#) shows that Exxon's own research confirmed fossil fuels' role in global warming decades ago, and that the companies have systematically sought to conceal that information from the public.

Donahue ended up voting for the bill Monday despite her concern. She was joined by one other Republican, Scott Beck of St. Johnsbury.

Rep. Laura Sibilila, an independent from Dover who is vice chair of the Environment and Energy Committee, urged her colleagues to support the bill. She argued that Vermont taxpayers and small businesses are paying for climate damages — a dynamic she called inequitable.

"The aftermath of these storms has left many small towns reeling," she said. "They are facing immense financial challenges in rebuilding and recovery. Small business owners who are the backbone of these communities have struggled mightily to recover expenses for repairs, renovations and replacements."

Rep. Gina Galfetti, a Republican from Barre, voted against the bill.

She said she agrees that big oil companies should pay a share of the damage caused by climate change, but she doesn't want Vermont to lead the way.

"Going after big oil is going to be extremely costly," she said. "And I just don't know if Vermonters can afford it right now. We have an opportunity to wait things out, to see if a legal precedent is set in other states before we dive into this."

The bill goes back to the Senate for final review before it can go to Gov. Scott's desk.

With Scott expected to veto the policy, lawmakers would need to secure the votes of two-thirds of the members present in both chambers to override him.

### **Bill on tax sales and abatement nears governor's desk, research continues – Times Argus – Keith Whitcomb, Jr.**

A bill aimed at putting guardrails on when towns can sell off people's property to recoup back taxes is nearing the governor's desk; meanwhile, Vermont Legal Aid has requested tax sale documents from every town in the state.

H.629, "an act relating to changes to property tax abatement and tax sales," was introduced in January by Rep. Emilie Kornheiser, D-Brattleboro, and Rep. Michael McCarthy, D-St. Albans.

"In the vast majority of towns, tax sale is the absolute last resort," said McCarthy on Monday. "But there were definitely some outliers that were going to tax sale for very small amounts of delinquencies."

He said that he and Kornheiser sponsored the bill after hearing a proposal from Vermont Legal Aid about the issue.

In Vermont, when a property falls behind on its taxes or water bills the municipality it's located in can sell it at an auction. After a sale, the original owner has a period of time within which to make the payment, but the one who bought it at auction gets 1% per every month for up to a year.

McCarthy said the House proposed cutting the 1% the buyer gets in half, but the Senate decided there still needed to be some further incentive for people to participate in tax sale auctions and so restored it.

That issue was brought up on Feb. 16 before the House Committee on Ways and Means who heard from Ted Brady, executive director of the Vermont League of Cities and Towns.

"To put this in perspective, someone who took the risk to invest in a tax sale property, which often are complicated properties, would earn a return near a certificate of deposit or online bank account," Brady stated in his written testimony. "This could reduce the pool of investors significantly, resulting in municipalities being unable to recoup tax dollars. It also eliminates language that calculates interest for partial months. It's unclear to me why we are giving a no-interest period for partial months."

"The biggest thing it does is make it so that the tax sale process can't move forward for a year," said McCarthy. "There's basically a year from the time of delinquency to the time when a person's property can actually be sold."

This was another point the VLCT was concerned about.

"The bill doubles the time municipalities need to wait before compelling a taxpayer to pay their taxes," stated Brady. "Yet it does nothing to relieve the municipality of its responsibility to pay the state the delinquent education tax."

McCarthy said that most towns have policies setting up a reasonable tax sale process, but there are outliers. This bill aims to establish some level of uniformity across the state.

McCarthy said that when a property is behind on its taxes, that means other properties have to make up the difference, so there is a need to see these bills paid.

“On balance, though, there are some very vulnerable people who something tragic has happened in their lives, it’s really a terrible situation and it’s not for some frivolous reason that they haven’t been able to pay their taxes,” said McCarthy. He said it’s not good when a person or family has suffered a tragedy or is experiencing a hardship that they then have to deal with a tax sale.

The bill also creates the ability for boards of abatement to look at classes of properties, said McCarthy. For example, should a block be destroyed or damaged during in a flood or massive fire, or any other disaster, rather than look at tax abatement for each individual property, a board of abatement can simply reduce taxes for the whole bunch.

“Our property tax sale laws in Vermont provide very few guardrails and allow municipalities to sell a home for any amount of past due taxes,” stated Grace Pazdan, project director of the Homeowner Legal Assistance Project at Vermont Legal Aid, in an email last week.

Pazdan stated that in 2021, Vermont Legal Aid sought to survey every town in the state on tax sales conducted in 2019 and 2020.

“What we found was shocking — towns were selling properties at tax sale for tax debts as low as \$180 and the median amount of tax delinquency for which towns were selling homes was just over \$3,000,” she stated.

Vermont Legal Aid has asked for more tax sale data this year as well. Pazdan said a records request was sent to 247 municipalities. Many have responded, she said.

The request sent to the town of Mendon asks for grand list data going back to 2018, lists of delinquent taxpayers going back to 2019, notices of tax sale on residential properties going back to 2019, and similar records from that date until now.

Pazdan said Vermont Legal Aid was an advocate for H.629.

“The version that passed that Senate and is likely to prevail is a watered-down version that keeps the current 12% interest rate during the post-tax sale one-year redemption period and includes only a one-year threshold before towns can proceed to tax sale,” she stated. “On a positive note, the bill would now require towns to provide a reasonable repayment plan to homeowners prior to proceeding to tax sale process, require better and more effective notice related to abatement rights, property tax credits, tax sale, and the end of the redemption period.”

An issue with tax sales, she stated, is that sometimes the property, and the equity its owner has in it, is worth more than what’s owed in taxes, and this gets lost during the sale. The bill doesn’t directly address this, though it does create a study committee to meet over the summer and explore the issue more.

“During its hearings on the bill, Senate Government Operations was very concerned about the lack of data to inform policy decisions related to tax sales and added reporting of tax sale data to the study committee’s charge, which is part of the reason we are attempting to gather relevant

information from towns prior to commencement of the study committee in August,” stated Pazdan.

### More Vermont school budgets up for votes on Monday, Tuesday – WCAX – Lucy Caile

More Vermont school budgets are up for votes on Monday and Tuesday this week.

The [Waits River Valley Union School District](#) will have its annual meeting and first budget vote on Monday at 6:30 p.m.

The [Oxbow Unified Union School District](#) also has its first school vote scheduled for Monday. There’s a budget information meeting and vote at 5:30 p.m. at Oxbow High School.

Meanwhile, voters in several other districts will give their school budgets another try this week, after voters shot down previous attempts. That includes South Burlington and St. Johnsbury, where residents will have a third go at their school budgets on Tuesday. Alburgh, Caledonia Cooperative, Essex-Westford, Twinfield and Washington Central have second votes scheduled on Tuesday.

Students rallied at the Five Corners in Essex Junction on Monday in support of Tuesday’s vote. Students and staff held signs and waved to try to get passing cars to honk in support of the passage of their more than \$76 million budget.

Most people out seemed to be for the budget but we did see someone with a “Just say no” sign in opposition to its passing.

Essex-Westford School Board Member Robert Carpenter says after the original budget failed on Town Meeting Day, they tried to make as many cuts as they could to appease taxpayers while also supporting the community.

“This reflects the community’s desire for mainly seeing direct support services maintained within our school, and maintaining high educational quality at our school, while also balancing that with the needs of the taxpayer,” Carpenter said.

And that wasn’t the only demonstration in support of a school budget Monday. Earlier in the afternoon, South Burlington High School students walked out of class as the community prepares for a third vote on the budget there on Tuesday. The \$68 million spending plan is down about \$3 million compared to the original budget put forth to voters on Town Meeting Day.

Students worry that if it doesn’t pass, deeper cuts will have to be made to programs such as sports.

“It’s important the budget passes because many teachers will lose their jobs, many classes, many things that colleges look for such as sports and extracurriculars. I, myself, I play sports and I’m part of many clubs, so it’s something that’s very important to me,” said Kamaria Morris, a sophomore at South Burlington High School.



This is the third time in eight years the South Burlington School District is without a budget after two failed votes.

An unprecedented one-third of the school budgets Vermont voters considered on Town Meeting Day were rejected because of concerns over rising education costs contributing to double-digit increases in property taxes.

Under state law, districts must pass a school budget by July 1 or begin the new year on a budget that is 87% of the current year's.

### Abbey Duke Replaces Emma Mulvaney-Stanak in Legislature – Seven Days – Kevin McCallum

Gov. Phil Scott has appointed the owner of a prominent catering company to fill the Burlington legislative seat left vacant when Emma Mulvaney-Stanak resigned last month after becoming mayor of the Queen City.

Abbey Duke, the founder and chief executive officer of South Burlington-based Sugarsnap, will represent the residents of the Chittenden-17 district, which includes parts of the Old North End and New North End. She was sworn in at the Statehouse on Monday and voted on bills to try to make oil companies pay for climate change costs and to expand workers' organizing rights.

Duke will serve the remainder of Mulvaney-Stanak's term, which isn't long. The General Assembly could adjourn as soon as this week, with a likely return on June 17 to try to override any vetoes.

"I appreciate Abbey for her willingness to get involved and serve the people of Burlington," Scott said in a statement. "Her experience as a successful small business owner will add a valuable perspective to the House."

Because Mulvaney-Stanak was elected as a Progressive-Democrat, both parties submitted lists to the governor with potential replacements. Duke was on the Democrats' list.

Scott's pick was a disappointment to Progressives. Sen. Tanya Vyhovsky (P/D-Chittenden-Central) called it "concerning" that Scott "did not respect the will of the voters" by appointing a Progressive to the seat.

"I know there is not a rule that he has to do this," Vyhovsky wrote in an email. "However, I know that is the long followed precedent."

In an interview on Monday, Duke defended her selection, noting that Mulvaney-Stanak also ran in the Democratic primary.

Duke founded Sugarsnap in 2002, selling prepared meals from vegetables grown on her farm in the Intervale. At its peak, the company ran three cafés, the farm and a catering business but in recent years has focused on its catering business.

Duke told *Seven Days* that she's interested in running for a full term but hasn't committed to it yet.

"I'm spreading my wings a little, I guess," she said.

Duke also serves as chair of the Burlington Parks, Recreation & Waterfront Commission.

While in the legislature, Mulvaney-Stanak was a proponent of a bill that would allow overdose-prevention sites to open in Vermont, something Gov. Phil Scott has said he would veto.

Duke told *Seven Days* that she would vote to override a potential veto.

### Vermont students urge residents to pass school budgets ahead of another round of revotes – WPTZ – Adrian Pastor

School communities in Vermont were out in full force Monday to encourage voters to approve their school budgets, ahead of another round of votes scheduled for this week.

For some districts, this will be their third time casting votes after a third of the state's school districts voted down budgets on Town Meeting Day.

With time running out for many schools to finalize next year's budget, students took to the streets to call on voters to allow the process to move forward.

Students at South Burlington High School organized a walkout, calling on their community to pass the school budget for next year ahead of its third budget vote Tuesday.

"As a student who is hoping to get further education and who cares so much about all of these programs that are at risk, it's definitely been a pretty scary time," said Molly Leavey, a student with the South Burlington Student Justice Union.

The South Burlington School District is now proposing a budget of just over \$68 million, a roughly \$3.1 million reduction compared to the original proposal on Town Meeting Day.

"I think we need people to hear us," said Ashton Kinney with the South Burlington Student Justice Union.

Students said they are hoping their demonstration will send a message to voters.

"Really just demonstrating to the community that this is something that really matters to us," said Leavey.

In Essex Junction, parents, students, and members from the Essex Westford School District held a honk and wave event calling on people to come out and vote.

The school district said the revised budget is \$4.5 million less than the first time around.

Some of that money was expected to go towards capital improvements like building upgrades, but those projects have been pushed to next year.

District leaders said they believe they've accomplished a more balanced budget.

"We want folks to be informed and engage voters [to] come tomorrow. Obviously, there's concerns for certain staff, for certain programs. We did our best to honor the community's wishes and we want people to take a look and learn from themselves," said Marlon Varasamy, the EWSD board clerk.

Voters in both districts will be deciding on their budgets Tuesday, and many are hoping this is the final time they will have to cast their votes this year.

### UVM encampment grows, student protesters remain firm on demands – WCAX – Calvin Cutler

Pro-Palestinian protesters are digging in at the University of Vermont despite the U.S. Ambassador to the United Nations no longer giving the commencement speech.

Protesters call the cancellation of Linda Thomas Greenfield a win but they say disciplinary investigations launched this week are a step backward.

In a statement, UVM Spokesperson Adam White said, "Our graduating students want to enjoy the celebration of commencement, and we do not want the potential of disruption from a vocal minority to interfere with the moment."

UVM won't tell us whether Thomas Greenfield pulled out or if it was the school's decision.

But a student organizer who refuses to show his face and says his name is James says they want more.

"We're still not satisfied," he said. "We want more done and we want to see more action being taken to end the complicity that the university has in this genocide."

That includes divesting UVM's \$800 million endowment in Israeli companies and protections for students who are violating campus policies with their protests. Students tell us some have begun receiving disciplinary notifications for violating the school's temporary structure policy. The encampment grew to about 90 tents over the weekend. At the same time, [a group of state lawmakers, including the lieutenant governor, wrote a letter to the UVM board of trustees in support of the protest](#). Lt. Gov. David Zuckerman, who graduated from UVM in 1995, says the First Amendment should come first as long as protests stay peaceful.

"We need to make sure peace and peaceful action is respected and that folks have a right to gather and voice their frustrations," said Zuckerman, P/D-Vermont.

We're told the disciplinary hearings for UVM students start this Wednesday.

It remains to be seen what graduation and commencement will look like in two weeks if the encampment stays on campus.

Meanwhile, the encampment at Middlebury College is coming down. [Protesters met with college leaders over the weekend and created a written agreement calling for a cease-fire and allowing for more student input on where the school invests.](#)

With graduation just two weeks away, the protesters' ask comes as [militant group Hamas announced it accepted an Egyptian-Qatari cease-fire proposal.](#)

### **UVM students call for amnesty as school cracks down on policy violations ahead of commencement – WPTZ – Sid Bewlay**

As students at the University of Vermont gear up for commencement, the school is taking another look the encampment protests on its campus.

It comes after the school announced that its original commencement speaker, United Nations Rep. Linda Thomas-Greenfield [will no longer be speaking](#) at the ceremony.

Students involved in the protest said UVM has started sending emails to tell individuals that they are breaking university policies, but the group is pushing back against any punishment.

On Monday, students and community members gathered in support of the encampment, asking the university to grant amnesty to students who are protesting.

"We don't have a good read on what could happen," said James, a student organizer with the Palestine Solidarity Encampment. "It could range anywhere from a written warning to suspension or expulsion, we're not sure, but we are going to fight it regardless."

In a statement given to NBC5, a spokesperson with UVM said that the school could not comment on the disciplinary measures being taken against some students.

"Federal privacy rules prevent us from commenting on specific student conduct proceedings," said Adam White, executive director of University communications.

James said that the student hearings will begin on Wednesday and that it feels like a step backward after learning that Thomas-Greenfield will no longer be speaking at commencement.

"Students celebrated that as a big win in terms of the demands of the encampment and the broader student body," said James.

NBC5 received another statement from UVM which said that Thomas-Greenfield and the university both want the focus of commencement to be on the accomplishments of the graduates.

"The Ambassador and the University share the goal of a commencement ceremony that appropriately honors graduates and their achievements. Our graduating students want to enjoy the celebration of commencement, and we do not want the potential of disruption from a vocal minority to interfere with the moment," said White.

Graduating senior Hannah Smith told NBC5 that she's excited to celebrate her journey.

"I have two kids at home," said Smith. "I didn't graduate high school, so this is like a huge, huge thing for me and I'm really proud."

Smith said not having Thomas-Greenfield as a commencement speaker makes her admire the flexibility of the administration and won't change how she celebrates her accomplishment.

Undergraduate commencement is scheduled for May 19, and the university has not announced whether or not there will be a new commencement speaker.

### **Independent Schools Rebuff School Districts' Request for a Tuition Break – Seven Days – Alison Novak**

Like dozens of school districts across Vermont, [Kingdom East](#), [St. Johnsbury](#) and [Caledonia Cooperative](#) haven't yet gotten voter approval for their budgets for next school year. As the three public districts — none of which operates its own high school — sought to reduce their spending plans, their superintendents asked the independent high schools where they send the majority of their students for a tuition reduction.

But those schools, St. Johnsbury Academy and Lyndon Institute, rebuffed their request. The situation highlights how public school budgets are subjected to voter checks, while private school spending plans are not.

On April 19, Caledonia superintendent Mark Tucker, St. Johnsbury superintendent Karen Conroy and Kingdom East superintendent Sean McMannon sent an email to [St. Johnsbury Academy](#) headmaster Sharon Howell and [Lyndon Institute](#) head of school Brian Bloomfield with the subject line "Please help us pass our budgets." They explained that Kingdom East and St. Johnsbury voters had already shot down their school budgets twice, and Caledonia Cooperative's budget had been rejected once.

With community members demanding further reductions, "we all find ourselves having to take away from our elementary schools in order to reduce the tax rate demands on our taxpayers," the superintendents wrote. "The only sacrosanct line item in our budgets is the cost of secondary tuition, and most of that money goes to your fine institutions."

Collectively, the three public school districts pay millions annually to St. Johnsbury Academy and Lyndon Institute: 639 of their students attend St. Johnsbury Academy at a cost of \$23,425

per student for fiscal year 2025, while 374 students are enrolled at Lyndon Institute, at just over \$24,000 per student. That's not counting the additional special-education costs the districts pay to both schools.

The superintendents appealed to Conroy and Bloomfield for what they characterized as a "modest reduction" of \$500 per student from next year's tuition rate. They also asked the headmasters to issue public statements of support for their budgets as a way to show taxpayers that the independent schools and public school districts are "*partners* in the education of their children."

"This is a serious request, and we ask in return that you give it serious, and timely, consideration and provide a response to us," the superintendents wrote in closing.

But that request was essentially denied by St. Johnsbury Academy and Lyndon Institute, two of Vermont's four historic academies. According to Tucker, St. Johnsbury Academy headmaster Sharon Howell set up an April 21 Zoom meeting for the superintendents and headmasters to discuss the request but canceled it abruptly and did not reschedule it. He said he has not heard from her about the matter since.

In an email to *Seven Days*, Howell wrote that her school has been working with the public school districts "to show support and solidarity for our communities' budgets." Howell said St. Johnsbury Academy tries to keep its tuition "as low as possible" and raises private funds to pay for school buildings and infrastructure.

Tuition is slated to increase by 7 percent this year, Howell said, noting that St. Johnsbury Academy is "facing the same inflationary pressures that school districts face, including a 16.4 percent increase in health insurance costs, overall inflation, the need to support our faculty with a reasonable cost of living adjustment to help them withstand the same economic pressures, and the need to continue to provide enough resources to meet the growing needs of our students."

Howell told *Seven Days* that she was "hopeful voters in the various districts we serve will consider the efforts that we and the districts have made in making their decisions on the budgets."

Lyndon Institute head of school Bloomfield did not respond to multiple requests from *Seven Days* for comment. But in a May 1 newsletter, Bloomfield expressed support for passing local school districts' budgets and encouraged community members to vote in favor of them. Tucker, the Caledonia superintendent, said that Bloomfield said in a phone conversation that it wasn't financially feasible to discount Lyndon's tuition rate, which is going up by 7.5 percent this year.

Tucker said Bloomfield told him the tuition money he receives only covers about 85 percent of the cost of educating students and that Lyndon Institute fundraises to make up the difference.

But, Tucker noted, it is impossible to fact-check that because independent schools in Vermont that receive public dollars don't have to disclose their financial records as public schools do.

"We honestly don't know what goes on inside the financial walls of those buildings because they don't have any accountability. They don't have to report to the [Agency of Education]," Tucker said. "There's no way for us to know what they're spending their money on."

On Tuesday, Caledonia Cooperative voters will vote for a second time on their school budget, while St. Johnsbury School District voters will weigh in a third time. Kingdom East's third budget vote is scheduled for May 29.

### As UVM starts disciplinary process for protesters, some lawmakers call for amnesty – VT Digger – Corey McDonald

University of Vermont is facing pushback from state lawmakers and city councilors as it initiates disciplinary proceedings against pro-Palestinian student protesters.

Late last week, university police began ID'ing students at an encampment that was erected on campus eight days ago, and issuing them notices that they were violating university policy.

Individual hearings are set to begin this week, students told VTDigger on Monday.

Adam White, a spokesperson for the university, said that a formal disciplinary process for several students began last Friday "only after numerous warnings were issued to students throughout the week."

"Initiation of the process is ongoing and each student will receive a fair process before final sanctions are determined," he said.

On the heels of the university's decision, 20 state lawmakers and the lieutenant governor signed a letter Monday urging UVM leaders "to respect the right to assembly, free speech, and protest of the student protesters" and "not to engage in any police actions or disciplinary measures with peaceful protesters calling for action."

"Our hope is that you continue to consider the student's remaining requests and, to state it again, will commit to not taking any disciplinary action against students who remain peaceful with their protest regardless of the fact that they are doing so from tents on the public green," reads the letter, signed by state Sen. Tanya Vyhovsky, P/D-Chittenden, Lt. Gov. David Zuckerman, and 19 House representatives.

Five Progressive councilors on the Burlington City Council also issued a letter of solidarity in support of the UVM student encampment Sunday.

"We ask you to not penalize them or escalate the situation by using the police, threats of sanctions or discipline, or other forms of intimidation to dismantle the protest and stifle their exercise of free speech," their letter reads. "Instead, we call on you to consider their 'demands/requests' seriously and the context in which they raise them, the genocidal war they are trying to stop."

Students in the encampment have characterized the disciplinary proceedings as an escalation by the university, and on Monday they held a rally on campus, reiterating calls for amnesty for all student protestors.

While campus police have made the rounds at the encampment in the past couple days, students say officers have only stopped to check IDs two or three times.

Multiple groups — including a group of 60 university faculty and staff members — have called on UVM to refrain from using police to escalate the situation.

Wafic Faour, an organizer with the Vermont Coalition for Palestinian Liberation, spoke at the encampment Monday, telling students that “amnesty for people who are just practicing the First Amendment shouldn’t be in question.”

Now in its eighth day, the encampment has grown to roughly 90 tents. Many students at the encampment have spoken with VTDigger but have declined to provide their names, citing a fear of reprisal from the university or police.

Students have demanded the university divest from “all weapons manufacturers, Israeli companies, and companies involved in the occupation of historic Palestine.”

In an apparent victory for the protesters, UVM President Suresh Garimella on Friday announced Linda Thomas-Greenfield, the U.S. ambassador to the United Nations, would [no longer speak](#) at the University of Vermont’s commencement ceremony.

Administrators also [released information](#) about how its roughly \$840 million endowment was invested, another demand made by protesters.

Ashley Smith, another organizer with the Vermont Coalition for Palestinian Liberation, told students at the rally Monday, “You should be proud today — you’re upholding the most noble tradition of struggle from below for justice, not only in this country but throughout the world.”

Earlier on Monday, students at Middlebury College [took down their encampment](#), which sprung up on the same day as UVM’s, after striking an agreement with the school administration.

### **After reaching agreement with Middlebury College, student protesters take down encampment – VT Digger – Sophia Keshmiri**

Administrators at Middlebury College struck a deal Sunday with pro-Palestinian student protesters, who agreed in response to dismantle [an encampment they established on the campus](#) a week earlier.

Like their counterparts at college encampments across the country, the Middlebury protesters had issued a series of demands, which included divesting the college’s endowment from holdings associated with “Israel’s ongoing military campaign, occupation, and apartheid policies”; ending



academic associations with Israeli institutions while cultivating affiliations with Palestinian ones; providing amnesty to student protesters; and calling for a cease-fire in Gaza.

Students participating in the encampment voted Sunday to accept the agreement reached by student negotiators and administrators over the weekend. By Monday afternoon, the encampment had largely been dismantled, with all tents taken down and signs and gear being packed away.

“We’ve secured everything that we are going to get out of the negotiating,” said Oliver Patrick, one of the students who participated in the encampment. “Now our strategy is shifting... We’ve removed the tents, but we move towards a different strategy of putting pressure on other groups.”

The Middlebury Students for Justice in Palestine wrote in an Instagram post on Monday afternoon that the protest resulted in “significant progress on all 5 demands.”

A [statement](#) issued Monday by Laurie Patton, the college’s president, called for “an immediate ceasefire and an end to the violence.” The statement continued, “We condemn unequivocally the killing of all innocent civilians in Gaza and Israel, where no civil society, including educational institutions, can continue in the midst of such destruction.”

In addressing protesters’ other demands, Patton was more circumspect.

While the administration did not agree to divest from holdings associated with Israel, it pledged “to talk with trustees about sustaining and codifying our investment strategy of not investing in armaments.” The college does not currently hold investments in arms companies, according to Patton’s statement.

Student representatives are also scheduled to meet with the college’s board of trustees this week to discuss opportunities and student support for divestment, according to both the administration and protesters.

“Simultaneously, we’ll likely be putting external pressure on the board of trustees, as well,” Patrick said.

Patton also wrote that the college would “explore avenues to host all students in the region displaced by war and violence” and “continue its support of organizations working in the region to foster the well-being of all, so that educational institutions can once again thrive.”

The president’s statement did not address ending academic ties with Israeli institutions. However, a press release issued by the encampment protesters Monday afternoon states that student representatives and faculty are collaborating on elements of this initiative.

“Student representatives and faculty have begun meeting to develop new forms of review for externally funded faculty hires, including but not limited to those from the Israel Institute,” according to the encampment press release.

The encampment press release also claimed that the administration has agreed not to discipline those involved in the protest, though Jon Reidel, a spokesperson for the college, would neither confirm nor deny that.

On Monday afternoon, students gathered at the site where the encampment previously stood, repeating chants and listening to student speakers who described the agreement brokered with the administration and encouraged their peers to continue their advocacy work.

The peaceful resolution of the protests at Middlebury stands in contrast to scenes elsewhere in the nation, where college administrations have cracked down on pro-Palestinian encampments. More than 2,300 protesters have been arrested or detained on campuses nationwide, according to [The New York Times](#), including 89 at Dartmouth College in Hanover, New Hampshire. Tensions [have been rising](#) over an encampment on the University of Vermont's campus in Burlington, and administrators recently initiated disciplinary proceedings with some of those participating.

"We recognize that negotiations between the Gaza Solidarity Encampment and Middlebury College took place in an atmosphere of relative calm," reads the encampment press release.

It continues, "We believe Middlebury's decision to not involve law enforcement represents the bare minimum in regards to student safety, and that the brutal police repression of Solidarity Encampments committed by other institutions is reprehensible. It is our hope that this sets a strong precedent for institutional responses to student activism now and in perpetuity."

### Lawmakers send new 'Bitcoin ATMs' regulation to Gov. Phil Scott's desk – VT Digger – Juan Vega de Soto

In a bid to protect Vermonters from scammers, legislators recently passed what could become the state's first-ever law regulating cryptocurrency kiosks, which allow people to quickly buy virtual currencies with cash or debit cards.

Among the provisions included in [H.659](#) are a daily transaction limit, a fee cap on exchanges and a one-year moratorium on the installation of any new machines in the state, which would take effect at the end of June.

Although Gov. Phil Scott had not seen the bill's final language yet, his spokesperson Jason Maulucci said "the Department of Financial Regulation has been comfortable" with its provisions.

The kiosks look like standard ATMs that allow consumers to connect to their banks from places like gas stations and bars, but are in fact very different. Instead, the machines sell "crypto", the nickname for a vast array of digital currencies that do not rely on banks to verify transactions.

There are currently 36 approved kiosk locations in Vermont, with seven more pending regulatory approval, according to the Department of Financial Regulation.

After back and forth amendments between the two legislative chambers, the House passed the Senate's version of the bill on April 25.

As of Monday morning, the governor had yet to receive the bill but expected it shortly, Maulucci said. Once in his hands, Scott would have five days to sign it, veto it or let it pass without his signature.

When the House first passed H.659 in January, it was a piece of routine housekeeping, an [update to Vermont's captive insurance laws](#). In the Senate Finance Committee, however, a new section appeared, titled "virtual currency kiosk operators," which introduced restrictions on the machines to prevent their use by scammers.

Sen. Ann Cummings, D-Montpelier, who chairs the committee, said lawmakers worked closely with the Department of Financial Regulation to get the language right. The department [has warned about crypto scams](#) repeatedly in recent years.

"This is about protecting Vermonters' savings," Cummings said.

### **A vector for fraud**

The difficulty in tracking both cryptocurrency and cash has made "Bitcoin ATMs" [a powerful vector for fraud](#). If a scammer can convince a victim to trade in large sums of cash for cryptocurrency at one of these machines, there is no intermediary bank to freeze the transaction. Once the money is transferred away to the scammer's virtual wallet, it is practically impossible to recover.

To shield Vermonters from losing too much money at once, lawmakers included a daily transaction limit of \$1,000 in the bill.

"This is to slow down the speeds at which people are being victimized," said Aaron Ferenc, deputy banking commissioner at the Department of Financial Regulation.

The legislation would also impose a 3% cap on the fees that kiosk operators can charge on each exchange.

In [testimony to the House Commerce Committee](#), representatives from two kiosk operators in Vermont argued the regulation would effectively price them out of operating in the state.

"Sometimes, when you get to a very rural location, it's more expensive to send the armed guard there to pick up the cash," said Larry Lipka, senior vice president at CoinFlip, which operates three kiosks in Vermont. He pointed to [California](#), where the fee limit is 15%, allowing companies to recoup more costs.

Mark Smalley, chief compliance officer for Bitcoin Depot, said the potential departure of kiosk operators would hurt small businesses. These companies pay rent for the space to hold their machines, typically to convenience stores or smoke shops.

Bitcoin Depot operates 23 staffed locations, which would not be subject to the new regulations, across Vermont. It also has three crypto kiosk registrations pending with the Department of Financial Regulation.

During more than an hour of testimony, lawmakers grilled the executives on whether their companies were doing enough to protect their clients from fraud.

A significant part of crypto kiosk users are, [in CoinFlip's own words](#), "underbanked and low-income individuals who want to transact primarily in cash," leaving them especially exposed to losing their life savings if they fall prey to a scam.

Lipka said CoinFlip's kiosk screens warn about scams and instruct users to call its 24/7 hotline if a third party has sent them there to make a transaction.

"In addition, CoinFlip permanently blacklists high-risk digital wallet addresses to prevent (them) from ever being used at a CoinFlip kiosk again," he said.

When pressed by Rep. Kirk White, D/P-Bethel, on whether nefarious actors could easily create new wallets to avoid the blacklist, Lipka conceded they could.

"Business always says, 'If you do this to us we will go broke,'" Cummings said when asked about the House testimony. "You have to look at the numbers and make the best decision you can."

### **'We're not an ATM'**

The biggest point of contention, however, surrounded the very nature of crypto kiosks and their relationship to traditional ATMs — which is short for "automated teller machine."

"You know, we call them ATMs because that's what they look like, and they make people comfortable," Lipka said. "But we're not an ATM. You're not accessing your own cash. We're selling you something that you buy voluntarily."

Rep. Heather Chase, D-Chester, appeared stunned by his comments.

"You just said that you call them ATMs, not that they are, so that people are comfortable with that?" she asked.

"We have (called them ATMs) in the past," Lipka said. "We prefer crypto kiosks ... because that's what it actually is. It's not an ATM because it's not connected to a bank."

[On its website](#), CoinFlip advertises itself as "a network of coast-to-coast bitcoin ATMs." A picture of CoinFlip's [physical machine](#) on the company's landing page includes the words "Bitcoin ATM" written prominently below the touch screen.

However, the legislation could have been even more severe on the kiosk operators. The House amendment to H.659 would have banned all kiosks from operating for two years. The Senate reduced this to a yearlong moratorium on registering new machines.

“We have people who have put their money into the kiosks, so there was a concern they wouldn’t be able to access their savings,” Cummings said.

If the bill were to become law, the commissioner of financial regulation would have to report to lawmakers by January 2025 on whether the legislation is doing enough to protect Vermonters.

Cummings said the novelty of cryptocurrency meant it took a while for lawmakers to get their heads around it.

“This is a whole new world,” Cummings said. “We probably won’t get it right the first time.”

### **Phil Scott appoints Democrat to fill Emma Mulvaney-Stanak’s House seat – VT Digger – Corey McDonald**

Gov. Phil Scott on Monday appointed Abbey Duke, a Democrat, to fill the legislative seat vacated by former state Rep. Emma Mulvaney-Stanak, who was sworn in as Burlington’s mayor [last month](#).

Duke is the founder and CEO of Sugarsnap, a South Burlington-based catering company, and the chair of Burlington’s Parks, Recreation and Waterfront Commission. Vermont’s Democratic and Progressive parties had each sent the governor a list of three candidates to replace Mulvaney-Stanak, who served as a Progressive/Democrat in the House.

“I appreciate Abbey for her willingness to get involved and serve the people of Burlington,” Scott said in a press release. “Her experience as a successful small business owner will add a valuable perspective to the House.”

The governor’s choice for the Chittenden-17 district seat prompted an immediate outcry from Progressives. In an interview, Josh Wronski, the executive director of the Vermont Progressive Party, called Scott’s appointment of a Democrat “really disappointing” and said it went against years of precedent.

“It’s really poor form in my view and just an unfortunate choice,” Wronski said, “especially for that district which chose someone who had very strong progressive values to represent them and is really looking for someone who has very strong progressive values to represent them.”

Responding to Wronski’s comments, Jason Maulucci, Scott’s press secretary, wrote in an email, “Former Rep. Mulvaney-Stanak ran in the Democratic primary, not the Progressive primary. If the Progressive Party wants to be taken seriously, it should consider asking candidates to run in their own primaries, not another party’s.”

Vermont politicians sometimes run as “fusion candidates,” choosing to participate in one party’s primary while also seeking the nomination of another party. If such a candidate is nominated by both parties, she may choose which to list first on the general election ballot.

Mulvaney-Stanak, a previous chair of the Vermont Progressive Party, was first elected to the House in 2020 as a Progressive-Democrat after [defeating](#) four-term incumbent Jean O’Sullivan in the Democratic primary.

She again prevailed in the Democratic primary in 2022, while also securing the Progressive nomination. In her second term, she chaired the House Progressive Caucus.

After winning the Burlington mayoral race as a Progressive, Mulvaney-Stanak had considered serving in both the Statehouse and in City Hall until the end of the legislative session, but later chose to [step down](#) as a legislator at the start of her mayorship so she could “effectively serve the city.”

In an emailed statement, Mulvaney-Stanak said she was disappointed that Scott “did not adhere to past practice of appointing a member of the same party” to fill the vacancy.

“The voters of Chittenden-17 elected and reelected a Progressive to the House of Representatives, and this appointment does not reflect the will of our constituents,” she said.

She added, “I do wish Representative Duke well as she begins her service in the legislature, and I am happy to collaborate with her as she serves the remaining six months of the term.”

Duke, in an interview, said that her main priority is “just to be here and learn and get my feet under me and represent my district as well as I can.”

“I’m looking forward to serving all of my neighbors to the best of my abilities in Montpelier,” she said.

### **Final Reading: Increased reporting on state contracts is back in play in the House – VT Digger**

About a month ago, the Senate voted to water down a bill aimed at [making state contracts more transparent](#), opting instead to study what lawmakers had initially proposed. Now, though, some parts of that original legislation are back in play in the House.

The bill, [S.96](#) — a priority for members of the Senate Government Operations Committee — would have required the disclosure of more details about state contracts and grants for services with private entities worth \$25,000 or more. Those details include how a contractor’s pay would compare to state employees’ pay for the same work.

Over the past couple of weeks, the House Government Operations Committee returned this and some other key proposals back to the bill. Late Monday morning, the House committee passed out S.96 on a party line vote, 8-3.

Proponents of the bill have argued that this information isn’t reliably available today, adding it would ensure that the state is only hiring out a job because a private contractor has innovative ideas, and not because the contractor would save the state money at workers’ expense.

House Gov Ops did, still, funnel some of its Senate counterparts' proposals into a study. That includes a measure to double the cost savings — from 10% to 20% — that a private contract would have to demonstrate over hiring public employees for a given contract.

The report would also examine whether grants to private entities should be subject to similar reporting requirements — something that had also been proposed by the Senate committee.

“I was somewhat surprised ... about the lack of insight we’ve got into how we’re spending public dollars for contracts and grants across state government,” said House Gov Ops Chair Rep. Mike McCarthy, D-St. Albans, during Monday’s committee hearing. “We can at least, I think, make some progress on the contractor piece.”

McCarthy said he hopes other House committees can take a look at S.96 in the coming days, and any changes would ultimately head back to the Senate. But time is of the essence — and the two chambers have been at loggerheads on key issues throughout the session.

Meanwhile, S.96 wasn’t the only labor-related proposal on lawmakers’ minds Monday. On the floor, the full House granted preliminary approval to [S.102](#), a bill that seeks to make it easier for certain workers to organize unions, among other measures.

In that case, the House actually nixed a measure that the Senate passed: [allowing agricultural workers to collectively bargain](#). That bill is now slated for final House approval tomorrow.

— *Shaun Robinson*

### **In the know**

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[Read more here.](#)

— *Corey McDonald*

### **On the move**

In a bid to protect Vermonters from scammers, legislators recently passed what could become **the state's first-ever law regulating cryptocurrency kiosks**, which allow people to quickly buy virtual currencies with cash or debit cards.

Among the provisions included in [H.659](#) are a daily transaction limit, a fee cap on exchanges and a one-year moratorium on the installation of any new machines in the state, which would take effect at the end of June.

Although Gov. Scott had not seen the bill's final language yet, his spokesperson Jason Maulucci said "the Department of Financial Regulation has been comfortable" with its provisions.

[Read more here.](#)

— *Juan Vega de Soto*

In a 94-38 vote during an unusual Monday session, the House passed S.259, a bill that would create **a climate "superfund."** If it becomes law, the bill would fine the world's largest oil companies to pay into a fund, which would help Vermont prepare for and recover from events caused by climate change, such as last summer's floods. Lawmakers in the Senate [voted in favor of the bill](#) earlier this session.

— *Emma Cotton*

Governor Scott signed several bills into law today, including [S.109](#), which sets in motion a process for offering [Medicaid coverage for doula services](#) during pregnancy and birth, and [S.187](#), which would remove regulatory barriers to allow students [to apply sunscreen at school](#) with parental permission but without a doctor's note.

— *VTD Editors*

Visit our [2024 Bill tracker](#) for the latest updates on major legislation we are following.



**From:** Barney, Cole  
**Sent:** Tuesday, May 7, 2024 8:12 AM  
**To:** EXE; EXE - Cabinet  
**Cc:** EXE - Interns  
**Subject:** News Clips 05.07.24  
**Attachments:** News Clips 05.07.24.docx

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Help raise money for Vermonters impacted by flood damage and show your Vermont pride with *Vermont Strong* and *Tough Too* license plates and socks. [Click here to purchase your Vermont Strong gear](#) or visit [DMV.Vermont.gov/VermontStrong23](http://DMV.Vermont.gov/VermontStrong23).

Impacted Vermonters can find resources and referrals by visiting [Vermont.Gov/Flood](http://Vermont.Gov/Flood).



## Governor's Daily News Clips

**Tuesday, May 7, 2024**

### Vt. House greenlights bill requiring fossil fuel companies to pay for climate change damage – WCAX

The Vermont House of Representatives has given the greenlight to a bill seeking to hold fossil fuel companies accountable for their role in climate change.

The bill would allow the state of Vermont to sue fossil fuel companies in an effort to have them pay for the environmental damage of climate change-fueled extreme weather.

The bill passed the House 94-34 Monday afternoon.

Skeptics call the proposal hypocritical and say we have all benefited from oil and gas production, including helping to create green technology.

### Vermont House passes Climate Superfund Act with tripartisan support – Vermont Public – Abagael Giles

The Vermont House has passed a landmark bill that would force the biggest fossil fuel companies in the world to compensate the state for damage wrought by climate change.

Modeled after the [federal Superfund program](#), the policy would require companies like ExxonMobil Corporation and Shell to pay Vermont a share of what climate change has cost the state in recent decades. Vermont would use those payments to establish a program to fund recovery from climate-fueled disasters and work to adapt to the state's already-changed climate.

Vermont could become the first state in the country to enact such legislation. New York, California, Massachusetts and Maryland are all considering similar bills, as is Congress.

But Gov. Phil Scott has signaled he will likely veto the bill over concerns about how much it would cost the state to take big oil companies to court — and how long it would take Vermont to recoup damages. The Senate passed the bill in late March by a vote of 26 to 3.

The bill targets companies that extract and refine the fuels for damages, rather than the small businesses that distribute them, like fuel dealers or gas stations.

It comes following Vermont's tangle last summer with flooding, which officials say [cost the state north of \\$1 billion in property damages](#). The [state climatologist says](#) the extreme rain Vermont saw during that event was made worse by human-caused climate change, and it's part of a trend the state should expect to continue in the coming decades.

Many Vermonters remain displaced from their homes and small communities are still reeling financially following that event. Meanwhile, companies like Exxon, Chevron and Shell have [reported record high profits in recent years](#), and continue to expand their fossil fuel production.

Several House Republicans have echoed the governor's concern about the costs of the litigation. A few told their peers they thought it was wrong to contemplate suing big oil companies for the damage their products are causing because Vermonters have burned fossil fuels for decades.

"I think we have to all recognize we bought this stuff. We're still buying it," said Rep. Anne Donahue, a Republican from Northfield. "We are complicit. Madam Speaker, we create the market and without our actions, without a market, none of this damage would exist. It takes two to tango, but the bigger partner is the one who is creating the market as purchasers."

Executives at top oil companies have made similar arguments over the years.

[Extensive reporting](#) shows that Exxon's own research confirmed fossil fuels' role in global warming decades ago, and that the companies have systematically sought to conceal that information from the public.

Donahue ended up voting for the bill Monday despite her concern. She was joined by one other Republican, Scott Beck of St. Johnsbury.

Rep. Laura Sibilila, an independent from Dover who is vice chair of the Environment and Energy Committee, urged her colleagues to support the bill. She argued that Vermont taxpayers and small businesses are paying for climate damages — a dynamic she called inequitable.

"The aftermath of these storms has left many small towns reeling," she said. "They are facing immense financial challenges in rebuilding and recovery. Small business owners who are the backbone of these communities have struggled mightily to recover expenses for repairs, renovations and replacements."

Rep. Gina Galfetti, a Republican from Barre, voted against the bill.

She said she agrees that big oil companies should pay a share of the damage caused by climate change, but she doesn't want Vermont to lead the way.

"Going after big oil is going to be extremely costly," she said. "And I just don't know if Vermonters can afford it right now. We have an opportunity to wait things out, to see if a legal precedent is set in other states before we dive into this."

The bill goes back to the Senate for final review before it can go to Gov. Scott's desk.

With Scott expected to veto the policy, lawmakers would need to secure the votes of two-thirds of the members present in both chambers to override him.

### **Bill on tax sales and abatement nears governor's desk, research continues – Times Argus – Keith Whitcomb, Jr.**

A bill aimed at putting guardrails on when towns can sell off people's property to recoup back taxes is nearing the governor's desk; meanwhile, Vermont Legal Aid has requested tax sale documents from every town in the state.

H.629, "an act relating to changes to property tax abatement and tax sales," was introduced in January by Rep. Emilie Kornheiser, D-Brattleboro, and Rep. Michael McCarthy, D-St. Albans.

"In the vast majority of towns, tax sale is the absolute last resort," said McCarthy on Monday. "But there were definitely some outliers that were going to tax sale for very small amounts of delinquencies."

He said that he and Kornheiser sponsored the bill after hearing a proposal from Vermont Legal Aid about the issue.

In Vermont, when a property falls behind on its taxes or water bills the municipality it's located in can sell it at an auction. After a sale, the original owner has a period of time within which to make the payment, but the one who bought it at auction gets 1% per every month for up to a year.

McCarthy said the House proposed cutting the 1% the buyer gets in half, but the Senate decided there still needed to be some further incentive for people to participate in tax sale auctions and so restored it.

That issue was brought up on Feb. 16 before the House Committee on Ways and Means who heard from Ted Brady, executive director of the Vermont League of Cities and Towns.

"To put this in perspective, someone who took the risk to invest in a tax sale property, which often are complicated properties, would earn a return near a certificate of deposit or online bank account," Brady stated in his written testimony. "This could reduce the pool of investors significantly, resulting in municipalities being unable to recoup tax dollars. It also eliminates language that calculates interest for partial months. It's unclear to me why we are giving a no-interest period for partial months."

"The biggest thing it does is make it so that the tax sale process can't move forward for a year," said McCarthy. "There's basically a year from the time of delinquency to the time when a person's property can actually be sold."

This was another point the VLCT was concerned about.

"The bill doubles the time municipalities need to wait before compelling a taxpayer to pay their taxes," stated Brady. "Yet it does nothing to relieve the municipality of its responsibility to pay the state the delinquent education tax."

McCarthy said that most towns have policies setting up a reasonable tax sale process, but there are outliers. This bill aims to establish some level of uniformity across the state.

McCarthy said that when a property is behind on its taxes, that means other properties have to make up the difference, so there is a need to see these bills paid.

“On balance, though, there are some very vulnerable people who something tragic has happened in their lives, it’s really a terrible situation and it’s not for some frivolous reason that they haven’t been able to pay their taxes,” said McCarthy. He said it’s not good when a person or family has suffered a tragedy or is experiencing a hardship that they then have to deal with a tax sale.

The bill also creates the ability for boards of abatement to look at classes of properties, said McCarthy. For example, should a block be destroyed or damaged during in a flood or massive fire, or any other disaster, rather than look at tax abatement for each individual property, a board of abatement can simply reduce taxes for the whole bunch.

“Our property tax sale laws in Vermont provide very few guardrails and allow municipalities to sell a home for any amount of past due taxes,” stated Grace Pazdan, project director of the Homeowner Legal Assistance Project at Vermont Legal Aid, in an email last week.

Pazdan stated that in 2021, Vermont Legal Aid sought to survey every town in the state on tax sales conducted in 2019 and 2020.

“What we found was shocking — towns were selling properties at tax sale for tax debts as low as \$180 and the median amount of tax delinquency for which towns were selling homes was just over \$3,000,” she stated.

Vermont Legal Aid has asked for more tax sale data this year as well. Pazdan said a records request was sent to 247 municipalities. Many have responded, she said.

The request sent to the town of Mendon asks for grand list data going back to 2018, lists of delinquent taxpayers going back to 2019, notices of tax sale on residential properties going back to 2019, and similar records from that date until now.

Pazdan said Vermont Legal Aid was an advocate for H.629.

“The version that passed that Senate and is likely to prevail is a watered-down version that keeps the current 12% interest rate during the post-tax sale one-year redemption period and includes only a one-year threshold before towns can proceed to tax sale,” she stated. “On a positive note, the bill would now require towns to provide a reasonable repayment plan to homeowners prior to proceeding to tax sale process, require better and more effective notice related to abatement rights, property tax credits, tax sale, and the end of the redemption period.”

An issue with tax sales, she stated, is that sometimes the property, and the equity its owner has in it, is worth more than what’s owed in taxes, and this gets lost during the sale. The bill doesn’t directly address this, though it does create a study committee to meet over the summer and explore the issue more.

“During its hearings on the bill, Senate Government Operations was very concerned about the lack of data to inform policy decisions related to tax sales and added reporting of tax sale data to the study committee’s charge, which is part of the reason we are attempting to gather relevant

information from towns prior to commencement of the study committee in August,” stated Pazdan.

### More Vermont school budgets up for votes on Monday, Tuesday – WCAX – Lucy Caile

More Vermont school budgets are up for votes on Monday and Tuesday this week.

The [Waits River Valley Union School District](#) will have its annual meeting and first budget vote on Monday at 6:30 p.m.

The [Oxbow Unified Union School District](#) also has its first school vote scheduled for Monday. There’s a budget information meeting and vote at 5:30 p.m. at Oxbow High School.

Meanwhile, voters in several other districts will give their school budgets another try this week, after voters shot down previous attempts. That includes South Burlington and St. Johnsbury, where residents will have a third go at their school budgets on Tuesday. Alburgh, Caledonia Cooperative, Essex-Westford, Twinfield and Washington Central have second votes scheduled on Tuesday.

Students rallied at the Five Corners in Essex Junction on Monday in support of Tuesday’s vote. Students and staff held signs and waved to try to get passing cars to honk in support of the passage of their more than \$76 million budget.

Most people out seemed to be for the budget but we did see someone with a “Just say no” sign in opposition to its passing.

Essex-Westford School Board Member Robert Carpenter says after the original budget failed on Town Meeting Day, they tried to make as many cuts as they could to appease taxpayers while also supporting the community.

“This reflects the community’s desire for mainly seeing direct support services maintained within our school, and maintaining high educational quality at our school, while also balancing that with the needs of the taxpayer,” Carpenter said.

And that wasn’t the only demonstration in support of a school budget Monday. Earlier in the afternoon, South Burlington High School students walked out of class as the community prepares for a third vote on the budget there on Tuesday. The \$68 million spending plan is down about \$3 million compared to the original budget put forth to voters on Town Meeting Day.

Students worry that if it doesn’t pass, deeper cuts will have to be made to programs such as sports.

“It’s important the budget passes because many teachers will lose their jobs, many classes, many things that colleges look for such as sports and extracurriculars. I, myself, I play sports and I’m part of many clubs, so it’s something that’s very important to me,” said Kamaria Morris, a sophomore at South Burlington High School.

This is the third time in eight years the South Burlington School District is without a budget after two failed votes.

An unprecedented one-third of the school budgets Vermont voters considered on Town Meeting Day were rejected because of concerns over rising education costs contributing to double-digit increases in property taxes.

Under state law, districts must pass a school budget by July 1 or begin the new year on a budget that is 87% of the current year's.

### Abbey Duke Replaces Emma Mulvaney-Stanak in Legislature – Seven Days – Kevin McCallum

Gov. Phil Scott has appointed the owner of a prominent catering company to fill the Burlington legislative seat left vacant when Emma Mulvaney-Stanak resigned last month after becoming mayor of the Queen City.

Abbey Duke, the founder and chief executive officer of South Burlington-based Sugarsnap, will represent the residents of the Chittenden-17 district, which includes parts of the Old North End and New North End. She was sworn in at the Statehouse on Monday and voted on bills to try to make oil companies pay for climate change costs and to expand workers' organizing rights.

Duke will serve the remainder of Mulvaney-Stanak's term, which isn't long. The General Assembly could adjourn as soon as this week, with a likely return on June 17 to try to override any vetoes.

"I appreciate Abbey for her willingness to get involved and serve the people of Burlington," Scott said in a statement. "Her experience as a successful small business owner will add a valuable perspective to the House."

Because Mulvaney-Stanak was elected as a Progressive-Democrat, both parties submitted lists to the governor with potential replacements. Duke was on the Democrats' list.

Scott's pick was a disappointment to Progressives. Sen. Tanya Vyhovsky (P/D-Chittenden-Central) called it "concerning" that Scott "did not respect the will of the voters" by appointing a Progressive to the seat.

"I know there is not a rule that he has to do this," Vyhovsky wrote in an email. "However, I know that is the long followed precedent."

In an interview on Monday, Duke defended her selection, noting that Mulvaney-Stanak also ran in the Democratic primary.



Duke founded Sugarsnap in 2002, selling prepared meals from vegetables grown on her farm in the Intervale. At its peak, the company ran three cafés, the farm and a catering business but in recent years has focused on its catering business.

Duke told *Seven Days* that she's interested in running for a full term but hasn't committed to it yet.

"I'm spreading my wings a little, I guess," she said.

Duke also serves as chair of the Burlington Parks, Recreation & Waterfront Commission.

While in the legislature, Mulvaney-Stanak was a proponent of a bill that would allow overdose-prevention sites to open in Vermont, something Gov. Phil Scott has said he would veto.

Duke told *Seven Days* that she would vote to override a potential veto.

### **Vermont students urge residents to pass school budgets ahead of another round of revotes – WPTZ – Adrian Pastor**

School communities in Vermont were out in full force Monday to encourage voters to approve their school budgets, ahead of another round of votes scheduled for this week.

For some districts, this will be their third time casting votes after a third of the state's school districts voted down budgets on Town Meeting Day.

With time running out for many schools to finalize next year's budget, students took to the streets to call on voters to allow the process to move forward.

Students at South Burlington High School organized a walkout, calling on their community to pass the school budget for next year ahead of its third budget vote Tuesday.

"As a student who is hoping to get further education and who cares so much about all of these programs that are at risk, it's definitely been a pretty scary time," said Molly Leavey, a student with the South Burlington Student Justice Union.

The South Burlington School District is now proposing a budget of just over \$68 million, a roughly \$3.1 million reduction compared to the original proposal on Town Meeting Day.

"I think we need people to hear us," said Ashton Kinney with the South Burlington Student Justice Union.

Students said they are hoping their demonstration will send a message to voters.

"Really just demonstrating to the community that this is something that really matters to us," said Leavey.

In Essex Junction, parents, students, and members from the Essex Westford School District held a honk and wave event calling on people to come out and vote.

The school district said the revised budget is \$4.5 million less than the first time around.

Some of that money was expected to go towards capital improvements like building upgrades, but those projects have been pushed to next year.

District leaders said they believe they've accomplished a more balanced budget.

"We want folks to be informed and engage voters [to] come tomorrow. Obviously, there's concerns for certain staff, for certain programs. We did our best to honor the community's wishes and we want people to take a look and learn from themselves," said Marlon Varasamy, the EWSD board clerk.

Voters in both districts will be deciding on their budgets Tuesday, and many are hoping this is the final time they will have to cast their votes this year.

### UVM encampment grows, student protesters remain firm on demands – WCAX – Calvin Cutler

Pro-Palestinian protesters are digging in at the University of Vermont despite the U.S. Ambassador to the United Nations no longer giving the commencement speech.

Protesters call the cancellation of Linda Thomas Greenfield a win but they say disciplinary investigations launched this week are a step backward.

In a statement, UVM Spokesperson Adam White said, "Our graduating students want to enjoy the celebration of commencement, and we do not want the potential of disruption from a vocal minority to interfere with the moment."

UVM won't tell us whether Thomas Greenfield pulled out or if it was the school's decision.

But a student organizer who refuses to show his face and says his name is James says they want more.

"We're still not satisfied," he said. "We want more done and we want to see more action being taken to end the complicity that the university has in this genocide."

That includes divesting UVM's \$800 million endowment in Israeli companies and protections for students who are violating campus policies with their protests. Students tell us some have begun receiving disciplinary notifications for violating the school's temporary structure policy. The encampment grew to about 90 tents over the weekend. At the same time, [a group of state lawmakers, including the lieutenant governor, wrote a letter to the UVM board of trustees in support of the protest](#). Lt. Gov. David Zuckerman, who graduated from UVM in 1995, says the First Amendment should come first as long as protests stay peaceful.

"We need to make sure peace and peaceful action is respected and that folks have a right to gather and voice their frustrations," said Zuckerman, P/D-Vermont.

We're told the disciplinary hearings for UVM students start this Wednesday.

It remains to be seen what graduation and commencement will look like in two weeks if the encampment stays on campus.

Meanwhile, the encampment at Middlebury College is coming down. [Protesters met with college leaders over the weekend and created a written agreement calling for a cease-fire and allowing for more student input on where the school invests.](#)

With graduation just two weeks away, the protesters' ask comes as [militant group Hamas announced it accepted an Egyptian-Qatari cease-fire proposal.](#)

### **UVM students call for amnesty as school cracks down on policy violations ahead of commencement – WPTZ – Sid Bewlay**

As students at the University of Vermont gear up for commencement, the school is taking another look the encampment protests on its campus.

It comes after the school announced that its original commencement speaker, United Nations Rep. Linda Thomas-Greenfield [will no longer be speaking](#) at the ceremony.

Students involved in the protest said UVM has started sending emails to tell individuals that they are breaking university policies, but the group is pushing back against any punishment.

On Monday, students and community members gathered in support of the encampment, asking the university to grant amnesty to students who are protesting.

"We don't have a good read on what could happen," said James, a student organizer with the Palestine Solidarity Encampment. "It could range anywhere from a written warning to suspension or expulsion, we're not sure, but we are going to fight it regardless."

In a statement given to NBC5, a spokesperson with UVM said that the school could not comment on the disciplinary measures being taken against some students.

"Federal privacy rules prevent us from commenting on specific student conduct proceedings," said Adam White, executive director of University communications.

James said that the student hearings will begin on Wednesday and that it feels like a step backward after learning that Thomas-Greenfield will no longer be speaking at commencement.

"Students celebrated that as a big win in terms of the demands of the encampment and the broader student body," said James.

NBC5 received another statement from UVM which said that Thomas-Greenfield and the university both want the focus of commencement to be on the accomplishments of the graduates.

"The Ambassador and the University share the goal of a commencement ceremony that appropriately honors graduates and their achievements. Our graduating students want to enjoy the celebration of commencement, and we do not want the potential of disruption from a vocal minority to interfere with the moment," said White.

Graduating senior Hannah Smith told NBC5 that she's excited to celebrate her journey.

"I have two kids at home," said Smith. "I didn't graduate high school, so this is like a huge, huge thing for me and I'm really proud."

Smith said not having Thomas-Greenfield as a commencement speaker makes her admire the flexibility of the administration and won't change how she celebrates her accomplishment.

Undergraduate commencement is scheduled for May 19, and the university has not announced whether or not there will be a new commencement speaker.

### **Independent Schools Rebuff School Districts' Request for a Tuition Break – Seven Days – Alison Novak**

Like dozens of school districts across Vermont, [Kingdom East](#), [St. Johnsbury](#) and [Caledonia Cooperative](#) haven't yet gotten voter approval for their budgets for next school year. As the three public districts — none of which operates its own high school — sought to reduce their spending plans, their superintendents asked the independent high schools where they send the majority of their students for a tuition reduction.

But those schools, St. Johnsbury Academy and Lyndon Institute, rebuffed their request. The situation highlights how public school budgets are subjected to voter checks, while private school spending plans are not.

On April 19, Caledonia superintendent Mark Tucker, St. Johnsbury superintendent Karen Conroy and Kingdom East superintendent Sean McMannon sent an email to [St. Johnsbury Academy](#) headmaster Sharon Howell and [Lyndon Institute](#) head of school Brian Bloomfield with the subject line "Please help us pass our budgets." They explained that Kingdom East and St. Johnsbury voters had already shot down their school budgets twice, and Caledonia Cooperative's budget had been rejected once.

With community members demanding further reductions, "we all find ourselves having to take away from our elementary schools in order to reduce the tax rate demands on our taxpayers," the superintendents wrote. "The only sacrosanct line item in our budgets is the cost of secondary tuition, and most of that money goes to your fine institutions."

Collectively, the three public school districts pay millions annually to St. Johnsbury Academy and Lyndon Institute: 639 of their students attend St. Johnsbury Academy at a cost of \$23,425

per student for fiscal year 2025, while 374 students are enrolled at Lyndon Institute, at just over \$24,000 per student. That's not counting the additional special-education costs the districts pay to both schools.

The superintendents appealed to Conroy and Bloomfield for what they characterized as a "modest reduction" of \$500 per student from next year's tuition rate. They also asked the headmasters to issue public statements of support for their budgets as a way to show taxpayers that the independent schools and public school districts are "*partners* in the education of their children."

"This is a serious request, and we ask in return that you give it serious, and timely, consideration and provide a response to us," the superintendents wrote in closing.

But that request was essentially denied by St. Johnsbury Academy and Lyndon Institute, two of Vermont's four historic academies. According to Tucker, St. Johnsbury Academy headmaster Sharon Howell set up an April 21 Zoom meeting for the superintendents and headmasters to discuss the request but canceled it abruptly and did not reschedule it. He said he has not heard from her about the matter since.

In an email to *Seven Days*, Howell wrote that her school has been working with the public school districts "to show support and solidarity for our communities' budgets." Howell said St. Johnsbury Academy tries to keep its tuition "as low as possible" and raises private funds to pay for school buildings and infrastructure.

Tuition is slated to increase by 7 percent this year, Howell said, noting that St. Johnsbury Academy is "facing the same inflationary pressures that school districts face, including a 16.4 percent increase in health insurance costs, overall inflation, the need to support our faculty with a reasonable cost of living adjustment to help them withstand the same economic pressures, and the need to continue to provide enough resources to meet the growing needs of our students."

Howell told *Seven Days* that she was "hopeful voters in the various districts we serve will consider the efforts that we and the districts have made in making their decisions on the budgets."

Lyndon Institute head of school Bloomfield did not respond to multiple requests from *Seven Days* for comment. But in a May 1 newsletter, Bloomfield expressed support for passing local school districts' budgets and encouraged community members to vote in favor of them. Tucker, the Caledonia superintendent, said that Bloomfield said in a phone conversation that it wasn't financially feasible to discount Lyndon's tuition rate, which is going up by 7.5 percent this year.

Tucker said Bloomfield told him the tuition money he receives only covers about 85 percent of the cost of educating students and that Lyndon Institute fundraises to make up the difference.

But, Tucker noted, it is impossible to fact-check that because independent schools in Vermont that receive public dollars don't have to disclose their financial records as public schools do.

"We honestly don't know what goes on inside the financial walls of those buildings because they don't have any accountability. They don't have to report to the [Agency of Education]," Tucker said. "There's no way for us to know what they're spending their money on."

On Tuesday, Caledonia Cooperative voters will vote for a second time on their school budget, while St. Johnsbury School District voters will weigh in a third time. Kingdom East's third budget vote is scheduled for May 29.

### **As UVM starts disciplinary process for protesters, some lawmakers call for amnesty – VT Digger – Corey McDonald**

University of Vermont is facing pushback from state lawmakers and city councilors as it initiates disciplinary proceedings against pro-Palestinian student protesters.

Late last week, university police began ID'ing students at an encampment that was erected on campus eight days ago, and issuing them notices that they were violating university policy.

Individual hearings are set to begin this week, students told VTDigger on Monday.

Adam White, a spokesperson for the university, said that a formal disciplinary process for several students began last Friday "only after numerous warnings were issued to students throughout the week."

"Initiation of the process is ongoing and each student will receive a fair process before final sanctions are determined," he said.

On the heels of the university's decision, 20 state lawmakers and the lieutenant governor signed a letter Monday urging UVM leaders "to respect the right to assembly, free speech, and protest of the student protesters" and "not to engage in any police actions or disciplinary measures with peaceful protesters calling for action."

"Our hope is that you continue to consider the student's remaining requests and, to state it again, will commit to not taking any disciplinary action against students who remain peaceful with their protest regardless of the fact that they are doing so from tents on the public green," reads the letter, signed by state Sen. Tanya Vyhovsky, P/D-Chittenden, Lt. Gov. David Zuckerman, and 19 House representatives.

Five Progressive councilors on the Burlington City Council also issued a letter of solidarity in support of the UVM student encampment Sunday.

"We ask you to not penalize them or escalate the situation by using the police, threats of sanctions or discipline, or other forms of intimidation to dismantle the protest and stifle their exercise of free speech," their letter reads. "Instead, we call on you to consider their 'demands/requests' seriously and the context in which they raise them, the genocidal war they are trying to stop."

Students in the encampment have characterized the disciplinary proceedings as an escalation by the university, and on Monday they held a rally on campus, reiterating calls for amnesty for all student protestors.

While campus police have made the rounds at the encampment in the past couple days, students say officers have only stopped to check IDs two or three times.

Multiple groups — including a group of 60 university faculty and staff members — have called on UVM to refrain from using police to escalate the situation.

Wafic Faour, an organizer with the Vermont Coalition for Palestinian Liberation, spoke at the encampment Monday, telling students that “amnesty for people who are just practicing the First Amendment shouldn’t be in question.”

Now in its eighth day, the encampment has grown to roughly 90 tents. Many students at the encampment have spoken with VTDigger but have declined to provide their names, citing a fear of reprisal from the university or police.

Students have demanded the university divest from “all weapons manufacturers, Israeli companies, and companies involved in the occupation of historic Palestine.”

In an apparent victory for the protesters, UVM President Suresh Garimella on Friday announced Linda Thomas-Greenfield, the U.S. ambassador to the United Nations, would [no longer speak](#) at the University of Vermont’s commencement ceremony.

Administrators also [released information](#) about how its roughly \$840 million endowment was invested, another demand made by protesters.

Ashley Smith, another organizer with the Vermont Coalition for Palestinian Liberation, told students at the rally Monday, “You should be proud today — you’re upholding the most noble tradition of struggle from below for justice, not only in this country but throughout the world.”

Earlier on Monday, students at Middlebury College [took down their encampment](#), which sprung up on the same day as UVM’s, after striking an agreement with the school administration.

### **After reaching agreement with Middlebury College, student protesters take down encampment – VT Digger – Sophia Keshmiri**

Administrators at Middlebury College struck a deal Sunday with pro-Palestinian student protesters, who agreed in response to dismantle [an encampment they established on the campus](#) a week earlier.

Like their counterparts at college encampments across the country, the Middlebury protesters had issued a series of demands, which included divesting the college’s endowment from holdings associated with “Israel’s ongoing military campaign, occupation, and apartheid policies”; ending

academic associations with Israeli institutions while cultivating affiliations with Palestinian ones; providing amnesty to student protesters; and calling for a cease-fire in Gaza.

Students participating in the encampment voted Sunday to accept the agreement reached by student negotiators and administrators over the weekend. By Monday afternoon, the encampment had largely been dismantled, with all tents taken down and signs and gear being packed away.

“We’ve secured everything that we are going to get out of the negotiating,” said Oliver Patrick, one of the students who participated in the encampment. “Now our strategy is shifting... We’ve removed the tents, but we move towards a different strategy of putting pressure on other groups.”

The Middlebury Students for Justice in Palestine wrote in an Instagram post on Monday afternoon that the protest resulted in “significant progress on all 5 demands.”

A [statement](#) issued Monday by Laurie Patton, the college’s president, called for “an immediate ceasefire and an end to the violence.” The statement continued, “We condemn unequivocally the killing of all innocent civilians in Gaza and Israel, where no civil society, including educational institutions, can continue in the midst of such destruction.”

In addressing protesters’ other demands, Patton was more circumspect.

While the administration did not agree to divest from holdings associated with Israel, it pledged “to talk with trustees about sustaining and codifying our investment strategy of not investing in armaments.” The college does not currently hold investments in arms companies, according to Patton’s statement.

Student representatives are also scheduled to meet with the college’s board of trustees this week to discuss opportunities and student support for divestment, according to both the administration and protesters.

“Simultaneously, we’ll likely be putting external pressure on the board of trustees, as well,” Patrick said.

Patton also wrote that the college would “explore avenues to host all students in the region displaced by war and violence” and “continue its support of organizations working in the region to foster the well-being of all, so that educational institutions can once again thrive.”

The president’s statement did not address ending academic ties with Israeli institutions. However, a press release issued by the encampment protesters Monday afternoon states that student representatives and faculty are collaborating on elements of this initiative.

“Student representatives and faculty have begun meeting to develop new forms of review for externally funded faculty hires, including but not limited to those from the Israel Institute,” according to the encampment press release.



The encampment press release also claimed that the administration has agreed not to discipline those involved in the protest, though Jon Reidel, a spokesperson for the college, would neither confirm nor deny that.

On Monday afternoon, students gathered at the site where the encampment previously stood, repeating chants and listening to student speakers who described the agreement brokered with the administration and encouraged their peers to continue their advocacy work.

The peaceful resolution of the protests at Middlebury stands in contrast to scenes elsewhere in the nation, where college administrations have cracked down on pro-Palestinian encampments. More than 2,300 protesters have been arrested or detained on campuses nationwide, according to [The New York Times](#), including 89 at Dartmouth College in Hanover, New Hampshire. Tensions [have been rising](#) over an encampment on the University of Vermont's campus in Burlington, and administrators recently initiated disciplinary proceedings with some of those participating.

"We recognize that negotiations between the Gaza Solidarity Encampment and Middlebury College took place in an atmosphere of relative calm," reads the encampment press release.

It continues, "We believe Middlebury's decision to not involve law enforcement represents the bare minimum in regards to student safety, and that the brutal police repression of Solidarity Encampments committed by other institutions is reprehensible. It is our hope that this sets a strong precedent for institutional responses to student activism now and in perpetuity."

### Lawmakers send new 'Bitcoin ATMs' regulation to Gov. Phil Scott's desk – VT Digger – Juan Vega de Soto

In a bid to protect Vermonters from scammers, legislators recently passed what could become the state's first-ever law regulating cryptocurrency kiosks, which allow people to quickly buy virtual currencies with cash or debit cards.

Among the provisions included in [H.659](#) are a daily transaction limit, a fee cap on exchanges and a one-year moratorium on the installation of any new machines in the state, which would take effect at the end of June.

Although Gov. Phil Scott had not seen the bill's final language yet, his spokesperson Jason Maulucci said "the Department of Financial Regulation has been comfortable" with its provisions.

The kiosks look like standard ATMs that allow consumers to connect to their banks from places like gas stations and bars, but are in fact very different. Instead, the machines sell "crypto", the nickname for a vast array of digital currencies that do not rely on banks to verify transactions.

There are currently 36 approved kiosk locations in Vermont, with seven more pending regulatory approval, according to the Department of Financial Regulation.

After back and forth amendments between the two legislative chambers, the House passed the Senate's version of the bill on April 25.

As of Monday morning, the governor had yet to receive the bill but expected it shortly, Maulucci said. Once in his hands, Scott would have five days to sign it, veto it or let it pass without his signature.

When the House first passed H.659 in January, it was a piece of routine housekeeping, an [update to Vermont's captive insurance laws](#). In the Senate Finance Committee, however, a new section appeared, titled "virtual currency kiosk operators," which introduced restrictions on the machines to prevent their use by scammers.

Sen. Ann Cummings, D-Montpelier, who chairs the committee, said lawmakers worked closely with the Department of Financial Regulation to get the language right. The department [has warned about crypto scams](#) repeatedly in recent years.

"This is about protecting Vermonters' savings," Cummings said.

### **A vector for fraud**

The difficulty in tracking both cryptocurrency and cash has made "Bitcoin ATMs" [a powerful vector for fraud](#). If a scammer can convince a victim to trade in large sums of cash for cryptocurrency at one of these machines, there is no intermediary bank to freeze the transaction. Once the money is transferred away to the scammer's virtual wallet, it is practically impossible to recover.

To shield Vermonters from losing too much money at once, lawmakers included a daily transaction limit of \$1,000 in the bill.

"This is to slow down the speeds at which people are being victimized," said Aaron Ferenc, deputy banking commissioner at the Department of Financial Regulation.

The legislation would also impose a 3% cap on the fees that kiosk operators can charge on each exchange.

In [testimony to the House Commerce Committee](#), representatives from two kiosk operators in Vermont argued the regulation would effectively price them out of operating in the state.

"Sometimes, when you get to a very rural location, it's more expensive to send the armed guard there to pick up the cash," said Larry Lipka, senior vice president at CoinFlip, which operates three kiosks in Vermont. He pointed to [California](#), where the fee limit is 15%, allowing companies to recoup more costs.

Mark Smalley, chief compliance officer for Bitcoin Depot, said the potential departure of kiosk operators would hurt small businesses. These companies pay rent for the space to hold their machines, typically to convenience stores or smoke shops.

Bitcoin Depot operates 23 staffed locations, which would not be subject to the new regulations, across Vermont. It also has three crypto kiosk registrations pending with the Department of Financial Regulation.

During more than an hour of testimony, lawmakers grilled the executives on whether their companies were doing enough to protect their clients from fraud.

A significant part of crypto kiosk users are, [in CoinFlip's own words](#), "underbanked and low-income individuals who want to transact primarily in cash," leaving them especially exposed to losing their life savings if they fall prey to a scam.

Lipka said CoinFlip's kiosk screens warn about scams and instruct users to call its 24/7 hotline if a third party has sent them there to make a transaction.

"In addition, CoinFlip permanently blacklists high-risk digital wallet addresses to prevent (them) from ever being used at a CoinFlip kiosk again," he said.

When pressed by Rep. Kirk White, D/P-Bethel, on whether nefarious actors could easily create new wallets to avoid the blacklist, Lipka conceded they could.

"Business always says, 'If you do this to us we will go broke,'" Cummings said when asked about the House testimony. "You have to look at the numbers and make the best decision you can."

### **'We're not an ATM'**

The biggest point of contention, however, surrounded the very nature of crypto kiosks and their relationship to traditional ATMs — which is short for "automated teller machine."

"You know, we call them ATMs because that's what they look like, and they make people comfortable," Lipka said. "But we're not an ATM. You're not accessing your own cash. We're selling you something that you buy voluntarily."

Rep. Heather Chase, D-Chester, appeared stunned by his comments.

"You just said that you call them ATMs, not that they are, so that people are comfortable with that?" she asked.

"We have (called them ATMs) in the past," Lipka said. "We prefer crypto kiosks ... because that's what it actually is. It's not an ATM because it's not connected to a bank."

[On its website](#), CoinFlip advertises itself as "a network of coast-to-coast bitcoin ATMs." A picture of CoinFlip's [physical machine](#) on the company's landing page includes the words "Bitcoin ATM" written prominently below the touch screen.

However, the legislation could have been even more severe on the kiosk operators. The House amendment to H.659 would have banned all kiosks from operating for two years. The Senate reduced this to a yearlong moratorium on registering new machines.

“We have people who have put their money into the kiosks, so there was a concern they wouldn’t be able to access their savings,” Cummings said.

If the bill were to become law, the commissioner of financial regulation would have to report to lawmakers by January 2025 on whether the legislation is doing enough to protect Vermonters.

Cummings said the novelty of cryptocurrency meant it took a while for lawmakers to get their heads around it.

“This is a whole new world,” Cummings said. “We probably won’t get it right the first time.”

### **Phil Scott appoints Democrat to fill Emma Mulvaney-Stanak’s House seat – VT Digger – Corey McDonald**

Gov. Phil Scott on Monday appointed Abbey Duke, a Democrat, to fill the legislative seat vacated by former state Rep. Emma Mulvaney-Stanak, who was sworn in as Burlington’s mayor [last month](#).

Duke is the founder and CEO of Sugarsnap, a South Burlington-based catering company, and the chair of Burlington’s Parks, Recreation and Waterfront Commission. Vermont’s Democratic and Progressive parties had each sent the governor a list of three candidates to replace Mulvaney-Stanak, who served as a Progressive/Democrat in the House.

“I appreciate Abbey for her willingness to get involved and serve the people of Burlington,” Scott said in a press release. “Her experience as a successful small business owner will add a valuable perspective to the House.”

The governor’s choice for the Chittenden-17 district seat prompted an immediate outcry from Progressives. In an interview, Josh Wronski, the executive director of the Vermont Progressive Party, called Scott’s appointment of a Democrat “really disappointing” and said it went against years of precedent.

“It’s really poor form in my view and just an unfortunate choice,” Wronski said, “especially for that district which chose someone who had very strong progressive values to represent them and is really looking for someone who has very strong progressive values to represent them.”

Responding to Wronski’s comments, Jason Maulucci, Scott’s press secretary, wrote in an email, “Former Rep. Mulvaney-Stanak ran in the Democratic primary, not the Progressive primary. If the Progressive Party wants to be taken seriously, it should consider asking candidates to run in their own primaries, not another party’s.”

Vermont politicians sometimes run as “fusion candidates,” choosing to participate in one party’s primary while also seeking the nomination of another party. If such a candidate is nominated by both parties, she may choose which to list first on the general election ballot.

Mulvaney-Stanak, a previous chair of the Vermont Progressive Party, was first elected to the House in 2020 as a Progressive-Democrat after [defeating](#) four-term incumbent Jean O’Sullivan in the Democratic primary.

She again prevailed in the Democratic primary in 2022, while also securing the Progressive nomination. In her second term, she chaired the House Progressive Caucus.

After winning the Burlington mayoral race as a Progressive, Mulvaney-Stanak had considered serving in both the Statehouse and in City Hall until the end of the legislative session, but later chose to [step down](#) as a legislator at the start of her mayorship so she could “effectively serve the city.”

In an emailed statement, Mulvaney-Stanak said she was disappointed that Scott “did not adhere to past practice of appointing a member of the same party” to fill the vacancy.

“The voters of Chittenden-17 elected and reelected a Progressive to the House of Representatives, and this appointment does not reflect the will of our constituents,” she said.

She added, “I do wish Representative Duke well as she begins her service in the legislature, and I am happy to collaborate with her as she serves the remaining six months of the term.”

Duke, in an interview, said that her main priority is “just to be here and learn and get my feet under me and represent my district as well as I can.”

“I’m looking forward to serving all of my neighbors to the best of my abilities in Montpelier,” she said.

### **Final Reading: Increased reporting on state contracts is back in play in the House – VT Digger**

About a month ago, the Senate voted to water down a bill aimed at [making state contracts more transparent](#), opting instead to study what lawmakers had initially proposed. Now, though, some parts of that original legislation are back in play in the House.

The bill, [S.96](#) — a priority for members of the Senate Government Operations Committee — would have required the disclosure of more details about state contracts and grants for services with private entities worth \$25,000 or more. Those details include how a contractor’s pay would compare to state employees’ pay for the same work.

Over the past couple of weeks, the House Government Operations Committee returned this and some other key proposals back to the bill. Late Monday morning, the House committee passed out S.96 on a party line vote, 8-3.

Proponents of the bill have argued that this information isn’t reliably available today, adding it would ensure that the state is only hiring out a job because a private contractor has innovative ideas, and not because the contractor would save the state money at workers’ expense.

House Gov Ops did, still, funnel some of its Senate counterparts' proposals into a study. That includes a measure to double the cost savings — from 10% to 20% — that a private contract would have to demonstrate over hiring public employees for a given contract.

The report would also examine whether grants to private entities should be subject to similar reporting requirements — something that had also been proposed by the Senate committee.

“I was somewhat surprised ... about the lack of insight we’ve got into how we’re spending public dollars for contracts and grants across state government,” said House Gov Ops Chair Rep. Mike McCarthy, D-St. Albans, during Monday’s committee hearing. “We can at least, I think, make some progress on the contractor piece.”

McCarthy said he hopes other House committees can take a look at S.96 in the coming days, and any changes would ultimately head back to the Senate. But time is of the essence — and the two chambers have been at loggerheads on key issues throughout the session.

Meanwhile, S.96 wasn’t the only labor-related proposal on lawmakers’ minds Monday. On the floor, the full House granted preliminary approval to [S.102](#), a bill that seeks to make it easier for certain workers to organize unions, among other measures.

In that case, the House actually nixed a measure that the Senate passed: [allowing agricultural workers to collectively bargain](#). That bill is now slated for final House approval tomorrow.

— *Shaun Robinson*

### **In the know**

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[Read more here.](#)

— *Corey McDonald*

### **On the move**

In a bid to protect Vermonters from scammers, legislators recently passed what could become **the state's first-ever law regulating cryptocurrency kiosks**, which allow people to quickly buy virtual currencies with cash or debit cards.

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Although Gov. Scott had not seen the bill's final language yet, his spokesperson Jason Maulucci said "the Department of Financial Regulation has been comfortable" with its provisions.

[Read more here.](#)

— *Juan Vega de Soto*

In a 94-38 vote during an unusual Monday session, the House passed S.259, a bill that would create **a climate "superfund."** If it becomes law, the bill would fine the world's largest oil companies to pay into a fund, which would help Vermont prepare for and recover from events caused by climate change, such as last summer's floods. Lawmakers in the Senate [voted in favor of the bill](#) earlier this session.

— *Emma Cotton*

Governor Scott signed several bills into law today, including [S.109](#), which sets in motion a process for offering [Medicaid coverage for doula services](#) during pregnancy and birth, and [S.187](#), which would remove regulatory barriers to allow students [to apply sunscreen at school](#) with parental permission but without a doctor's note.

— *VTD Editors*

Visit our [2024 Bill tracker](#) for the latest updates on major legislation we are following.

**From:** Barney, Cole  
**Sent:** Wednesday, May 8, 2024 9:49 AM  
**To:** EXE; EXE - Cabinet  
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**Subject:** News Clips 05.08.24  
**Attachments:** News Clips 05.08.24.docx

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- House passes bill allowing safe-injection sites in Vermont – My Champlain Valley – Malachy Flynn
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Scanlon

- Pro-Palestinian protestors march from Burlington City Hall to UVM's encampment – WPTZ – Tyler Boronski
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- Wild divide: Can wildlife management policy reflect Vermonters' complex views? – VT Digger – Emma Cotton
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- 3 of the session's largest climate bills face opposition from Phil Scott administration – VT Digger – Emma Cotton
- In compromise, budget panel agrees to new limits on motel housing program – VT Digger – Carly Berlin
- Final Reading: Lawmakers send safe injection site pilot legislation to Gov. Phil Scott – VT Digger

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Impacted Vermonters can find resources and referrals by visiting [Vermont.Gov/Flood](http://Vermont.Gov/Flood).

## Governor's Daily News Clips

**Wednesday, May 8, 2024**

### After Senate approval, Vermont's biggest energy bill of the session heads to Gov. Scott – Vermont Public – Abagael Giles

Every utility in Vermont would have to source all of its power from renewable resources by 2035, under a [bill](#) that passed the Vermont Senate this week. Gov. Phil Scott is expected to veto the bill, over concerns about how it would affect electric rates. But Democratic leaders in the Statehouse are hopeful they'll be able to mount a successful override of that veto.

The legislation was drafted in the House and passed through that chamber with strong support. It was not amended in the Senate — which is highly atypical for a bill of its complexity and economic impact.

Three Senate committees gave their approval to the policy without making any changes to what House lawmakers proposed, despite hearing testimony from several entities calling for changes.

Utilities and almost all environmental groups in the state support the measure.

#### **What does the policy propose?**

Currently, Vermont electric utilities are [required to source 75% of their power from renewable resources by 2032](#), with 10% of that power coming from relatively newly built renewables in Vermont.

This bill would require the biggest utilities in the state demonstrate their power portfolios are 100% renewable by 2030. The deadline for smaller, municipal utilities and cooperatives, as well as GlobalFoundries, would be 2035.

Additionally — and most controversially — the bill doubles the amount of power utilities must source from new in-state renewables by 2035, and creates a new requirement that they purchase power from new renewables in the New England region. Most of the in-state renewables are expected to come from solar, though town-owned utilities are allowed to count existing power from small-scale hydro dams.

Notably, the bill doesn't prevent utilities from complying by purchasing power from Hydro-Quebec or from biomass — though the bill effectively excludes those resources from counting towards the requirements for “new renewables.”

The policy's supporters say it is the product of a grand compromise between many stakeholders who have historically been unable to agree about how to update the standard.

Opponents in the Scott administration and at Vermonters for a Clean Environment say it's been rushed and that lawmakers should focus more energy on containing electric rates.

### **How much would the policy reduce emissions?**

Vermont is part of a region-wide electric grid shared by all New England states. On that grid, electricity generated from a natural gas plant in Massachusetts gets jumbled together with electrons flowing from Hydro-Quebec and net metered power from rooftop solar.

As a result, Vermont utilities are directly dependent on power from natural gas plants outside the state's borders, even if the contracts they hold for their power purchases are largely for renewable resources.

Because of this, the only way for Vermont to make its electricity less emitting, from a climate perspective, is for utilities to purchase power from new renewables, built in places where there is demand for more electricity nearby and where there is suitable grid infrastructure and potentially storage for the power they generate.

This is something that is broadly agreed upon — by lawmakers, by environmental advocates and by the Scott administration.

Estimates are all rough, but the trade group Renewable Energy Vermont, which represents renewable developers in the state, and Vermont Public Research Interest Group, an environmental nonprofit that often advocates for renewable energy, have [estimated](#) the bill would do the equivalent of taking 160,000 to 240,000 cars off the road by 2035.

However, critics of the bill, including officials in the Scott administration, have pointed out that according to the state's own accounting, Vermont's electric sector accounts for just 2% of the state's total emissions.

As a result, the policy would have little impact on Vermont's progress towards complying with its legally binding commitment to reduce greenhouse gas emissions in the coming decades.

### **How would the bill affect electric rates?**

Purchasing power from new renewables is more costly than purchasing power from existing resources, like Hydro-Quebec. However, once renewables are built, long-term, their costs tend to be lower and less volatile than electricity derived from fossil fuels.

Vermont's grid is very old and constrained in some places, and would likely require costly transmission and distribution grid updates to accept new renewable power.

VELCO, the state's grid operator, says Vermont's aged grid will need massive upgrades in the coming years regardless of whether lawmakers update the Renewable Energy Standard this year.

However, requiring utilities to purchase twice as much power from new in-state renewables as they do now would almost certainly add cost for ratepayers because the state has no policy to ensure those new renewables are built out in places where there is existing infrastructure capacity for them.

VELCO says two major inter-state transmission projects in the works could help to ensure electric ratepayers don't shoulder the brunt of those costs alone.

The Joint Fiscal Office predicts the policy would increase electric rates between 2% and 6.7% over what they're projected to be anyway by 2035. The Scott administration and those who oppose the legislation allege those numbers are too low, and supporters of the bill, including renewable energy developers, say they are too high.

### **Heated debate over affordability**

The question of affordability boiled over at an event late last month in a Statehouse room, where more than 100 people rallied in opposition to a swath of environmental bills including proposed changes to Act 250, a bill that restructures the governance of the Fish and Wildlife Board and updates to the Renewable Energy Standard.

Speakers alleged the proposed bill would do more to benefit developers than Vermont residents.

They pointed to grid constraints in the Northeast Kingdom, which have forced grid operators to curtail power at Lowell's Kingdom Community Wind. Regulators at the Department of Public Service have said that new solar development in those constrained areas effectively cannibalizes power generated by existing resources, and at a cost to Vermont ratepayers.

The Department of Public Service pitched its own proposal to lawmakers earlier this session, which would have required utilities to buy all of their power from renewables or nuclear power by 2030, and required about half the additional new renewables the current bill calls for.

DPS argues its policy would have saved Vermonters hundreds of millions in transmission upgrades by requiring about half the new in-state renewables lawmakers have endorsed. (Environmental advocates with Conservation Law Foundation and VPIRG contest the department's math and fiscal analysts in the Statehouse have put forward very different figures.)

Vermont has some of the highest solar penetration of any state in the country, with an aged rural grid and huge disparity in who currently owns and has access to renewable power.

TJ Poor, director of regulated utility planning for the Department of Public Service, told members of the Senate Finance Committee in late April that if electric rates go up too much too fast, it could slow Vermonters' adoption of electric appliances, which is currently the state's primary plan for reducing greenhouse gas emissions in its two most emitting sectors — home heat and transportation.

Poor said there has to be a balance — policies should push electricity to be as low-carbon as possible, while keeping it affordable, so that people save money when they switch away from fossil fuels. He said that's especially important for bringing low-income households along.

Sen. Anne Watson, a Democrat from Washington County who voted for the bill Tuesday, argued the policy lawmakers just sent to the governor does just that.

"This bill, I believe, strikes the right balance between affordability and moving towards a more sustainable future," she said.

### Vermont lawmakers work frantically to address massive property tax hikes – WPTZ – Stephen Biddix

With under a week left of the 2024 legislative session, lawmakers are finalizing bills and priorities. One of those is the Yield Bill, which in part requires a study to relook at how education is funded in the state, and what changes need to be made after a staggering property tax increase.

"That's an unsustainable increase. We are going to have people lose their housing because they just can't afford that, and it will be affect rents... costs are already high," said Sen. Ann Cummings, the Chair of the Senate Finance Committee.

The average increase was at one point over 20% but is now down closer to 12.5%, a notable decrease. This was possible because of a new 3% tax on short-term rentals and an unexpected \$25 million that can be used to pay down taxes.

However, Gov. Phil Scott and Republicans want more to be done.

"Doing nothing I don't think is an option, and I'd rather do something, find some cost containment for an expanded period of time, and let's get control of this," Scott said at a recent press conference.

The study includes members of the administration, lawmakers and education-related unions.

"I think to get out of this hole we're going to have to make some very serious and for some very painful decisions. We've just reached the point where we just don't have more money to keep pouring into the system," Cummings said.

While many wanted more relief now, senators said they only had a handful of days with the session anticipated to end Friday and it's going to be a difficult and long process.

"To do something significant right now, to do what the governor wanted us to do and get it into the single digits would cost about \$200 million and we just could not find a way. We had four days to work on this bill so we just couldn't find a way to raise \$200 million," Cummings said.

The bill is expected to hit the Senate floor on Wednesday.

### Governor signs bill designating Vermont state mushroom – WCAX

Vermont now has an official state mushroom after an effort spearheaded, in part, by a group of students.

We recently reported on students from Windham Elementary and the Compass School working with Windham County Rep. Michelle Bos-Lun to get their pick for a state mushroom-- the hericium americanum or the bear's head tooth-- on a bill to become the state mushroom.

Tuesday, Gov. Phil Scott signed that bill into law.

The bear's head tooth can be cultivated or foraged in the woods and is said to have certain medicinal qualities. Bos-Lun says it's also delicious if cooked properly.

Vermont now joins five other states that have a designated state mushroom.

### House passes bill allowing safe-injection sites in Vermont – My Champlain Valley – Malachy Flynn

A new bill could allow overdose prevention centers to be established in Vermont, the first of which would be set up in Burlington. The Vermont House of Representatives agreed to a proposed State Senate amendment on bill H.72, which has already passed the Senate.

The bill would introduce overdose prevention centers which are safe places for substance abusers to seek help, treatment, and resources to Vermont.

Some lawmakers had doubts that overdose prevention centers would help solve Vermont's problems.

"While our state needs to address the exploding use of illegal drug use and expand strategies to prevent overdoses, the results are unclear if safe injection sites will achieve those goals," said Rep. Patricia McCoy (R) of Poultney. "We have evidence based strategies which I believe we should be expanding instead."

Supporters of the bill and advocates for overdose prevention say the centers will help reduce the rate of drug-related deaths in Vermont, which they say is usually a result of someone engaging in unsupervised drug use.

A group of advocates came to the State House Tuesday to voice their support before the House voted. They stressed the importance of providing resources for Vermonters with nowhere else to turn for help.

They also noted the impact that public drug usage and overdoses has on community members. The Rev. Elissa Johnk of the First Congregational Church of Burlington said members of her congregation regularly witness the effects of public drug overdoses. She hopes an overdose prevention center in Burlington can bring the help her community needs.

"Not having an overdose prevention center means we are asking the rest of us: store clerks, librarians, office managers, shop owners to be counselors and medics and cleaners," The Rev. Johnk explained. "The burden on our emergency teams and on our businesses and on our cities, it is too heavy to bear. Not having an overdose prevention center puts the burden on all of us."

The initial overdose prevention center in Burlington would act as a pilot program for future initiatives, and would be paid for by Vermont's Opioid Abatement Special Fund. There is currently no timeline to build the center, nor has a designated location been decided on, but supporters say they are eager to begin work as soon as they can.

### Advocates fear public safety bill could send more Vermont children to prison – Vermont Public – Peter Hirschfeld

Child advocates are making an 11th-hour push in Montpelier to revise legislation that would send more young offenders into the criminal justice system for adults.

Teenage brains are different than adults', and that scientific fact has spurred reforms in Montpelier that are designed to keep young offenders from entering the system that Vermont uses for adults.

Public safety legislation that's up for a final vote in the Statehouse this week, however, could result in more kids going to adult prison.

"All in all, this bill is one of the most concerning pieces of legislation we're seeing this session," said Falko Schilling, with the Vermont chapter of the American Civil Liberties Union.

There are a number of provisions in legislation, [known as S.58](#), that are of concern to Matthew Bernstein, the child, youth and family advocate for the state of Vermont. The one that worries him most would allow children as young as 16 to be tried as adults for felony drug trafficking.

"I think the Legislature has gotten a little bit caught up in fear-based policymaking," Bernstein told Vermont Public.

Bernstein, whose position was created by lawmakers in 2022 to represent the interests of kids in state government, said the Legislature is understandably trying to allay public outcry over drug-fueled crime in Vermont communities.

But he said targeting 16-year-old pawns for their role in the state's substance use problem is misguided at best.

"They don't have a choice in the matter, in terms of the coercion that is being exerted upon them," he said.

Vermont lawmakers are more than a decade into a criminal justice reform effort that's sought to reduce recidivism, and improve public safety, by adopting a trauma-informed approach to the rehabilitation of young offenders.

Bennington County Sen. Dick Sears is one of the architects of that movement.

"I started working with troubled youth in 1969, before Matthew Bernstein was born, I'm sure," Sears said. "So my commitment to those kids is unwavering."

Sears, however, said some of the young offenders of 2024 are different than the ones he started working with nearly a half century ago. And he said criminal statutes need to acknowledge that evolution.

“We see kids today who are much more complex, and the behaviors are dangerous,” he said. “That’s who we’re trying to get at.”

Jay Blitzman, a former juvenile judge and public defender in Massachusetts, said the sentiment driving S.58 “hearkens back to ... what I think is pernicious mythology of the super predator era.”

Blitzman, who once ran a youth advocacy project in Massachusetts and now teaches at Harvard Law School, is referring to the [tough-on-young-criminals approach that took hold in the U.S. in the 1990s](#).

He said addressing public safety has since become a matter of science.

“Look at the data,” he said. “Look at the research.”

That research, he said, has demonstrated time and again that [young offenders charged in juvenile or family court are less likely to reoffend](#) than those sanctioned in criminal courts.

“It makes common sense, it is common sense, to take that 18, 19 and 21-year-old cohort and put them into a more rehabilitative system, which has demonstrably lower recidivism rates,” Blitzman said.

And he said the idea that some of those young offenders are too dangerous, or too far gone to bring back, has no basis in science. He said it also reinforces antiquated policies that are responsible for “searing” racial inequities in the criminal justice system.

“There are very few, if any, youth who are so dangerous that they can’t be treated in the juvenile system,” he said.

The addition of new crimes for which 16-year-olds can be tried as adults isn’t the only aspect of S.58 that would affect juvenile justice practices in Vermont. And the bill is in many ways a symptom of the [resource scarcity that’s plaguing Vermont’s public safety](#) and child welfare apparatuses.

The legislation would also postpone a law known as Raise the Age, a [statute passed in 2018](#) that was borne of the sort of research that Blitzman and Bernstein point to. It was supposed to ensure that, starting this July, most 19-year-old offenders would avoid getting charged in adult criminal courts.

Lawmakers have decided to delay implementation of the law, however, after hearing from the state workers whose job it is to rehabilitate justice-involved youth.

“The current climate that my colleagues and I are facing in the course of our jobs every day is that we are stretched beyond the breaking point for the last several years,” Jason Conety, a family



services worker at the Department for Children and Families, told lawmakers earlier this year. “The youth that we’re serving today, the behaviors that we’re seeing, are significantly more dangerous now than ever before.”

DCF says [staffing shortages and the lack of a secure facility](#) for violent youth in crisis have left rank-and-file employees to supervise young offenders for days at a time in emergency rooms, police stations and district offices.

Chris Winters, commissioner at DCF, said Raise the Age is a critically important initiative that uses breakthroughs in neuroscience to more effectively address the root causes of criminal behavior by young people.

But Winters said the state can’t responsibly move forward with Raise the Age until his department has the staff and infrastructure it needs to address the physical risks and emotional needs of the young offenders that will be coming under its custody.

“I am most concerned about our staff, about the pressure that it’s under right now, about the caseloads,” he said.

Winters is candid about what limitations at DCF mean for the teenagers who would otherwise avoid entering the criminal system.

“That’s the thing that’s the most worrisome, is that there are some youth who are going through the criminal justice system, who could be taking a more rehabilitative path and treatment-oriented path,” he told Vermont Public.

Lauren Higbee, Vermont’s deputy child, youth and family advocate, said the resource shortages faced by DCF are real. And she said her office strongly supports whatever funding increases are needed in order for the department to fulfill its child welfare mission.

But she said S.58, in its current form, speaks volumes about whose interests are being prioritized in Montpelier.

“S.58 is really designing a system for the workforce rather than designing a system for those we’re serving,” Higbee said. “And I think it’s really important to name that.”

The House and Senate are expected to hold final votes on S.58 before the end of this week.

### [Senate joins House in punting school financing dilemma to study committee – WCAX – Calvin Cutler](#)

With days left in the legislative session, state lawmakers are wrapping up their efforts to find property tax relief to offset expected double-digit increases.

Senate President Phil Baruth Tuesday called it a “dark legislative session,” saying the property tax issue has lingered over everything. He says raising taxes to address the full \$200 million in

new local school spending isn't possible, so the Senate is poised to approve a plan to tax Vermont businesses through software storage and add a three percent tax on short-term rentals. The Senate plan would also set aside \$25 million in excess tax revenues, meaning homestead property taxes and non-homestead taxes covering renters are slated to increase 12.5%.

"Is it bold, is it groundbreaking -- I would say we're going lower than we ever have on the excess spending penalty than we ever have. But there's a lot more to do and I think at this point that's the process of the coming year," Baruth said.

The Senate plan also includes measures for cost containment -- a penalty on school districts that pass budgets over a certain threshold. It also funds an 18-month study on what the future of the state's education system should look like and how to pay for it.

The House also passed a \$120 million package of taxes -- including on wealthy Vermonters -- to help fund health care, housing, and positions in the criminal justice system. But Baruth says that tax package is not moving forward over cost concerns.

Meanwhile, Baruth says a plan from Governor Scott to loan school districts from state reserves to buy down the rate is off the table.

### **Renewable Energy Bill Heads to Governor's Desk – Seven Days – Kevin McCallum**

Lawmakers gave final approval to a bill that will accelerate the state's transition toward clean energy by requiring utilities to get 100 percent of their power from renewable sources by 2035.

The bill, H.289, was lauded by environmental groups but blasted by Republicans concerned about the costs. It faces a likely veto by Gov. Phil Scott and an override when the legislature returns in June.

"Today's vote shows that most Senators agree that increasing our reliance on renewable energy makes sense both environmentally and economically," Peter Sterling, executive director of Renewable Energy Vermont, said in a statement.

The bill has broad support among utilities, including Burlington Electric Department, which claims it is already 100 percent renewable, and Green Mountain Power, which says it is on track to get there by 2030.

But Scott and Republican lawmakers have argued that the bill will impose unnecessary costs on Vermonters.

The legislature's Joint Fiscal Office has offered a wide range of cost estimates for the bill, from between \$150 million and \$450 million over the next decade, or from \$4 to \$16 per month for the average household by 2035.

It warned, however, of "considerable uncertainty" in those estimates, which Sen. Russ Ingalls

(R-Essex) said are “all over the place.”

Sen. Chris Bray (D-Addison), countered that one of the reasons for the difficulty of predicting future energy costs is that most New England power plants run on natural gas, which is prone to spikes in cost.

The bill would not only lower carbon emissions from fossil fuels but would end the “roller-coaster ride” of fuel price swings, Bray said.

The Department of Public Service proposed other ways to update the law, known as the state's renewable energy standard. But lawmakers rejected them, partly to avoid increasing the state's reliance on nuclear power.

Lawmakers' views varied widely. Sen. Terry Williams (R-Rutland) based his opposition in part on the premise that fossil fuels will be a major part of the world energy supply for at least the next 30 years. He came to this conclusion, he said, “from a conversation I had with an engineer from ExxonMobil.”

Strong majorities in both chambers agreed that the bill's cost increases were modest compared to its environmental benefits.

“While Vermonters do value affordability, we also value reducing our carbon, and this bill strikes that balance,” Sen. Anne Watson (D/P-Washington) said during debate on the bill last week.

She noted that analysts called the cost of the bill in 2025 “insignificant.”

Sen. Andrew Perchlik (D/P-Washington) called it inconsistent for senators to support a bill designed to make big oil companies pay for the environmental damage from selling fossil fuels — as most did recently — while not supporting a bill designed to help the state get off those fuels.

“If we think they are responsible for their past actions, we have to be responsible for our actions now,” he said.

### **Results start to come in for school district revotes happening Tuesday – WPTZ – Molly Osborne & Shelby Lincoln**

Several school districts across Vermont are presenting budget proposals Tuesday as they continue working to secure spending plans for the next fiscal year.

Several budgets failed on Town Meeting Day due to sharp property tax increases. A change to the statewide education funding formula is the main driver of those rate hikes.

Most districts are on a second round of voting. Some are already asking voters to consider revised budgets for a third time.

See how your district voted below:

### **Twinfield Union School District**

After the \$8 million budget passed by 3 votes on Town Meeting Day, voters in the district circulated a petition asking the community to [reconsider](#) the budget. On Tuesday, voters overturned the budget, 440-423.

### **Caledonia Cooperative School District**

The school district's revised budget proposal passed on the second try, 321-311. The original budget proposal failed on Town Meeting Day.

### **St. Johnsbury School District**

The new \$29.2 million budget proposal passed on the third try, 673-475. The [original](#) \$30.2 million budget failed on Town Meeting Day. And the \$29.2 million revised budget failed in a revote in April.

In a statement, St. Johnsbury School District Superintendent Karen Conroy said, "Throughout this process, I have gained invaluable insights and have learned a great deal. I acknowledge that there are areas where we can improve, particularly in our upfront planning for future budgets....I am fully committed to implementing changes that will help alleviate similar challenges in the future."

### **Alburgh School District**

The school district's revised budget proposal failed on the second try.

The vote was 100 in favor, 136 against, according to the superintendent of the Grand Isle Supervisory Union.

### **Essex-Westford School District**

Voters in the Essex-Westford district approved a \$76.6 million budget on the second try. It's a \$4.5 million reduction compared to the original budget that previously failed.

Results show 2,404 people voted in favor and 1,925 voted against.

### **South Burlington School District**

The South Burlington School District finalized a budget after a third attempt.

The proposal falls just under \$68.1 million, which is about \$3 million less than the original proposal, which failed on Town Meeting Day.

According to the school district, there were 2,242 votes in favor of the budget last night and 1,706 against.

## **Washington Central Unified Union School District**

Voters approved a nearly \$41.7 million budget in the Washington Central Unified Union School District. It was the second attempt to pass a funding proposal.

1,222 voters approved the budget, while 1,023 rejected it.

*NBC5 is still awaiting results for the Rochester-Stockbridge Unified District, which held its first budget vote on Tuesday.*

*This is a developing story. Check this article at a later time as results continue to come in.*

## **Safe injection site bill headed to governor – WCAX – Calvin Cutler**

A bill creating the state's first safe injection site in Burlington is on its way to Governor Phil Scott.

The facilities -- also known as harm reduction centers -- allow people to consume illicit drugs under medical supervision to prevent fatal overdoses. [The Vermont House Tuesday gave final approval to the bill, which would use opioid settlement funds to create a safe injection site in the Queen City.](#)

At a rally ahead of the vote, advocates highlighted a letter signed by 500 people in support of the bill and urged Scott to sign it.

“Yes to compassion. Yes to a non-punitive approach to a population in need of safety, in need of protection, and in need of quality health care,” said Ed Baker, a licensed independent clinical social worker.

The governor has said he would veto the proposal over moral and logistical concerns and says the state should invest in treatment and prevention. Other critics have said a Department of Justice under a potential Trump administration could shut them down.

## **Bill that would restrict PFAS in consumer products heads to governor – Vermont Public – Abagael Giles**

The Vermont Legislature gave its final approval Tuesday to a bill that restricts toxic so-called "forever chemicals" in a suite of commercial goods.

The bill bans PFAS in clothing, makeup, menstrual products, diapers and nonstick frying pans starting in 2026. It also bans them in turf starting in 2028.

The tiny chemicals don't break down on their own and are increasingly ubiquitous in drinking water and the natural environment.

The Environmental Protection Agency has said virtually no level of exposure to them is safe, and [the agency added the chemicals to its "Superfund" list](#) this spring.

Paul Burns of the Vermont Public Interest Research Group said the bill will go a long way to protect Vermont consumers from chemical toxins.

"This legislation, I think, will stand as perhaps the most comprehensive legislation thus far passed in the country dealing with PFAS pollution," he said.

The Vermont Senate and House voted unanimously to support the bill.

The policy also includes a first-in-the-nation ban on phthalates, formaldehyde and mercury in menstrual products, and it also restricts the chemicals in makeup.

It calls on the Vermont Department of Health to study a potential limit on lead in cosmetics and period products.

The lead issue proved controversial as the bill was finalized. An earlier version of the bill restricted lead in makeup and menstrual products and to 5 ppm, or parts per million.

According to the federal Food and Drug Administration, lead exposure from lipstick is of particular concern because people ingest lipstick when they lick their lips.

The federal government restricts lead in makeup to 10 ppm, and just two states have their own statutory limits below that level — Oregon and Washington. Washington restricted lead to 1 ppm in makeup as of the start of this year, and Oregon's limit parrots the federal standard.

[You can look up lead levels in various lipstick brands, as tested by the FDA, here.](#)

The Associated Industries of Vermont and Personal Care Products Council lobbied hard to raise the proposed limit to 10 ppm, and Senate lawmakers ultimately decided to strike the provision altogether.

Instead, the bill directs the Vermont Department of Health to study Washington's experience implementing a 1 ppm standard for lead, and to report back to lawmakers next session with a proposed limit for Vermont.

Sen. Ginny Lyons, a Democrat from Williston who chairs the Senate Committee on Health and Welfare, said she was "not thrilled with it," but her committee had qualms about setting a standard in statute that was too high and might encourage other states to follow suit.

"This is a tough choice for us," said Lyons. "But I think given where we are in the session and the amount of time that we have, I'd like to help us move forward."

Lyons said her committee will be looking closely at a limit on lead in cosmetics next session.

The House voted unanimously Tuesday to accept the Senate's proposed amendments.

The bill goes to Gov. Phil Scott's desk next. It's not yet clear whether the governor will sign the bill, but the Agency of Natural Resources signaled strong support for the policy in testimony.

### Lawmakers mull penalties in bill banning ghost guns – My Champlain Valley – Malachy Flynn

Lawmakers are putting the final touches on a bill that prohibits the possession of ghost guns — firearms without serial numbers built at home using separately purchased parts.

Ghost guns are often built with ready-made kits or 3D-printed parts, and because the individual parts are not considered guns under federal law, they aren't subject to the same regulations.

Law enforcement has a harder time tracking these guns, say supporters of the bill, [S.209](#). The bill would bar people from having guns, frames or receivers that lack serial numbers or transferring them to someone else. That would apply to unfinished parts, too. It would also require people who build a gun or a receiver to get it imprinted with a serial number.

Legislators have been going back and forth on the punishments in the bill since it passed the Senate in February and the House late last month.

Here's what senators wanted to see [as of](#) May 6:

Someone who possesses an unfinished frame or receiver, a fully built gun or a finished frame or receiver — all without serial numbers — would face a \$50 fine on their first offense. On a second offense, the person would face up to two years in prison and up to a \$1,000 fine, and for further offenses they'd face three years in prison max and up to \$2,000 in fines. Those penalties are harsher than the ones proposed by House lawmakers when they passed the bill.

Transferring or building any of the regulated items without getting serial numbers printed on them would entail up to a year in prison and up to \$500 in fines for a first-time offender. The penalties would go up to two years and a \$1,000 max fine upon a second offense, and they'd rise to three years and up to \$2,000 in fines upon further offenses.

The bill was met with pushback from gun rights advocacy groups, such as the Vermont Federation of Sportsmen Clubs, which said it would do little to help crime rates and instead puts unnecessary rules on law-abiding citizens.

"I don't care what law you pass. Criminals will always be able to get guns if they can 3D print them," Chris Bradley, director of the Vermont Federation of Sportsmen Clubs, [said in a February interview](#).

Supporters of the bill believe it is a step in the right direction for gun safety in Vermont, said Sen. Phil Baruth, D/P-Chittenden Central, one of the bill's lead sponsors, back in initial discussions.

Supporters believe that it will help decrease violent crime rates in the state, which have gone up in the past few years, said Conor Casey, the director of Gun Sense Vermont, one of the organizations backing the bill.

[According to a story published in December by Vermont Public](#), gunshot deaths have increased since 2011.

The lack of serial numbers on ghost guns makes it more difficult to trace them to a crime.

### **Progressive Party leaders say Democratic appointment breaks with precedent – WCAX – Calvin Cutler**

Vermont Progressives are crying foul over Governor Phil Scott's pick to fill Burlington Mayor Emma Mulvaney-Stanak's former House seat.

The governor on Monday appointed Abbey Duke, a Democrat, to the Burlington seat. Mayor Mulvaney-Stanak is a fusion candidate -- a Progressive Democrat -- and was the chair of the House Progressive caucus.

Progressive Party Chair Josh Wronski says Scott's choice breaks with the historical precedent of appointing a politician from the same party who is giving up the seat. "We're really disappointed with that and I think it shows the governor is willing to play politics in a way that is not in the interest of that district or moving the issues that district wants forward," he said.

The governor's office says the Progressives' concerns are inaccurate, adding that Mulvaney-Stanak filed to run in the Democratic, not Progressive primary.

### **Overdose-Prevention Site Bill Heads to Gov. Scott's Desk – Seven Days – Kevin McCallum**

Drug reform advocates celebrated Tuesday's passage of a bill that would allow Vermont to establish its first center for people to safely use illegal drugs.

Members of the House signed off on changes to [H.72](#) that their Senate colleagues approved last week. The bill now goes to the desk of Gov. Phil Scott, who has signaled he'll veto it. Legislative leaders say they expect to have the votes to override Scott's opposition.

The bill instructs the Vermont Department of Health to set guidelines for an overdose-prevention site by September, after which one could open, most likely in Burlington.

"What we have right now is unsafe injection sites all over the state," said Grace Keller, a former program coordinator at Howard Center, following final passage of the bill.

The original draft of the bill called for two sites to open, using money from a new tax on prescription drugs. But subsequent versions cut the \$2 million for the pilot program in half.



Burlington leaders, including newly elected Mayor Emma Mulvaney-Stanak, have expressed strong support for such a center as a way to help the Queen City address a recent surge in overdoses. Where — and when — one would open is still unclear.

At the Statehouse on Tuesday, Rev. Elissa Johnk, lead minister at First Congregational Church of Burlington, recalled finding people who were high in the bushes outside her church on Easter Sunday, giving sermons as ambulance sirens wailed and officiating the burials of overdose victims.

“Not having an overdose-prevention center means we are asking the rest of us — store clerks, librarians, office managers, shop owners — to be counselors and medics and cleaners,” Johnk said. “Not having an overdose-prevention center puts the burden on all of us, and we are not able to hold it.”

She added that the heartbreak of Burlington residents being unable to help those suffering from addiction was a form of “moral injury.”

“It’s a betrayal of the values and morals that we all claim to hold,” she said.

The bill provides broad protection from liability for center staff who help people use drugs or prevent overdoses. It also calls for officials to track whether the center helps reduce deaths, gets more people into drug treatment and reduces litter from discarded needles.

Ed Baker, a retired drug counselor and tireless advocate for progressive drug policies, praised lawmakers for recognizing the urgency of the overdose crisis and moving up by a year the date by which the health department would need to establish operational guidelines.

No service provider or location has been selected, but Baker said city leaders are already considering how to speed up the permitting process for such a center.

### **Lawmakers deliberate bill that would give young Vermonters confidential access to library materials – Vermont Public – Howard Weiss-Tisman**

An effort to lower the age for children to confidentially access information in public libraries is making its way through the Statehouse.

The legislation would [lower the age for children to confidentially access materials in public libraries](#) from 16 to 12.

The Vermont Library Association supports the measure, saying it gives kids access to sensitive material they may not otherwise want guardians to see.

Mary Danko, president-elect of the Vermont Library Association, [told lawmakers](#) some of the subject matter reflects “big challenges” that some young Vermonters may face.

"Some of these topics are especially important in regards to sexual abuse, incest, puberty, mental health challenges, addiction, eating disorders and sexual assault, just to name a few," Danko said.

Some parents testified to lawmakers that they oppose the change, worrying children could be exposed to inappropriate material.

Alison Despathy is a parent of three kids from Danville. She spoke against the bill in front of lawmakers.

"It's all real. This is all life, it's just when and how are our children introduced to it," Despathy said. "And who's there to guide and make sure that they're getting, you know, a good introduction to the world."

Despathy said she strongly supports free speech, but that children as young as 12 should not be able to access library materials without parental consent.

The policy change is part of a bill intended to protect libraries from book banning. The bill passed the House this week and will head back for review in the Senate, where it originated.

### Vermonters in several school districts approve revised budgets – WCAX – Lucy Caile

Voters hit the polls again in many Vermont communities on Tuesday to decide on their school budgets.

Residents in South Burlington and St. Johnsbury passed school budgets after a third vote Tuesday. On their second try, voters in Essex Westford and Washington Central Unified Union School District also passed their budgets. vote.

South Burlington's budget passed with a vote of 2,242 to 1,706, St. Johnsbury's passed 673 to 475, and Essex-Westford's passed 2,404 to 1,925. Washington Central Unified Union School District also passed its budget with a vote of 1,222 to 1,023,

But The Alburgh School District did not pass its second budget, voting 136 to 100. They will now prepare for their third

"I really appreciate the hard work that our school board did to reduce it just like the community asked for and I'm happy to support our community, our students. I mean the kids are our future, so I can't imagine not wanting to support this," said Essex resident Jessica Neiles.

The EWSD school board says they tried to make as many cuts as possible to appease taxpayers while doing what's best for the school community. The more than \$93 million budget voted on Tuesday was reduced by \$4.5 million compared to the one that failed on Town Meeting Day. The district is the second largest in Vermont, serving roughly 4,500 pre-k to high school students in Essex Town, Essex Junction, and Westford.

Most voters we spoke to seemed strongly in favor of the budget's passing.

“My kids have been in the school recently, my wife works in the schools periodically, and I know the needs that they have, and I want to have really good schools so I’m willing to pay a little more if I need to,” said Essex resident Dan Davis.

“A community simply has to look into the future and decide that they’re gonna support the children’s education or not. You can always make more money or find more money, but you can’t always find a better education,” said Essex resident Tom Jiamachello.

Others who voted no cited the property taxes as their main reason.

The second budget would raise property tax rates by nearly 10% in Westford, just over 12% in Essex Town, and nearly 15% in Essex Junction.

### **More Fallout from the Flood: Complex Questions Facing the Capitol Complex – The Montpelier Bridge – Will Lindner**

By late afternoon on Tuesday, July 11 last year, floodwaters that had inundated Montpelier the day before had receded enough for state officials to don boots and galoshes and trudge from building to building, surveying what the flood had wrought in Vermont’s Capitol Complex.

It was mayhem, just as in the commercial area of town, where business owners were beginning to stack mammoth piles of ruined inventory and furniture on the sidewalks.

“There was water everywhere,” recalls Jennifer Fitch, commissioner of the Department of Buildings and General Services (BGS), which oversees and essentially operates the state’s properties. “I never knew that refrigerators floated.”

The government owns or leases space in 24 buildings in Montpelier — not 17, as this writer erroneously reported in a recent Bridge article on teleworking by state employees. Seventeen, though, is the number that Fitch and her staff eventually determined were impacted by the flood. In some cases it was minimal. The Department of Motor Vehicles, probably the Capitol Complex building most utilized by Vermonters, had just three inches of water in the basement, which is stunning considering that it’s situated close to the Winooski River and basically upon the same plain as the downtown, which was wrecked.

There’s a reason for that, explains Joe Aja, the department’s director for design and construction. The DMV’s foundation had been renovated and protected using a technique called dry-flood-proofing; it somewhat enhances the foundation itself, but crucially includes installing sump pumps on the outside of the foundation to pump water away before it can find its way in.

“It allows a little bit of water to get inside,” Aja says, explaining the three inches. “We did the same thing with the heat plant,” a brick building behind the DMV that’s even closer to the river and provides heat to most of the complex. “We had about 10 inches of water in there.”

Even with 10 inches, the heating plant was considered “minimally impacted.” Aja and Deputy Commissioner David DiBiase had to clear wood chips and debris from the interior pumps, but it

was an easy fix and the buildings weren't compromised — a bit of good news, and evidence that we can learn to prepare for future frightening events.

But in many places the damage was worse, with problematic implications for the complex as a whole. Buildings and General Services, along with the state's Taxpayer Assistance Service and Property Evaluation, resides in an imposing granite building at 133 State Street. It has not only a basement, but also a sub-basement (as do other of the larger buildings). Getting these properties pumped — then mucked out — (the icky toil of carrying out truckloads of foul debris) required the assistance of two Servpro franchises, which brought in 150 workers from its national network. They camped out behind the Department of Labor building on Green Mountain Drive and spent weeks emptying out these subterranean vortexes, with state employees examining every sodden document to determine if it was expendable.

The mucking was followed up by aerating and dehumidifying.

"The final phase was cleaning and disinfecting," Commissioner Fitch recalls. "You need to make sure you're disinfecting everything the floodwaters touched."

This was where complications set in, because to a significant degree the structures within the Capitol Complex are interconnected. Behind her building at 133 State Street are smaller buildings on Governor Aiken Avenue and Baldwin Street that were almost unscathed in the flood. The trouble is, their electrical systems are linked to the very compromised system at her building.

"Right now," Fitch acknowledges, "we're working with the existing electrical systems. But anything that was electrical and came in contact with floodwaters will need to be replaced permanently at some point."

That will mean wholesale electrical renovations at some of the largest state buildings, with a residual impact on smaller, connected structures. And it's just one example of how, 10 months after the flood, its impact on the Capitol Complex has yet to be fully determined. As Fitch, Aja, and their associates contemplate the options, a reimagining of the complex is inevitable.

Seen more positively, though, it presents opportunities. How can the state best utilize these resources for a workforce that, in 2024, works differently from the workforce of previous decades? Which buildings might be reconfigured or discarded? Where will staff be redeployed, perhaps combined, and how much workspace will actually be needed?

And can this reshuffling benefit the taxpayers of Vermont and the residents of Montpelier and nearby towns, with their troublesome housing crises?

## **The Old Days**

The Capitol Complex has always been in flux. It has mostly occupied the same part of town — the long, less-densely developed stretch of State Street between Taylor Street and Bailey Avenue, with a shorter, parallel track on Baldwin Street. In 2004 the Vermont Historical Society published a study authored by Christopher Aladdin Bellamy, titled "The Capitol Complex: Change, Loss and Renewal." Bellamy documented 37 addresses — not 24 — at the time of his report.

The Statehouse was completed in 1859, and, conceptually, would house all of state government beneath its dome. The Supreme Court Building (1918) represented an expansion of the government footprint. Another building purposely constructed for state government is the Pavilion Office Building (1971). Its distinctive design, with tiers of wraparound porches, derived from the hotel that preceded it at that site and was built to serve stagecoach travelers.

From Bellamy's history, it appears as though as the Capitol Complex expanded, it followed the National Life Insurance Company around. Bellamy mentions several addresses that once were linked to National Life and later came under the state's purview. The first one was the building across from the Pavilion, at 110 State Street; that was National Life's birthplace, where, from the 1870s to the 1890s, it did business out of rented space on the second floor. The company's final location, before quitting the downtown, was the very building — that granite behemoth — where Fitch, Aja, and their BGS team reside today.

Other parts of the complex hint at humbler, more personal stories, such as the houses along Baldwin Street that, ages ago were homes for business leaders, attorneys, and physicians. Many of these buildings entered the state's portfolio in the 1970s, apparently a time of expansion.

Then there's 136 State Street, which, until the flood, housed the Vermont Arts Council. Nearly a century ago, Howard and Alba Leahy launched their printing operation — the Leahy Press — there, and it's where they raised their three children, including Patrick, who represented Vermont in the U.S. Senate for 48 years.

### **Newer Priorities**

And so the Capitol Complex has shape-shifted over the years, and Commissioner Fitch anticipates it will again. Actually, 110 State Street (National Life's incubator some 150 years ago) had already been on the block before the floods came.

"It's an example of a building that no longer meets our criteria," Fitch explains. "Fairly chopped up inside, so smaller spaces, and hard to optimize desk layout."

Furthermore, it's been underutilized. Fitch reached out to the city of Montpelier to see if they were interested in the building or knew of others who might be — there's a housing shortage, after all.

But her efforts went nowhere. And then came the flood.

"Now we have to retain that property until we can make repairs," says Fitch.

The buildings up on Baldwin Street escaped flooding, but as the state reevaluates what it wants from its workspaces, those structures seem questionable as well.

"They're older, they're smaller, they cost more to heat, and they're less efficient from a space-optimization standpoint because they're broken up into rooms. They're houses, after all," says Fitch. "So it's an opportunity to sell some real estate that supports the needs of Montpelier while very strategically reducing the square footage of office space we have in our portfolio."

On the other hand, she continues, “It costs money to consolidate and optimize space. It also costs money if we have to regain space sometime in the future.”

“So we want to be methodical in the decisions we’re making.”

### **Complicated Compromises**

In many ways, the Capitol Complex seems to be up and running again. People show up for work, citizens come to take advantage of state services. However, four modest structures at the far end of State Street remain unoccupied. One of them is the Leahy family’s former home.

The issues BGS faces with these properties illustrate the complexities that Fitch and her coworkers — indeed, state government as an entity — confront as they attempt to reconfigure their Montpelier footprint.

Put it this way: there are a lot of interested parties. One of them is the Division of Historic Preservation.

“These buildings at the end of State Street all had water on the first floor,” says Fitch. “Of the four, three are considered ‘historically contributing’ to the district — meaning that they’re old.”

The only way to reconstruct the ruined floors and walls so they retain their historical appearance — and thereby satisfy the Division of Historic Preservation — is with materials like plaster that replicate the original design.

A countervailing interest, though, is the Federal Emergency Management Agency.

“What FEMA says,” Fitch continues, “is if you do anything that looks permanent [the plaster, for instance] and you haven’t gotten official FEMA approval, you can jeopardize your FEMA funding.”

So the buildings remain in limbo, their histories silenced, their future unresolved. Indeed, FEMA and Historic Preservation, with nearly opposite missions, both weigh heavily in matters throughout the Capitol Complex. Fitch never utters a word of impatience, lauding them both as allies in the state’s recovery.

Then there’s FARC — the Flood Hazard Area and River Corridor Protection rules implemented by Vermont’s Department of Environmental Conservation following Tropical Storm Irene in 2011. It mandates that when owners of buildings within floodplains replace mechanical equipment, such as electrical, hot water, and heating systems, they must elevate them to at least two feet above the base flood elevation.

“That,” Fitch acknowledges, “is going to be our guiding document as we move through the planning process.”

But the implications have yet to be determined: move the essential equipment in each building to some upstairs location? Combine equipment to serve multiple buildings in a new, elevated

structure somewhere among them? “You’ve got to think about that individually, but then you have to think about it collectively,” says Fitch.

And to cap it off, there’s the Capitol Complex Commission, a five-member board with regulatory powers whose mission is to ensure harmony between the state’s holdings and the aesthetic character and practical interests of Montpelier itself.

Fitch, matter-of-factly, summarizes the situation. “You’ve got all these different, competing priorities that you’re trying to bring into the planning process. At the end of the day, typically, the outcome is some degree of compromise among all the stakeholders.”

But even that’s not the end of the story. When that barely conceivable consensus has been achieved, it will fall to the administration and the Legislature to evaluate it, probably to modify it, and finally to fund it.

Fitch hopes they’ll see it like she does — that “ultimately the overall goal is to make these buildings more resilient to future flooding events.”

With the myriad unknowns and unknowables, that may be the only certainty that lies ahead: There will be more flooding.

### **Dozens of Vermont school districts remain without a budget – Vermont Public – Lola Duffort**

In 1996, the town of Benson set a state record when, after two years of rejecting school budgets, its voters finally approved a spending plan on the 13th try. Asked by a Rutland Daily Herald reporter at the time if she had a reaction to the news, the school board chair replied: “Sure I do, but it would split your eardrums.”

Amid a statewide tax revolt nearly 30 years later, school officials in the Slate Valley Unified Union School District, which includes Benson, are hoping history won’t repeat itself. But they are bracing for a difficult summer.

“I am significantly worried about ever having a passed budget and the implications on students,” said Slate Valley Superintendent Brooke Olsen-Farrell.

Since Town Meeting Day, 90 school districts in Vermont have successfully won voter approval for a budget — some on their third try. But 33 districts still don’t have the green light from their residents, according to data compiled by the Vermont Superintendents Association.

Voters in Slate Valley will head to the polls on Thursday for the third time this year, and Olsen-Farrell said she has a simple message for the residents in the six towns she serves.

“Further ‘no’ votes are not going to really decrease your taxes. ... But it will be substantial cuts to educational programming,” she said.

That's because Vermont's complicated system for funding its schools relies on a statewide pot of money. Two variables ultimately impact how much property taxes go up (or down) in any given town: how much that district spends per-pupil, and the aggregate amount that needs to be raised statewide to pay for all the school budgets approved by local voters.

With revisions, districts without budgets can still change their per-pupil spending. But with so many school budgets across Vermont now locked into place, the total that will need to be raised statewide is nearly set. That will leave districts who continue to revise their spending downward to win their voters' approval with diminishing returns when it comes to reducing their residents' actual taxes. Lawmakers could adjourn as soon as this week, and are preparing to pass a property tax bill that assumes a statewide [increase in education spending of 10.7%](#).

School officials elsewhere in the state are attempting to communicate this complicated reality to their voters ahead of revotes this week.

"For every dollar we cut from the school budget, St. Johnsbury saves about 20 cents. The state keeps the rest and uses it to lower taxes in other towns. This is not a vote on what is happening in Montpelier. Please keep that for November," St. Johnsbury School Board Vice Chair Peter VanStraten wrote in a letter to the district's voters ahead of their third budget vote this week.

In Slate Valley, the revised spending plan before voters this week is just \$211,500 less than the \$31 million budget that was originally presented in March. School officials considered further cuts but ultimately held off, and have sought to emphasize that the district, which is one of the poorest in Vermont, already spends far below the state average per-pupil.

Cutting more would be a particularly tough pill to swallow, Olsen-Farrell argued, since higher spending in more affluent communities contributes to the tax pressure felt locally.

"We have kids in other districts around us that are receiving more resources, and our kids are receiving less. But that is lost in the conversation, and I think it's just because the system is so convoluted and hard to understand. And people tend to vote 'no' when they don't understand something, too," said Olsen-Farrell.

The district also has little room to maneuver: It has already signed contracts with its educators and transportation provider. All that's left to cut are sports, maintenance projects, clubs, and summer and after-school programming.

Even Curtis Hier, the lone Slate Valley school board member advocating against the budget, acknowledges that "fiscally, pretty much our hands are tied at this point." Since the school budget is the only direct veto power people have about the way schools are run, Hier has instead attempted to turn the budget into a referendum vote on the district's proficiency-based grading system.

"My point is let's do something to show people that we're serious about providing a better education," he said.



In an apparent counterpoint to Hier, a recent letter from Olsen-Farrell to voters argued that “continuing to vote down our budget will force us to reduce resources which are necessary to increase test scores.”

Patricia Beaumont-Stannard, Slate Valley's school board chair, said she's also increasingly worried that more cuts could flip some former "yes" voters to "no."

"There's that opposition factor where people are saying, 'No, now we don't have enough money. So now I'm gonna vote 'no' on the budget, because I want more money in the budget,'" she said.

Districts will be required to continue educating students, even if budgets fail into the fall. If a district gets to July 1 — the beginning of the fiscal year — without a voter-approved spending plan, it is authorized to borrow up to 87% of its prior year's budget to cover expenses. The state will also send partial educational payments.

Given the likelihood that several districts will get to July 1 without a budget in place, lawmakers briefly considered creating a new backstop that wouldn't rely on borrowing. But they ultimately decided to leave the status-quo in place. What's in current law seemed, for now, “as good as anything we could have come up with,” said Democratic Rep. Peter Conlon, the chair of the House education committee.

“We did not feel comfortable removing the authority of the voters to approve a school budget,” he added.

Josh Martin is a resident, parent and kindergarten teacher in Slate Valley, and he says he's sympathetic to his neighbors who keep voting the budget down. The ninth-generation Vermonter says he and his family talk often about relocating to northern Minnesota, where his wife is from, because of the ever-climbing cost of living here.

“I'm a fairly liberal fella here living in Vermont, but like, Jeezum Crow, we're getting taxed out of here,” he said.

Still, he's helping to organize a get-out-the-vote effort to pass the budget. His job is safe, but he's worried about what else the schools will need to amputate to get the budget down. The school board has already floated requiring parents to pay for after-school programming and cutting sports. Besides, Martin said, those cuts won't result in commensurate reductions in local tax bills.

“You're still going to see an increase, and the money that you pay with your taxes are just going to go to other districts who passed their budget,” he said. “And the kids in your district are going to be left with, you know, the 87% that the school district has to borrow to operate.”

The year after Benson passed its school budget on the 13th try, lawmakers passed Act 60. The landmark education finance reform decoupled education tax rates from local property values, and gave Vermont one of the most progressive school finance mechanisms in the country.

But lawmakers say the 30-year-old formula has met its expiry date. Critics increasingly say it is too complicated for people to understand, and fails to target spending where it is most needed.

And while no major reforms will pass this year, lawmakers have pledged to spend the next year and half sketching out an overhaul.

“I think that there will be lessons that we will take away from this period in Vermont history, and I do think it will probably be recorded that way,” said Jeff Francis, the executive director of the Vermont Superintendents Association.

### **Vt. bill would put limits on cashless transactions – WCAX – Jessica Tara**

An increasing number of Vermont businesses are going cashless, a trend that caught on during the pandemic, but that elicits mixed feelings. Now, some Vt. lawmakers are looking to get into the debate also.

“I think it’s super annoying,” said Melissa Danforth of St. Albans. “I feel like my bank account doesn’t need to know where I’m spending my money.”

“I prefer using my debit card because it’s just is one thing that I need to keep track of and it’s hard for me to keep track of having enough cash at any one time,” said Eliza Weissberger of Winooski.

“If I have cash, I usually count it and then see how much I have and I’m limited by that, so I don’t spend as much,” said Carol Collins of Duxbury.

The pros and cons are there for businesses, too. Cashless transactions can save time, make the job easier for employees, and prevent loss from potential theft.

Four Quarters Brewing in Winooski went cashless during the pandemic and hasn’t looked back. “Being cashless, one of the best things is we don’t have to go to the bank all the time,” said owner Brian Eckert. He acknowledges it can be exclusionary towards some customers. “Some people don’t agree with it but we try to explain.”

A bill introduced in the Legislature would address the cashless questions by prohibiting retail businesses from refusing to accept cash unless the transaction is over \$1,000. [H.527 remains in committee and is likely not going anywhere this session.](#)

Jared Carter, a professor at the Vermont Law and Graduate School, says private businesses can make whatever payment rules they want. “There are many other laws that would come into play but from purely a constitutional perspective, I don’t think private businesses are going to run into any problem if they refuse to accept cash and say it’s going to have to be a card,” he said.

A Gallup survey shows that 64% of Americans believe all payments will become electronic at some point in their lifetimes.

## As medical cannabis services wane, lawmakers look for solutions – My Champlain Valley – Brooke Burns

Medical cannabis dispensaries are closing, officials say, and leaving with them are access to products and services not available on the recreational market. A bill, passed out of the House in March, aims to remedy that.

James Pepper, chair of the Cannabis Control Board, told legislators in a Feb. 1 meeting that when medical cannabis dispensaries shut down, patients lose access to medical expertise, higher potency THC and cannabis delivery options. Such services aren't available on the recreational market.

"The way that the system is set up now, dispensaries start to close because the economics don't work," Pepper said. "Those services and products, which are only available on the medical side, would really go away."

Rep. Michael McCarthy, a St. Albans Democrat and chair of the House government operations committee, along with Rep. Matt Birong, D–Vergennes, introduced [H.612](#) in January. It was introduced in the Senate and referred to the Committee on Economic Development, Housing and General Affairs on April 2.

Vermont only has five medical cannabis dispensaries as opposed to at least 51 recreational businesses opening within the last two years, according to [Vermont Cannabis Information](#). In addition to the different offerings by medical dispensaries, their products are also free from the state's 14% tax on cannabis sales.

To boost the medical side of the weed business, the bill would allow recreational dispensaries to apply for medical endorsements, which would let them offer medical services to patients that need them, like product delivery and higher potency cannabis. Patients that qualify would still be exempt from the usual 14% tax, even at the recreational dispensaries, according to the bill.

Other components of the bill came at the recommendation of the Cannabis Control Board's annual report to the general assembly, published Jan. 15. The report suggested adding ulcerative colitis to the list of qualifying conditions for medical dispensary access, lowering the fees that all dispensaries — recreational and medical alike — are required to pay and removing caps that require recreational dispensaries to limit the potency of THC in their products. THC stands for tetrahydrocannabinol, the main psychoactive ingredient in cannabis that causes people to feel high.

Lawmakers added ulcerative colitis to the list of qualifying conditions in the bill, and they added language that would cut fees dispensaries are required to pay significantly. An application fee for a one-time retail license to sell cannabis products for either type of dispensary would drop from \$2,500 to \$1,000. Current law also requires businesses to pay a \$20,000 fee in their first year of operation. That fee would get slashed entirely, and a yearly renewal fee of \$25,000 that businesses have to pay in subsequent years would fall to just \$5,000.

Lawmakers did not, however, take the board's advice to eliminate THC potency caps on all markets. Pepper acknowledged the situation may require a more delicate solution.

“I asked for that one section in 612 to say just lift the potency caps because that’s the kind of cleanest way to just say ‘patients will be held harmless,’” Pepper said. “They’ll get the same kind of products at least. But it’s also kind of taking a sledgehammer to a situation that probably requires a scalpel.”

Vermont enforces a potency cap of 60% THC on cannabis concentrates like oil and waxes, and 30% on flower, the smokable part of a cannabis plant. Lawmakers originally aimed to eliminate the cap altogether, but they rolled that back after weighing testimony from cannabis experts and researchers.

Legislators heard testimony from those in support of the cap elimination’s inclusion in the bill, like Joseph Toploski, lab manager at Satori, a cannabis wholesaler, cultivator, and manufacturer based in Middlebury. Toploski testified to the benefits of eliminating the THC cap on certain products.

“The removal of potency caps on cannabis concentrates offers a pathway to increased state revenue, market diversification, product authenticity and enhanced safety standards,” Toploski told legislators Feb. 1. “As Vermont looks to foster a robust and compliant cannabis industry, reconsidering these caps could be a pivotal step in achieving these goals and shutting down the black market, which I think we can all agree is a good thing.”

The committee’s decision to maintain the cap was in part due to objections from the medical community. Legislators read [written testimony](#) from the Vermont Medical Society that pointed out high potency THC products may not even benefit patients. In fact, they may do the opposite.

“Researchers like the Yale School of Medicine are questioning the therapeutic value of high potency products and publishing the increasing adverse effects and risks related to regular use of dabs and high THC concentrates,” the letter reads. “There is also increasing evidence that chronic pain is best managed with products with THC potency that is less than 10-15% THC.”

The letter said high potency THC use can cause psychosis, paranoia, suicidality, and uncontrollable vomiting.

### [A wealth-tax bill roared to victory in the House. Then it died in the Senate. What happened? – The Commons – Joyce Martel](#)

If there can be an obituary for a piece of legislation, then this is it: H.829, we hardly knew ye.

H.829 was enthusiastically passed by the Vermont House of Representatives, 97–42 but was killed in the Senate.

From the beginning of the legislative session, H.829 was spoken about reverently by its supporters in Windham County. Its intent was to increase affordable housing in a number of ways by investing \$900 million over the next 10 years.

But where would the money come from?

According to the person who formulated the plan - House Ways and Means Committee Chair Emilie Kornheiser (D-Brattleboro) - funds would be raised through new taxes on the wealthy.

Windham County housing activists enthusiastically applauded the bill.

Chris Donnelly, director of community relations for Champlain Housing Trust, worked with lawmakers to "put forward a 10-year plan to work ourselves out of the housing/homeless[ness] quagmire we are in," said housing activist Fred Bruenig of Brattleboro.

The bill then passed "with a wide margin," and was sent to the Senate Committee on Economic Development, Housing, and General Affairs, chaired by Sen. Kesha Ram Hinsdale (D-Chittenden-Southeast).

Bruenig said Ram Hinsdale "put it 'on the wall,' meaning that it would not be even discussed or debated," and said that the Legislature "could not commit future Legislatures" to such expenditures.

The means of funding the program was also at issue, Bruenig said, including the creation of "a new tax bracket for earners making more than \$500,000, plus a higher property transfer tax on houses selling for more than \$750,000."

"I think there's just a little aversion to [an] increase in taxes this year, for a couple of reasons," Donnelly told *The Commons*.

"The Senate feels like Vermonters are a little bit in shock around property tax increases for the education funds. And I think that has played into a sense of feeling that this is just a lot of increasing taxes, even though H.829 would only affect a small number number of people," he added.

Donnelly alluded to "fear that the governor would veto the bill" and that if he did, there wouldn't be sufficient votes to override it.

"The Senate is just a little bit reluctant to move forward with a proposal that they may not be able to ultimately succeed with," he said. "And that's my view."

Kornheiser said that new revenue sources would be needed in order to build affordable housing and get homeless people out of the expensive, taxpayer-funded motels they have been staying in - some of them since the pandemic.

"The motels are not not a permanent solution," Kornheiser told *The Commons*.

"The motel programs are a big cost to the state that could be prevented if we were investing in more permanent housing solutions. [...] There are a lot of people who are paying way more for housing than they want to, or are stuck in housing that's bigger than they need, and they would move if there were other options."

H.829 would have increased the tax rate on marginal income over \$500,000 to 11.75% - a 34.3% increase from the current rate of 8.75%.

"[U.S. Sen.] Bernie Sanders talks about making sure that the wealthy are paying their fair share, and there are proposals all over the country to add a new top tax bracket," Kornheiser said. "I've worked with my committee and my colleagues in the House to do it."

The tax bracket change was expected to raise over \$74 million annually in state revenue, and would have affected only the top 1.1% of Vermont taxpayers.

H.829 also would have lowered the transfer tax paid on the first \$200,000 in the sale of principal residences, which would have constituted an approximately \$900 tax break for anyone buying a home for less than \$750,000.

At the other extreme, the transfer tax collected on the value of a property sold for more than \$750,000 would have been adjusted from 1.25% to 3.65%.

*Vermont Business Magazine* reported that the median sale price of homes in the state in 2023 was \$325,000, "ranging from a median home sale price of \$185,000 in Essex County to \$460,500 in Chittenden County." The article estimated that if H.829 were law, "approximately 93 percent of homebuyers in 2023 would have received a tax break."

Housing and homelessness advocates praised the bill, citing the urgent need for affordable housing across the state, the problem of skyrocketing income and wealth inequality, and the strong public support for increasing taxes on the wealthiest Vermont residents.

Oddly enough, some of Vermont's wealthiest people also endorsed H.829, including ice cream magnates Ben Cohen and Jerry Greenfield and Putney Student Travel's Jeff Shumlin.

More than 30 of them signed an open letter to the Legislature, which was posted on the website of Fair Share for Vermont, a nonprofit organization devoted to increasing taxes on Vermont's wealthiest residents ([fairsharevt.org/wealthy-letter](https://fairsharevt.org/wealthy-letter)).

"We see an acute housing crisis, chronic underfunding of state services, and a need for immediate investments in our infrastructure and environmental protection," the letter reads. "As Vermonters who have economically prospered in our state, we believe in contributing our fair share to build a state that works for all people who live here."

The letter goes on to assert that Vermonters take care of their neighbors and form close relationships that transcend economic circumstances.

"Public investment, funded through tax revenue, is necessary to amplify these community efforts and fund programs that strengthen our communities," they wrote.

Even *The New York Times* noted the potential of this bill. Kornheiser gave an interview to the paper about her plan to raise the income bracket for the wealthiest 1%.

"The package of bills is part of a broader push across the country by progressive groups who hope that the political moment has arrived to shake up the tax system to address income inequality," the *Times* reported.

Another Vermont advocate for H.829 was Lt. Gov. David Zuckerman, who wrote a passionate op-ed piece for VT Digger accusing the governor of trying to gut Act 250 - the state's land use planning law - to help "profiteering developers."

"Now is the time to make your voice heard," Zuckerman said. "Do you think we should irreversibly alter the landscape of Vermont for investors and real estate developers to make massive profits?"

"Or do you think we should take a balanced approach and increase our development in our town and village centers, create more walkable communities and invest more resources in affordable housing for everyday Vermonters?"

### **Responses to H.829**

In a rebuttal to Zuckerman's piece, Emerson Lynn, editor of the *St. Albans Messenger*, wrote, "Painting one side as evil and the other as virtuous promotes the divisiveness that keeps progress at bay."

He went on to say that housing can be affordable only if it can be done on a large-enough scale to make materials, labor, and other costs more affordable.

"As a state, we can't afford to forever bear the individual burden of higher and higher taxes to subsidize the huge gap between the housing stock we have and the housing stock we need," Lynn wrote.

"We also have the relatively certain prospect of a large - 17% - property tax coming our way. It seems a less than prudent time to push additional costs on Vermonters."

Although it was probably a given that Republican Gov. Phil Scott would veto the bill, the Legislature has a veto-proof majority of Democrats and Progressives. With political will, it could have overridden a veto.

But the Senate chose not to poke the bear, instead deciding to amend Act 250 to lower the property tax, which is threatening to come in at double-digit percentage increases this year due to higher school budgets.

Kornheiser said a number of bills related to zoning "have all been rolled into one bill" but the creation of a new income bracket "was taken out at some point, and the property transfer tax has changed."

She added that "a very small amount of housing investment is in a bill that's now in the Senate Finance Committee."

Ram Hinsdale said it would make more sense for the committee to lower the property tax for 99% of Vermonters than to raise the income tax for the wealthiest 1%.

"I think we'd be punishing the relatively few high-income earners who choose to claim themselves as Vermonters," Ram Hinsdale said of the income tax surcharge. "It's becoming easier and easier to move your residency to Florida or manipulate your income."

When *The Commons*, through Windham County Senator Wendy Harrison, asked Ram Hinsdale to explain her decision further, she pointed to Lynn's editorial.

### **Opposition from business sector**

One business owner who definitely opposed Kornheiser's vision is Michael Alexander, the founder and owner of Recycle Away, a \$17 million Bellows Falls company that makes and sells recycling bins. This year, his company will manufacture trash containers for Tesla charging stations.

"Emilie Kornheiser [was] poised to make Vermont the most unfriendly state in the U.S. for business," Alexander told *The Commons*.

Alexander claims that although the bill seemed like a true wealth tax, it is actually focused on anyone who makes over \$500,000 in income, but it's targeting only annual income, not investment portfolios, he said.

"That's completely different than a tax on the wealthy," he said. "Most wealthy people will not be affected by this tax. Only the working entrepreneurs who are actually making income in a specific year will be taxed."

Alexander suggested that Kornheiser write a bill that taxes trust funds instead.

"There's no part of the legislation that I'm aware of that focuses on all the wealth that is inherited," he said. "For instance, the truly wealthy will not be taxed, as their income comes from capital gains on their stock portfolios rather than income from small businesses' operations, and it is unlikely that their capital gains would ever reach the income thresholds in this legislation."

He claimed that Kornheiser's bill would, in contrast, tax "the working entrepreneurs, like myself, who may once every five or 10 years have a great year."

The bill, he said, would have targeted "me and people like me, who are the real people who are generating the jobs in the state. Not the people who inherited a large sum of money and are happy to sit on it and protect it from this tax."

"If you really want to tax the wealthy, then target their enormous stock portfolios, not the working entrepreneurs," Alexander said.

### **There's always next year**

Nothing is over until it's over, said Kornheiser, who has not lost hope about creating a future tax-the-rich mechanism to raise money for housing.



"Absolutely anything is possible, and nothing is impossible," she said, describing the chaos of the final weeks of the legislative session.

Kornheiser described herself as "really inspired by all of my colleagues in the House who sort of all came together and said that this is the right thing to do."

"This is what Vermonters want us to do," she added. "Legislative work operates on a really long timeline, and pace and grace are both needed."

Until the Legislature ends its session, Kornheiser is not willing to talk about whether she will introduce something like H.829 next year. Between sessions, she pointed out, she has to run for reelection.

"I don't know how this year is going to end," she said, "but it's really, really important to me to fully fund government, and to make sure that people's needs are met."

"And housing is one of the top needs right now," Kornheiser pointed out. "Income inequality in this country is not just about the revenue. Income inequality hurts all of us."

### **UVM Medical Center working to increase recruitment and retention of nurses – WPTZ – Sid Bewlay**

This week is National Nurse Appreciation Week, and one of our area's largest hospitals kicked off a series of events on Tuesday.

It comes as the industry continues to deal with staffing shortages.

The University of Vermont Medical Center has around 330 open positions for clinical nurses right now.

The staff shortages aren't unique to UVMHC, and staff said they've been seeing recent improvements.

One way of combating that is to use traveling nurses.

"We definitely had a lot of staffing issues on our floor," said Julia Cronan, a general medicine registered nurse at the hospital. "Being a more newer floor, we have a lot of travelers. The majority of our staff is travelers at this point."

Another nurse, Sarah Moore, said that she's noticed more nurses coming to work at the hospital in more permanent positions.

"We are seeing an uptrend in recruiting our own, which has been awesome," said Moore. "I'm so excited to see people coming in and staying in Vermont for our community."

According to the UVM Medical Center, the hospital projects a 6% turnover rate for this year for clinical nurses.

However, that's above the regional average from last year, which is 17%.

Nurse Melinda Pariser-Schmidt said that she thinks the hospital is on the right track.

"Historically there hasn't been as much turnover with new nurses as we've seen recently," said Pariser-Schmidt. "We're trying to mentor and capture opportunities to support and uplift our new nurses, keep them in the profession."

Right now, the Vermont Federation of Nurses and Health Professionals is in the middle of contract negotiations with the hospital.

According to the UVM Medical Center, the average base pay for a staff nurse is around \$94,000 per year when working a 40-hour work week.

That number does not factor in the value of benefits or incentives and overtime-related pay.

A salary increase is one of the factors in the ongoing negotiation process.

In a statement sent to NBC5, Deb Snell, the president of the nurse's union, said that she's proud of how UVMMC nurses care for the community.

"Our members are the backbone of UVMMC and I am very proud of how we care for our community. At the bargaining table, we are fighting for what we truly believe is needed to attract and retain the nurses and staff needed to care for our entire community in the manner they deserve," said Snell, in part.

Both the union and the hospital said they're continuing to negotiate in good faith.

If you are interested in learning how to become a nurse, more information can be found [here](#).

### **Welch holds virtual press conference to discuss healthcare costs – WCAX – Ike Bendavid**

Senator Welch speaking out against big pharma.

In a virtual press conference today, Senator Welch joined representative Debbie Dingell from Michigan and the nonprofit Protect Our Care.

In a new report from Protect Our Care, they say that in the first three months of 2024, big drug companies raked in nearly \$29 billion in profits and rewarded shareholders over \$28 billion.

In the call, they also discussed how big pharma companies are working to shoot down the the Inflation Reduction Act.

Welch says that Americans who are already facing rising costs can't afford the high costs of prescription drugs and the prices need to be affordable.

“We have just got to keep this fight up and push back on these scare tactics that frankly, pharma says ‘oh, you do anything to interfere with our pricing power then that is going to mean we won’t innovate’, no way,” said Welch.

Welch was a leading sponsor in the House of Lower Drug Cost Now Act and says he plans to continue to work on the issue.

### **State lawmakers pen letter in support of UVM students’ pro-Palestinian encampment – My Champlain Valley – Aidan Scanlon**

More than 20 state lawmakers have signed a letter urging University of Vermont President President Suresh Garimella not to take disciplinary action against students involved in the ongoing pro-Palestinian protest and encampment..

Lieutenant Governor David Zuckerman, two state senators and 19 state representatives signed the letter, which also expressed support for UVM’s decision to cancel the commencement address by Linda Thomas-Greenfield, U.S. Ambassador to the United Nations.

“We discourage the use of adjacent policies, such as ‘temporary structures’ policy, as a furtive method for silencing otherwise peaceful voices or to end the otherwise peaceful assemblies for the sake of preserving a more palatable campus scene for pending visitors and graduates,” the letter states.

In response, Adam White, executive director of communications at UVM, issued a statement saying, “The administration has been clear that students are permitted to demonstrate if they do so within university policies. The students on Andrew-Harris commons have been encouraged repeatedly, since the onset of the demonstration, to adapt it to comply with these policies.”

The lawmakers said the decision to cancel Thomas-Greenfield’s address is similar to the university’s decision to cancel a lecture by Palestinian poet Mohammed El-Kurd in October.

The letter follows [recent arrests](#) stemming from a similar [protest at Dartmouth](#), and even more violent clashes between protestors and police at [UCLA and Columbia University](#).

### **Pro-Palestinian protestors march from Burlington City Hall to UVM's encampment – WPTZ – Tyler Boronski**

Tuesday afternoon, a pro-Palestinian rally took place in Burlington, recognizing seven months since the deadly attacks happened on Oct. 7.

Hundreds of protestors started outside City Hall before marching through downtown and to UVM's student encampment on the Andrew Harris Commons.

"We are still here! We will not stop until all people are free," chanted Marek Broderick, Burlington's Ward 8 city councilor and current UVM student.

Protestors blocked traffic, forcing some cars to adjust and turn around.

Some drivers showed their support for the protestors, with some honking and chanting along to "Free Palestine."

At UVM, there's been an encampment up since April 28.

During that time, student protestors have made several demands to the university.

In that time, some of them have been met, such as partial disclosure of UVM's investments with companies funding the war.

The school also announced last week the cancellation of commencement speaker Linda Thomas Greenfield, who is the U.S. ambassador to the UN.

They did not clarify if it was the school or Greenfield's decision.

However, UVM has started to notify students they're in violation of school policy.

Advocates like Ashley Smith of Vermont's Coalition of Palestinian Liberation are encouraging those students to keep fighting.

"It's not going to end today. It's not going to end this week. It's not going to end this year. This is a years-long struggle to free Palestine," Smith said.

Earlier this week, UVM students have been asking the university to grant amnesty to students who have been protesting.

Student hearings will begin on Wednesday.

### **Wake boat rule goes into effect in Vermont – Bennington Banner – Chris Mays**

A new rule on wake boats and wake sports is being implemented in Vermont ahead of boating season in response to a petition filed by advocates from Responsible Wakes for Vermont Lakes.

"This is a step along the way," Jack Widness of RWVL, a resident on Lake Raponda in Wilmington, said in an interview Monday. "You know when you take a big step like this and come to a fork in the road, what did Yogi Berra say? You take it."

RWVL filed the petition in March 2022 after spending about a year before preparing the document. Widness said the group is "very grateful ... there's been such tremendous public support for this in Vermont."

In an announcement, the Department of Environmental Conservation said the rule "seeks to protect Vermont's environment while balancing a range of recreational activities."

"The wake boat rule — developed with significant input from the Vermont public — is science-based and reflective of Vermonters' shared interests in environmental stewardship and outdoor recreation," DEC Commissioner Jason Batchelder said in the announcement.

As of April 15, a wake boat may only operate in "wake sports" mode in designated wake sports zones of Vermont's lakes, ponds, and reservoirs. A wake sports zone of a lake or pond is defined as an area of at least 50 acres over 20 feet deep, at least 200 feet wide, and more than 500 feet from shore.

The DEC said the wake sports zone was "established to address concerns that wake boats erode vulnerable shoreline when the distance to shore is not adequate to dissipate the wakes and stir up lake bottom sediments in shallower waters."

Under the new rule, wake sports can happen on 30 of Vermont's inland lakes. They may also occur on Lake Champlain, Lake Memphremagog, the Connecticut River reservoirs and Wallace Pond, as these bodies of water don't have a defined wake sports zone.

"These lakes can accommodate a designated zone far enough from the shore and in deep enough waters, where there are fewer environmental impacts or recreational conflicts," the announcement states.

Widness said Vermont allows motorized boats on 73 lakes and 43 of them will not allow wake boats.

A wake boat is defined by the DEC as "a motorboat that has one or more ballast tanks, ballast bags or other devices or design features used to increase the size of the motorboat's wake." Wake sports include using "a surfboard, wakeboard, hydrofoil, or similar device to ride on or in the wake."

In a newsletter, RWVL said the rule went into effect following a 7-1 vote in favor by the Legislative Committee on Administrative Rules at its Feb. 14 meeting. Widness said the Secretary of State also had to post a final notice before the rule was finalized.

"It is important to note that the implementation of the new rule in no way impacts normal, traditional motorized boat usage, including fishing, waterskiing, tubing, pontoon boating, etc.," RWVL said.

Widness said the group hasn't decided what it will do next. He expects they will help the DEC and Agency of Natural Resources in educating people about the rule.

As of Monday morning, five associations representing six lakes in Vermont have filed petitions to prohibit wake boats and wake sports.

"This goes through the same petition process we did," Widness said. "It goes to ANR and there's a lengthy process to certify that they think the application is complete then they seek public

comments, written and oral, at meetings. It takes an unknown amount of time for that to take place. I'd say at least a year or longer."

Widness noted the DEC had no extra funding to take on the new rule. Staff will need to implement it at a time where they're "very busy doing all the programs they do in the summer so we Vermonters can enjoy our inland lakes and ponds," he said.

"So it's really a stretch for them and I think they're feeling the crunch on this," he said. "They're the ones still developing the protocols they're sharing with the public in terms of how this is going to be rolled out and implemented."

Widness suggested the "home lake rule" might be most difficult to put in place. That provision says "that during the summer boating season, wake boats must remain in the same lake (the designated home lake) unless decontaminated by an ANR-certified service provider," according to RWVL.

"They talked about having a sticker procedure where you would buy that to certify your boat is in one lake or has been certified ...," Widness said. "It's not something that you snap your fingers and it happens immediately. It takes time."

In terms of support, Widness said RWVL's newsletter has about 950 subscribers. About 35 to 40 people signed the original petition.

"It's grown a lot since the public has learned about it," Widness said. "If you look at what's happening in other parts of the country, there's a lot of interest in it."

#### **Mendon residents skeptical of hotel developer's claim new lodge won't shelter homeless – Rutland Herald – Keith Whitcomb, Jr.**

A hotel developer's signed affidavit saying he won't let his new project be used to shelter homeless people was met with skepticism by residents.

Anil Sachdev, managing member of Maruti Hospitality LLC, bought the former Econo Lodge in January and has filed for permits to reopen it as a hotel. He went before the town planning commission Monday, where about 30 people showed up in person to ask questions about the project. Nearly 50 attended remotely.

Sachdev is the former owner of the Cortina Inn in Rutland Town. When the pandemic started, its rooms filled with people receiving state vouchers who would otherwise have been homeless. Rutland Town officials have long complained of health and safety issues within that building, and say most of their police department's time has been spent in the area around the Cortina responding to calls stemming from hotel residents.

The commission spent a little more than an hour going over a list of permits and inspections the former hotel has and still needs, questions were raised about the possible need for an Act 250

permit amendment, but, as noted by several residents, the real reason so many people were in attendance was because of the voucher program.

Sachdev and his attorney, Frank Urso, submitted a signed, notarized affidavit to the commission that reads in part, “I have no present intention of completing the necessary application to qualify for the General Assistance Emergency Housing Program, which provides vouchers for hotels and motels to area homeless individuals. If I ever decide to complete said application, I shall notify the Mendon zoning administrator in writing or via email at least 30 days prior thereto.”

Urso read the entire affidavit, then said, “He is not getting into the voucher program,” prompting a chorus of exclamations from the crowd, which Planning Commission Chair Teri Corsones reined in with a warning that she’d end the meeting if the disrespectful talk continued.

Urso said his client is willing to include a “no vouchers” condition in his certificate of occupancy.

“I don’t know what more we can do, if you are going to fear something that we’re not going to do, and cannot happen. The program ends June 30. They’re changing the allocation to \$80 a night. He’ll go broke at \$80 a night. He has no intention of getting into the voucher program,” said Urso.

He said some permits aren’t needed if the building in question isn’t changing use. According to Urso, the Division of Fire Safety has said the building is classified as an existing hotel and that offering long-term accommodations would be a change in use that could subject the building to more permits and requirements.

“I’d like to put this change of use voucher program, which I think is a fictitious issue, to bed,” said Urso. “We’ve got other legitimate issues, but the voucher program is not one. It’s not going to be in the voucher program, and I don’t know how I could say it more plainly.”

Mendon resident Larry Gold said the way the affidavit is worded, that Sachdev has no “intention” of working with the voucher program, still allows him to do so.

“Where if the affidavit said, ‘I will not apply for the voucher program under any circumstances in any way shape or form,’ then that would be an affidavit that would be somewhat more meaningful,” Gold said.

Individuals have certain rights to their own properties, said Corsones, and agreed the language in the affidavit should be tightened. She noted that it does say Sachdev will notify the town should he ever use the voucher program there, but there is also an Environmental Court decision to consider.

In 2022, Rutland Town asked the District Environmental Commission to review the Cortina Inn’s Act 250 permit to see whether its sheltering people through the voucher program qualified as a change of use and would therefore be subject to an Act 250 permit amendment. The commission said that it did, and it does; however, on appeal to the Environmental Court the court, while agreeing with the commission, the court said the issue was moot because the specific program for the vouchers had changed.

Corsones said what needs to be done is to ensure there are conditions and rules in place so that whatever a property is used for, it won't cause problems.

Urso said the town is welcome to tighten the language in the affidavit but his client does have property rights. The voucher program, he said, is a state policy and there is a legitimate need to shelter people.

"I think part of the problem here is an overly visceral reaction to the homeless program that's not warranted; it does some good. But beyond that, put what you want in the certificate of occupancy, but you can't deny us a certificate of occupancy because you think something might happen a year from now," said Urso.

The latter portion of the meeting periodically featured multiple people speaking and shouting at once. CJ Abatiell questioned Sachdev's past involvements with hotels Abatiell said were run poorly. Sachdev said he doesn't own them and appeared annoyed by people thinking he's related to other hotel developers. Urso said his client has denied all unproven allegations.

Abatiell was skeptical about the new hotel being financially viable, claiming that it will have to take vouchers in order to keep operating.

Planning Commissioner Sarah Buxton said the state Legislature may limit what restrictions a town can place on the use of hotel vouchers, and so this conversation needs to go beyond the commission.

"What we are trying to say is, we do not want a repeat of Route 7 South in Rutland, Vermont," said Abatiell, referring to the location of the Cortina Inn.

Sachdev has a number of inspections and permits he still needs to show the town before he can get a certificate of occupancy. Urso said at the start of the meeting that his client is in a catch-22 situation at the moment with the state wanting the town's certificate before it issues its final permits and the town wanting to see those permits before issuing a certificate. He suggested the town grant its certificate so that it's contingent on the state issuing its own permissions.

Sachdev said he would bring what the commission has asked for to its next meeting.

### **Barre Agrees to Sell Two Lots for \$1 – The Montpelier Bridge – Carla Occaso**

Two lots in Barre City may soon have a new owner and could become housing developments, even though they are in a floodplain. But nothing is certain, yet.

"We are still trying to figure out (if) this project works," Angie Harbin, chief executive officer of Barre-based Downstreet Housing & Community Development told The Bridge. Downstreet has a mission of "creating permanently affordable homes" and helping people with financing as well as being one of the organizations involved in the project.



The Barre City Council approved the sale of the two flood-damaged Seminary Street lots during its April 23 meeting.

“The City Council approved a letter of intent with DEW to sell two adjacent parking lots for \$1. Williston-based DEW Construction is partnering with Downstreet and Evernorth to create 28–30 housing units on the site,” City Manager Nicolas Storellicastro said in an email to The Bridge. Evernorth is a New England organization focused on affordable housing development. The city put out a request for development on the properties on Dec. 13, 2023, with a February deadline, according to a record from Storellicastro’s office.

Harbin said the project is in its “infancy,” but her organization is very interested in making it work. Downstreet previously partnered with DEW Construction to build residential units on the upper floors of the Montpelier Transit Center. Harbin pointed out how, during the flood in July 2023, the Taylor Street structure was completely surrounded by water but had no damage to the building systems because it was built to flood codes.

“We definitely need housing in Barre and we are happy the council is making it feasible,” Harbin added. As for the other properties Barre City has also recently put out to bid, Harbin said her organization doesn’t want to take on more than it can handle.

On that note, Storellicastro’s office recently sent out a press release describing additional city-owned properties they would like to see become affordable housing developments, including one at Wobby Park, a “cluster of lots” along Merchant and Cleary streets, and a parking lot on Plain Street. Letters of interest are due May 10.

“The lots will be sold at a significantly reduced price to compelling projects,” the release states.

All three properties are in Barre’s north end. Wobby Park sits outside the floodplain adjacent to the public safety building and is now used as a playground. At 0.41 acres, it’s considered suitable for building. It is zoned for civic use but could be rezoned for the right project, according to a document issued from the city. If the plot is developed into housing, the park will be relocated somewhere else in the neighborhood.

The cluster of lots between Merchant and Cleary streets measures 0.54 combined acres and is in a residential neighborhood. It would be offered at a significantly reduced price. Interested parties are asked to respond by Friday, May 24, at 4:30 p.m.

The Plain Street property is a vacant lot and measures 0.20 acres. Like the other properties, city officials state they will consider a significantly reduced price for an applicant who presents a plan that develops the parcel for residential use. The deadline for applications is also Friday, May 24, at 4:30 p.m. Letters of interest will be reviewed by a committee that will include members of the Barre City Council, staff, and other parties as determined by the council.

“It is more urgent than ever to creatively address our housing shortage,” said Storellicastro. “We will leave no stone unturned in our effort to find partners to build safe, affordable, and comfortable housing options in our city — including seeking to develop a beloved neighborhood playground. The housing needs in Barre are extensive — from people who lost housing as a result of the July 2023 flood, to people looking for pathways out of homelessness, and to

professionals seeking to relocate here to work in our health care and education sectors. We look forward to hearing from interested developers who want to help shape Barre's future."

### **Winston Prouty seeks to build 300 affordable housing units – The Commons – Ellen Pratt**

Chloe Learey, executive director of the Winston Prouty Center for Child and Family Development in West Brattleboro, has a vision to build 300 units of diverse housing on the center's 180-acre campus.

Guided by the belief that an inclusive community is ultimately healthier for everyone, Learey's goal is to provide housing that is affordable to many people with different needs.

"I imagine a neighborhood where you don't say, 'Oh, there's the poor people's building. There's the old people's building,'" Learey said. "We're trying to build a neighborhood that reflects our community, where anybody can live and it's not segregated."

Learey has spent the past year and a half focused on realizing this dream. She's gotten buy-in from the Prouty board of directors, the town of Brattleboro, and community members.

Secretaries of multiple state agencies and federal staffers participated in a funders' site tour, and the campus was included in Brattleboro's state-recognized neighborhood development area in order to fast-track permitting.

Site constraints have been mapped and evaluated; wetlands, flagged.

Now Learey is looking for financing. That part hasn't been easy.

### **Building workforce housing is challenging**

Learey and others in the housing field acknowledge that traditional financing mechanisms don't necessarily work for a project like this one, where a nonprofit without much development experience plans to build hundreds of mixed-income housing units.

She looked into using low-income housing tax credits (LIHTC) as one funding stream. The federal LIHTC program provides up to 70% of development costs and is the largest single resource available for the development of affordable rental housing in the U.S.

The Vermont Housing Finance Agency (VHFA) administers the program in Vermont.

But LIHTC isn't necessarily a good fit for projects such as Learey's, said Seth Leonard, managing director of community development at VHFA.

"LIHTC works really well in developments where the majority of units in a building are program-eligible, that target household incomes below 60% of area median income," Leonard said. "Putting little sprinkles of that funding into different buildings is not something the program does well."

Additionally, these tax credits are typically awarded to affordable housing developers with experience in the program and who are very efficient in this line of business, Leonard said.

Windham & Windsor Housing Trust and other regional housing groups are examples of experienced nonprofits that use these tax credits to build affordable housing around the state.

While there are some "first-time LIHTC developers" in Vermont, Leonard said that it can be challenging to take on a project as a first-timer.

Sometimes project developers team up with more experienced housing developers to access the LIHTC program, but that can involve selling the portion of the property that relies on LIHTC and giving up control of the project.

### **Vermont lacks incentives to build workforce housing**

Josh Hanford, director of intergovernmental relations at the Vermont League of Cities and Towns (VLCT) and a former commissioner of the Vermont Department of Housing and Community Development, believes Vermont needs incentives to build more "missing middle" workforce housing like that proposed for the Winston Prouty campus.

The majority of low-cost funding such as grants and tax credits goes to the development of capital "A" affordable housing, where Hanford says the most pressing need is.

"And that's not bad," he adds.

But the result is that large-scale, sophisticated developers capable of building workforce housing have been driven out of the state because they can't make their projects in Vermont work.

Hanford thinks one solution would be project-based tax-increment financing (TIF), which would serve smaller regions than the current TIF program serves.

He says that with project-based TIF, Winston Prouty could finance the necessary upgrades to water, sewer, and roads that would entice a developer to take on the project, which would then bring in additional tax revenue to the state.

### **'We're just a little quirky'**

Learey is undaunted by the challenges she faces.

"We're just a little quirky," she said.

People might wonder why a small nonprofit that supports kids and families might want to build housing, but Learey argues that housing helps kids and families by providing stability that is essential to child development.

And it helps the community, which, according to the town's 2021 Housing Action Plan, has a "pressing need" for more than 500 housing units.

"We have this asset [of 180 acres]. And it's our responsibility to be part of the solution," Learey said.

She thinks that the addition of 300 mixed-income housing units will help stabilize the local housing market, known for its scarce and expensive options.

Learey has scaled back the original plan for the campus in order to bring down the project budget. Using modular construction and a row-house design of fourplexes, construction costs are currently estimated to average \$263,000 per unit.

The total cost for the housing component of the project would be less than \$100 million.

Learey is now looking at a financing model that would include traditional debt and private equity. She thinks "impact investment" - whereby investors accept a lower rate of return in exchange for helping to create beneficial social or environmental effects - would be a good fit for the project.

Learey pointed to the development of middle-market, workforce housing in St. Johnsbury by the Northern Forest Center as an [example](#) of this type of financing.

Using impact investment funds, as well as private gifts and grants and a \$500,000 low-interest loan from State Treasurer Mike Pieciak's "10% for Vermont" fund, the center is developing 10 apartments and two commercial spaces in a 1906 building downtown.

"We're big fans of that approach," said Leonard, and according to him the VHFA has been prioritizing projects that have been able to access low-interest debt and attract private capital.

### **A model from Middlebury?**

Learey wonders whether large, local employers could also help fund the project.

She cited Middlebury College's 2022 [purchase of 35 acres](#) for the development of a mix of housing ranging from affordable to market-rate. In between will be workforce housing units, available to those who meet the income requirements of \$50,000 to \$80,000 per year for a two-person household.

While the college is partnering in developing the project, tenants will not have to be employees of the college to qualify for the workforce housing units.

"We think that trying to find creative ways of leveraging private investments for this project could potentially be a positive model for the rest of the state," said Leonard. "I think the work they're doing to try to activate that type of capital is something that we should applaud from an ingenuity standpoint."

Meanwhile, Learey perseveres.

"I will talk to anybody who is doing this type of development or has thought about doing it," she said. "I don't know how many people I've spoken to over the past year and a half trying to find out how to make it work."

She's come to accept that "no one is going to save us," but says that's OK.

"Maybe it's better," she said. "This is our community, and we can figure it out."

### Wild divide: A debate over wildlife management in Vermont runs deep – VT Digger – Emma Cotton

In early April, more than a dozen people stood at one end of a carpeted room in the Statehouse holding signs with slogans such as "hunting coyotes with hounds IS legalized dog fighting" and "all voices matter."

At the other end of the room stood Mike Covey, executive director of the Vermont Traditions Coalition, which advocates for rural interests in the Statehouse. He was observing and sometimes recording video. Two reporters stood in the middle, the only other people in the room.

Brenna Galdenzi, who was standing among the group holding signs, addressed the room.

"I just want to take a minute to say that (we) are not animal rights terrorists, extremists. We are not 'antis.' We are not invasive species taking over Vermont," said Galdenzi, president of Protect Our Wildlife, a Stowe-based organization that has advocated for increased hunting regulations.

Her ad-libbed comments at the press conference, held to support a bill related to wildlife management, show how polarized conversations about wildlife management have become. Across Vermont, people's experiences and views related to wildlife come in shades of gray. But at the Statehouse and in the press, they often appear in black and white.

In the Legislature, much of the conversation has been focused on the membership of the Fish and Wildlife Board. Currently, its 14 citizen members, appointed by the governor, create and approve all of the hunting, trapping and fishing regulations for Vermont's game species. The board is typically made up of active hunters, trappers and anglers.

As wildlife adapts to stressors such as climate change and habitat loss, a growing range of people want to see the animals' needs prioritized over those of hunters. They argue that the board unfairly prioritizes the interests of hunters, who represented about 10% of Vermont's population in 2023, according to data from the Vermont Fish & Wildlife Department.

In the past few years, the dispute has become increasingly pitched. Some influential lawmakers have moved to address that perceived disparity, along with complaints about the impacts of certain hunting and trapping practices on landowners.

Their proposals have raised the hackles of many hunters and trappers, who defend the current composition of the board and see ongoing debate as a threat to their way of life.

This legislative session, the conversation has focused on [S.258](#), a bill that would significantly tweak Vermont wildlife management by adding two new members to the Vermont Fish and Wildlife Board whose primary backgrounds would not likely be hunting and trapping. The bill would also ban the controversial practice of hunting coyotes with hounds.

Perhaps most significantly, S.258 would shift rulemaking authority from the board to the Vermont Fish & Wildlife Department. Staffed with 150 people, many of whom are wildlife biologists, the department currently provides advice and recommendations to the board, which are largely accepted.

When the bill reached the Senate floor earlier this year, Sen. Russ Ingalls, R-Essex, told lawmakers that the measure is “the biggest anti-hunting bill that’s ever reached the Senate, in my opinion.”

“If this bill passes, this is the end of hunting as we know it in the state of Vermont,” Ingalls said.

Ingalls and other opponents of the bill argue that people who hunt, trap and fish have the appropriate experience to craft regulations related to those activities.

Vermonters who have grown up in a hunting culture often describe the potential for humans to be a healthy part of the ecosystem. Hunting has the capacity not only to provide food for families and protection of people and property, but also to serve as a valuable wildlife conservation tool, they argue.

Additionally, hunters express concern about newcomers to Vermont who have had the resources to buy land that is rapidly growing more expensive. They feel that those new residents are sometimes advocating for change before understanding the cultural nuances of their new home.

“It’s been expressed recently that some folks on that side feel it’s a culture war,” said Covey, of the Vermont Traditions Coalition. “And I would agree with that.”

This framing troubles Sen. Chris Bray, D-Addison, the lead sponsor of S.258. Bray said he’s been concerned “about not wanting this to become so divisive that it would fracture community, because I think that it’s something we have in Vermont still.”

The bill [cleared the Senate](#) in March with enough votes to override a likely veto from Gov. Phil Scott, but it appears support is waning in the House, where it’s currently in the hands of the Energy and Environment Committee. On Wednesday, Rep. Amy Sheldon, D-Middlebury and the committee’s chair, indicated that the House may not have enough votes to override a veto.

“We’re not going to move it if it doesn’t look like it has a future,” Sheldon said in an interview on May 1.

In 2022, the Legislature passed a bill that banned wanton waste of wildlife, requiring humans to eat, mount or skin all animals killed through hunting or trapping, except coyotes. It took three years to push that change through, Sheldon said.

“I think we took some very helpful testimony on this — even though we have stopped taking testimony — in terms of, what are the things that people are afraid of in this conversation? And how do we address those the next time we bring it up?” Sheldon said.

### **A public trust**

The [North American Model of Wildlife Conservation](#), which guides state wildlife agencies in the U.S., is based in part on the Public Trust Doctrine. The legal premise holds that natural resources, including fish and wildlife, are not owned by any particular entity, but rather held in trust for present and future generations by state and federal governments. In short: Wildlife belongs to all people.

But what does it mean to hold wildlife in public trust when the public can’t agree about how to manage it? Vermont is not alone in contemplating this question. Washington, Oregon, Colorado, New Mexico and Arizona are among the states engaged in similar debates.

“These changing attitudes and cultural interests related to wildlife conservation seem to be playing out across the country,” said John Austin, who directs the Wildlife Division at the Vermont Fish & Wildlife Department.

In Washington state, Kim Thorburn, an avid birdwatcher, made headlines in 2023 when Gov. Jay Inslee did not reappoint her to the state’s Fish and Wildlife Commission. He had expected her to advocate against certain hunting policies, but Thorburn surprised him when she defended them, she told VT Digger. She served on the commission for eight years, but in the last two, the panel became “absolutely packed and overrun” with animal welfare advocates, she said.

The opposite situation appears to have occurred in Colorado. Gary Skiba, who was appointed to that state’s commission by Gov. Jared Polis in July 2023, relinquished his seat in March after it looked unlikely that the Colorado Senate would approve his appointment. A former wildlife program manager for an environmental group and state wildlife biologist, he was opposed by “a growing chorus of recreation and hunting groups — along with commissioners in the hunter-reliant counties of Grand and Teller,” [according to the Colorado Sun](#).

In Vermont, staff at the Fish & Wildlife Department said that they often feel caught in the middle between people who want to protect the right to hunt and people who argue for more hunting regulations. Asked what the department’s mission might say about the divide, Commissioner Chris Herrick referenced the Public Trust Doctrine.

“We hold all wildlife in trust for everyone, and for future generations,” he said. “That’s it.”

### **‘Impenetrable’**

Galdenzi, from Protect Our Wildlife, is far from the only person in Vermont who wants to see more restrictions on hunting and trapping. Organizations such as Vermont Wildlife Patrol, Animal Wellness Action, the Humane Society and Project Coyote are all active in advocating for updated wildlife policies in the Green Mountain State.

But when hunters speak about the animal welfare movement — and when reporters in Vermont document it — Galdenzi's name is often the one that surfaces.

A photo of a trapped bobcat, its paw crushed and bloody, sparked the fire for Galdenzi, she said. She was volunteering for a group called Green Mountain Animal Defenders in 2010, which was focused on banning trapping, she said. Soon after, she founded Protect Our Wildlife.

“It caused me to go on this path of like — no, this is inflicting prolonged suffering to an animal. This is not hunting. This is animal cruelty,” she told VT Digger in an interview.

People have become proponents for change in Vermont's wildlife management for a variety of reasons.

Some are concerned about non-target species and [pets that have been killed in traps](#) (though at least some of these instances have occurred because of traps that were set illegally). Others are fed up with the [behavior of hunting dogs](#), who have traversed onto posted property. Collectively, they feel the board is not open to addressing their concerns.

“I have seen folks excited to get involved with wildlife management, and to share their knowledge and experience with the board, and then give up and not attend meetings in the future because they feel that their voices are not heard, and their perspectives are not valued by the current system,” said Bob Galvin, the Vermont state director for the nonprofit Animal Wellness Action and the Center for a Humane Economy, at the April press conference.

Over time, as Galdenzi and other advocates have taken their concerns to the Vermont Fish and Wildlife Board, they describe meeting repeated obstacles.

Galdenzi said she has petitioned the board twice for regulated coyote seasons — currently, the animals can be hunted every day of the year. She pointed to [studies](#) that show that coyote populations stay stable even when humans try to manage them. Nothing came of the efforts, she said.

“The system right now is just impenetrable,” she said.

Asked about the petition for coyote seasons, Herrick, the commissioner of the Vermont Fish & Wildlife Department, said the internal conversation about how to advise the board on petitions “always ends up being a serious discussion.”

Staff at the department look at a number of factors, including the impacts on both the wildlife and on humans. “It's not a 10-minute meeting with a few people. Oftentimes, we'll say we're gonna take a month, maybe two months to really dig into this,” he said.

Those who are frustrated with the system feel that the department, despite its deliberations, still does not consider the merits of their arguments.

Indeed, Herrick himself told lawmakers at a Senate Natural Resources and Energy Committee hearing in February that “hearing every voice does not mean doing everything they say.”



“I’ve used this example, and I don’t mean it to be condescending in any way, but I have kids that are grown up now,” he said. “I certainly listened to them growing up, but I didn’t do what they said every time because they weren’t always right.”

### **‘A Rorschach test’**

Galdenzi and others said that feeling unheard is what led them to bring their ideas to lawmakers in the Statehouse, who were more receptive.

Bray, who chairs the Senate Natural Resources and Energy Committee, told VT Digger that “folks who are oriented to animal welfare have been the folks who have come forward” to talk about a variety of issues since he started in the Legislature in 2007.

“It made me think about things I hadn’t thought about before,” he said.

Bray has also adjusted bills based on feedback from the hunting community, he said. He used an example from 2022, when lawmakers in Bray’s committee introduced [a trio of bills](#) that, together, would have banned leghold traps and hunting coyotes with hounds while stripping the board of its authority to make regulations, leaving it with only advisory power.

After hearing a large volume of testimony from hunters and trappers, lawmakers rolled the bills back. The version that became law required the board to create new rules for coyote hounding and trapping.

Last summer, the Fish and Wildlife Board completed that process, submitting the new rules to the Legislative Committee on Administrative Rules (LCAR), which is charged with approving state regulations created by the executive branch.

Then came more controversy: Members of LCAR, including Bray, made four objections to the rules, saying they didn’t meet the law’s intent. For example, they argued that a new rule to require GPS collars on hunting hounds still wouldn’t give hunters enough control over their dogs to effectively avoid conflicts with landowners.

Members of the Fish and Wildlife Board [voted to pass the rules](#) anyway — prompting a [lawsuit](#) from Protect Our Wildlife. While a judge [denied the organization’s request](#) for immediate action, the case remains pending.

With his concerns still unresolved after the yearslong process, Bray responded with [S.258](#).

### **Wild divide: Can wildlife management policy reflect Vermonters’ complex views? – VT Digger – Emma Cotton**

In late February, a collection of people who care passionately about Vermont’s wildlife — and disagree about how to manage it — crowded into the Senate Natural Resources and Energy Committee room.

Over two days, lawmakers heard from roughly 60 members of the public on [S.258](#), which would change wildlife governance in Vermont. During a break, Sen. Chris Bray, D-Addison, the committee chair, observed conversations between people with opposing viewpoints that, at first, appeared tense. But over a period of hours, he said, the conversations turned amiable.

“Then we adjourned for the morning, and I would come back down the hall 15 minutes later, and they’re still talking in the hallway,” he said. “To me, all those kinds of real conversations, back and forth, are a great success.”

Bray, the bill’s lead sponsor, hopes the legislation will spur productive conversations like the ones that took place in his committee room — especially amid increasing tension about wildlife management in Vermont. For Bray and other bill supporters, this goal appears challenging, especially considering that the debate about wildlife management [has often been called a culture war](#).

In this perceived dichotomy, one side advocates for wildlife and the other advocates for hunting rights. But a review of studies, interviews and written commentaries shows that Vermonters’ views on wildlife are often more complex than the public dialogue shows.

Lawmakers crafted S.258 to address what its supporters describe as a disparity on Vermont’s Fish and Wildlife Board, which creates regulations for hunting, trapping and fishing. Those who want to change the system argue that the board, which is made up of hunters, trappers and anglers, unfairly prioritizes the interests of those groups.

The bill [cleared the Senate earlier this session](#) with enough votes to override a likely veto from Gov. Phil Scott, but it appears to have stalled in the other chamber. Members of the House Environment and Energy Committee have stopped taking testimony on it after realizing they may not have the two-thirds majority — 100 or more votes — to override.

If the measure becomes law, it would give more voice to people who want hunting regulations to prioritize the needs of wildlife, especially as species adapt to stressors such as climate change and habitat loss.

Specifically, it would allow the Legislature to appoint two people to board, expanding authority beyond the governor in hopes of diversifying the appointments, and it would shift the authority to enact wildlife management policy from the board to the Vermont Fish & Wildlife Department. All board members would be required to meet a list of qualifications and participate in training. The bill would also ban the controversial practice of hunting coyotes with dogs.

The measure has elicited concern and opposition from many hunters and trappers, who defend the current composition of the board and see the bill as a threat to practices that define their way of life. Hunters and trappers often argue that their activities help manage wildlife populations, and are therefore beneficial to the ecosystem.

That’s where Bray sees common ground.

“The thing I came to appreciate, as I listened to — I really hate saying it this way, but, ‘both sides’ — is that wildlife conservation was by far the thing that united them most strongly,” Bray said. “I think they had so much more in common than they realized.”

### **By the numbers**

If not in two separate camps, where do most Vermonters stand? Wildlife professionals have looked at this question from a number of angles.

First, by license numbers: Participation in hunting has waned compared to 30 years ago, though it saw a slight resurgence during the Covid-19 pandemic, according to data provided by the Vermont Fish & Wildlife Department.

In 1994, Vermonters held about 87,000 hunting licenses. (That figure includes combination licenses for fishing and hunting and excludes permanent and lifetime hunting licenses, for which the department does not have data until 2017.)

That number dropped to 73,500 in 2004, then fell again to 62,000 in 2014.

In 2023, some 44,000 people purchased hunting licenses — about half the number of people who bought new licenses in 1994. Another 23,000 who held permanent or lifetime licenses hunted that year, bringing the total to about 70,000 Vermont residents who could legally hunt, or 11% of the state’s population.

Surveys also illustrate Vermonters’ views on the topic. In 2022, the Vermont Fish & Wildlife Department conducted a telephone [survey](#) of more than 800 people to assess their opinions about wildlife management. When they asked whether Vermonters approve of trapping, the answer depended on the intention of the trapper and whether the activity was regulated.

For example, 91% strongly or moderately approved of trapping to help with wildlife restoration, while 70% approved if the activity reduced damage to crops and gardens. Only 26% approved of trapping for recreation.

Interviewers split the group of respondents, asking one half if they approved of “trapping” (42% approved) and the other half if they approved of “regulated trapping” (60% approved).

Sam Bliss, a postdoctoral fellow in Nutrition and Food Sciences at the University of Vermont, considers hunting through the lens of food access. He [told lawmakers earlier this year](#) that roughly 14% of food consumed in Vermont comes from “non-market” sources, such as gardens, food pantries, foraging, fishing and hunting.

His survey of 400 Vermonters found that about 20% of households in Vermont get some of their food from a family member who hunts, though just a sliver of all food consumed in Vermont — about 1% — comes from hunting.

For a lot of hunters, the activity isn’t about food access, he said in an interview. It’s about spending time in nature, or continuing a family or cultural tradition.

“But for some residents of Vermont, it is really important for food access,” he said. “This tends to be folks who are low income and have a tradition of hunting, have been hunting for their whole lives, so that they're good at it. And they have the necessary knowledge and gear to have success hunting, because that's a big thing.”

Another subset of Vermonters, Bliss told VT Digger, prefer to get their meat from hunting for ethical reasons: to avoid buying factory-farmed meat at the grocery store.

While some Vermonters [have taken up hunting for the first time](#) in recent years, numbers and anecdotes suggest that, over time, Vermont's culture may be slowly shifting away from certain types of hunting.

Author Marc Boglioli stayed with people at hunting camps and conducted a number of interviews with Vermonters for his 2009 book, “A Matter of Life and Death: Hunting in Contemporary Vermont.” Asked in an interview whether conversations were heated when he conducted his research, Boglioli raised the then-controversial issue of coyote tournaments, when hunters would win prizes for killing the most coyotes.

The tournament violated an ethic of hunting Boglioli said was common among hunters: You eat, or use, what you kill. Boglioli said he personally “stuffed a lot of coyotes into Glad bags after those tournaments and put them in the garbage.”

“It was probably the first time that there was a chink in the armor of the hunting community itself around the ethics of hunting,” he said, “because a lot of hunters weren't cool with it.”

The competitions divided hunting families, he said — and caught the attention of wildlife advocates. The Legislature banned the tournaments in 2018.

A Vermont chapter of a 2018 report, called [America's Wildlife Values](#) — administered by two associations of fish and wildlife agencies to help their members make decisions based on the public's interests — defines Vermonters' values related to wildlife more broadly, using four categories.

Traditionalists, the report states, believe that wildlife should be used and managed for the benefit of people. Mutualists believe “wildlife are part of our social network and that we should live in harmony.” Pluralists prioritize the values differently depending on the context, and those who are “distanced” believe that wildlife issues are less relevant to them.

In Vermont, 25% of people are traditionalists, 34% are mutualists, 29% are pluralists and 12% are distanced, according to the report. Those values stay relatively consistent across age groups, income groups and education levels.

### **‘Significant overlap’**

Even people who hold different values about wildlife are not always in separate camps.

Former Fish & Wildlife Commissioner Louis Porter wrote in a 2018 [report](#) that there is “likely significant overlap” in Vermont between traditionalists and mutualists “in that both groups generally value wildlife and support the conservation of species.”

In a [survey](#) conducted in the state in 2015, he noted, 91% of respondents thought it was important for people to be able to participate in “wildlife-related outdoor recreation such as hunting, fishing and wildlife viewing.” That figure was up from 80% in 2000.

“Even more compelling, 81% of the general public and 86% of hunters and anglers strongly believed that threatened and endangered species must be protected, up from 37% in 1995,” Porter wrote.

Joshua Morse, a Ph.D. student at the University of Vermont’s Rubenstein School for Environment and Natural Resources (and the public relations officer for the Vermont Fish & Wildlife Department), has found overlaps in wildlife values, too. In his [dissertation](#), which he defended in March, Morse used stories to assess Vermonters’ relationships with coyotes.

Morse wrote that he is “concerned by the polarization” in policy arenas, media coverage “and even research into” the reasons that nature matters to people.

“Human-human conflict around the elements of nature we value is increasingly recognized as a barrier to human-wildlife coexistence and management in its own right,” he wrote.

Morse chose coyotes because they are often the center of controversy about how wildlife impacts human wellbeing, he wrote. While coyotes are not native to Vermont, they replaced wolves, which colonists extirpated from the landscape through hunting, Morse wrote. They are now considered a naturalized species and [not invasive](#).

In 150 interviews collected with the help of the Vermont Folklife Center and high school students, Morse looked at whether coyotes were adding or detracting from Vermonters’ lives. He found that more people talked about coyotes as contributors rather than detractors. For example, a grandfather spoke about howling back and forth with coyotes during a pandemic winter.

However, when people spoke about negative relationships with coyotes, “it was in these really high-tension categories — things like mental health, or sense of security, or impacts to agriculture,” he said.

The results weren’t binary, and Morse took care to capture the complexities that people expressed. He broke the values into three categories: “instrumental,” or prioritizing human needs in relationship with nature; “intrinsic,” in which people believed nature mattered separately from humans; and “relational,” which addresses the relationship that people want to have with nature.

People spoke about the species’ impact on them, the importance of coyotes for their own sake, and the awareness of an ongoing relationship with coyotes at the individual level and population level.

“All of that is out there,” Morse said. “But much more interesting to me is that, often, those three things, or some combination of them, exist in the same person.”

### **‘Not a zero sum game’**

Some major environmental groups active across Vermont accept [certain types of hunting](#), and many hunters approve of increased regulations on the activity.

The Nature Conservancy, an environmental organization that protects and conserves land across the United States and elsewhere, opens much of its land to hunting, though the organization does not take a position for or against the activity.

“The most common reason for allowing hunting and/or fishing on Conservancy preserves is to maintain or restore the integrity of sensitive species and biological communities,” the organization’s website states. “Another common reason the Conservancy allows hunting and/or fishing on some of our preserves is to respect the practices and cultural traditions of human communities.”

Brenna Galdenzi, president of Protect Our Wildlife Vermont, has supported bans on trapping, coyote hounding and certain types of hunting. Still, she isn’t trying to ban all hunting, she said, noting that her organization has never participated in a Fish and Wildlife Board meeting about turkey rules or deer rules. Rather, she wants to see more regulations that show animals respect.

“I think most hunting in Vermont is done for cultural reasons, for food, as a way of life,” she said in an interview. “That is never something that we would ever fight or oppose or look to change.”

Mike Covey, executive director of the Vermont Traditions Coalition, which opposes S.258, said many hunters and trappers care sincerely about wildlife conservation.

“When it becomes a part of our life on a very real and deep and meaningful level, it gives us that incentive to really care about outcomes, and really care about ensuring that we have healthy populations of these animals on the landscape,” he said.

Some hunters even appear amenable to S.258.

In a recent [commentary](#) for VTDigger, Alex Smith, a member of the Bristol Conservation Commission, wrote that he has “serious skin in the game as it pertains to the future of hunting and fishing.”

“They are the most important things in my life outside of my family,” he wrote.

Still, he defended what others have called an “anti-hunting” bill. Wildlife, he wrote, does not only belong to people who hunt it.

“Rather than property, wildlife is to be ‘held in trust by the state for all citizens.’ This is law — not my opinion,” he wrote. “It is hard for me to acknowledge that and make an objective argument against having the Wildlife Board consist of a more diverse set of viewpoints. How this affects sportsmen/women will depend on the people who eventually occupy that board.”

If S.258 passes — which seemed less and less likely in early May — many people expect that the governor would appoint 14 people from the hunting and trapping community to the Fish and Wildlife Board, and the Legislature would appoint two people viewed as wildlife advocates.

But Bray said the wording of the bill prevents politics from playing such a large role. Rather, he said, it's a recipe for balance, requiring every entity with the authority to appoint members to the board — the speaker of the House, the Senate's Committee on Committees and the governor — to appoint people with certain qualifications.

“Some people have said to me, ‘oh, that's going to end up being 14 to two.’ And I hope not, because everyone's going to come through the same criteria,” Bray said.

Those criteria would include having “a knowledge of fish and wildlife biology, ecology, and the ethics of fish and wildlife management,” as well as the capacity to have “balanced viewpoints” and “recognize the challenges to wildlife and habitat caused by climate change, including an unprecedented loss of biodiversity, and prioritize the value of science in the work to conserve, protect, and restore natural ecosystems,” the bill states.

The bill is unlikely to clear the House this year. Rep. Amy Sheldon, D-Middlebury, chair of the House Environment and Energy Committee — which currently has possession of the bill — said she expects to raise the issue again in a future session. If S.258 fails to pass the House, lawmakers would need to start from the beginning on a new bill.

Still, the conversations about that have taken place this session have served a purpose, she said, despite the bill's increasingly narrow path to become law.

“I think folks are starting to understand each other better on these issues,” Sheldon said. “You know, there's issues we need to address, but I think there's room to address them. The majority of Vermonters, I think, can understand that we continue to be in support of hunting and those kinds of engagements with our wildlife, but that there's also room for other voices at the table.”

Sitting in his committee room in early April, Bray ruminated over the controversy surrounding S.258. He said he didn't want the bill to divide Vermonters.

“I just have never seen anyone who's at a table having a conversation lose anything by letting someone else join the conversation,” he said. “It's not a zero sum game.”

### **Art exhibit documents the Covid-19 vaccine experiences of Black Vermonters – VT Digger – Auditi Guha**

Samirah Evans hates needles. So she wasn't thrilled when she saw on TV the first folks receiving the Covid-19 vaccine in December 2020.

“That needle looks long and it made me nervous,” she outlines in [an audio account](#) that is now a part of a storytelling project by Clemmons Family Farm capturing the range of reactions of Black and African American Vermonters during the early rollout of the vaccine.



Funded by the Vermont Department of Health, the exhibit includes original stories, songs, poems and visual art by 30 Black Vermont residents and three white health providers who administered the vaccine in its early days.

As the pandemic wreaked havoc in the early months of 2020, Evans, a Black musician in Vermont, recalls her horror at the passing of a colleague, followed by the father of an acquaintance, followed by musicians in New Orleans, both Black and white.

Until her cousin got rushed to the hospital critically ill from the virus, most of her family members had refused to take the vaccine. “Because for decades African Americans have been used for experiments that led to death. And many of us are marginalized in various ways when it comes to having access to proper health care and nutrition,” she said.

Evans understood the lack of trust in the government and health care system, but she also saw the pandemic did not discriminate — that people of all races were dying alone and so fast that timely burials were difficult.

“So how did I feel about taking the vaccine? Absolutely 100% ready, in line to take one for the sake of humanity,” she continues in her account. “And yes, it helps that a female African American scientist [Kizzy Corbett](#) was on the front lines of developing the Moderna vaccine.”

Evans is among the artists participating in the “Beneath Our Skin” exhibit, which opened last month and is now on display at the Clemmons Family Farm in Charlotte, the South Burlington Public Library, the Root Social Justice Center in Brattleboro, the University of Vermont’s College of Nursing and Health Sciences and [online](#).

Her contribution is a song titled “The proof is in the pudding”:

*But when we hit the million mark*

*So many were still in the dark*

*More lives lost than World War II*

*Yet there is something that we can do*

*It’s time to let go of the fears*

*Stop watching those around us disappear*

*Find the courage to protect yourself*

*Save another’s life*

*Don’t let one more life perish*

*Consider the lives that you cherish*

*This is a shared responsibility*

*The proof is in the pudding.*



## Disparate outcomes

The global pandemic threw into light the disparate health treatments and outcomes of marginalized communities nationwide. In an effort to counteract that, the Vermont Professionals of Color Network helped to [create](#) the Vermont Health Equity Initiative in the spring of 2021, to promote Covid vaccine clinics for Black people, Indigenous people and people of color, giving them a chance to get to the head of the line.

The BIPOC community is growing in the nation's second-whitest state, but Black people make up a mere 1.4% (about 8,000 people) of Vermont's population, up from 1% in 2010, according to the 2020 census.

According to the health department's Covid [data](#), white Vermonters ages 5 and above recorded the highest updated booster rate at 34%, while Black Vermonters have lagged at 17%.

All but two of the Black Vermonters who participated in the "Beneath our Skin" project were vaccinated (booster shots were not available at the time); 12 were from the U.S., nine were from East Africa and one was from the Pacific Islands, according to [a report](#) compiled by the Clemmons Family Farm in March.

The key lessons from the project include the need to develop restorative interventions to address mistrust in government and public health systems, which, the report notes, is more prevalent among U.S.-born Black people, and improve communication about the virus and the vaccine, according to the report. Black Vermonters who participated expressed a strong desire for bodily autonomy, and the project found that family members' experience strongly influenced vaccine decisions. It also noted that transportation and weather posed barriers to accessing the vaccine.

The storytelling project, conducted at the height of the pandemic, is an effort to highlight and learn from the Black experience and "help build a shared understanding of needs and perceptions related to improving Covid-19 vaccination access and uptake," states a release from the Clemmons Family Farm, one of Vermont's few historic African American-owned farms.

It is also [an effort](#) by the health department to generate "qualitative data about vaccine acceptance and hesitancy, and about health provider care-giving attitudes and practices" that may improve future vaccine behaviors of Black Vermonters.

## The exhibit

The nonprofit collected stories of Black Vermonters who were fully, partially or not at all vaccinated against Covid-19 between October 2021 and December 2022. Curated by Yanna Marie Orcel, a wellness arts adviser at the farm, the exhibit includes three collections:

- 13 stories from Black Vermonters and three anonymous white vaccine providers who gave the vaccine to Black clients around Chittenden County
- 7 Black residents sharing their stories anonymously over the phone with a trained facilitator

— 10 stories from members of the Vermont African-American/African Diaspora Artists Network beyond Chittenden County.

Last Thursday, Orcel walked through the Charlotte exhibit — housed in what was once a blacksmith's shop on the farm.

She pointed out quotes displayed on one wall to show the gamut of reactions — from fear and mistrust to relief and gratitude. They are printed in red on cards modeled after the vaccination cards issued during the pandemic. Many of them refer to the [infamous syphilis experiment](#) on Black men in Tuskegee, Alabama, in which human subjects were offered free food and checkups, but never told that they were part of a study in which medical treatment would be withheld.

The idea of the Vermont project was to get people to not only remember what happened but also to get them to think differently, explained Orcel, who has a background in art therapy. “Since the arts are known to support public health and mental health and well being, it’s a perfect integration,” she said.

Robin Anthony Kouyate, a member of the farm’s board and a senior adviser on the larger “How Are We Doing?” project of which this exhibit is a part, said the exhibit is intended to “really bring to light some of the attitudes and the perspectives of Black and white Vermonters.”

A public health-trained social and behavioral scientist, Anthony Kouyate said the stories definitely spark “some uncomfortable conversations” but her favorite aspect is that art was used as a way of collecting data.

Recalling her own experience, Orcel said she was terrified being in Massachusetts when the pandemic began in 2020. Curating the exhibit brought back the fear of crowds, the inability to go out without a mask, the hoarding of toilet paper — things people have already begun to forget about, she said.

Light blue face masks, ubiquitous during the height of the pandemic, were pinned around the room.

[One](#) of the displays — the outline of a pink human head filled with colorful words and a black spiky virus superimposed in the middle — represents a word cloud generated from the audio transcripts of all the stories, Orcel said. “Freedom,” “Tuskegee,” “white folks” and “choice” loom in large letters, representing the words that came up the most.

The project shows that Black Vermonters are a complex group that didn’t feel one way about the vaccine, said Orcel.

Orcel hopes the display will help “inform Vermont’s public of how Black Vermonters actually felt and to contextualize it so that the general public can understand more about why Black Vermonters were hesitant.”

“I would like this exhibit to also serve as a way for Black Vermonters to feel seen, represented, heard and understood and for their voices to be amplified in the realm of public health, which they usually are not,” Orcel said.

### **3 of the session's largest climate bills face opposition from Phil Scott administration – VT Digger – Emma Cotton**

In the last week, three of the legislative session's biggest climate bills passed out of their second chamber, and are likely to head to the governor's desk soon.

Those bills include [S.213](#), which would establish a new state permitting system for building in river corridors, [S.259](#), which would require big oil companies to pay for damages from climate change in Vermont and [H.289](#), a bill that would update the state's renewable energy standard by requiring utilities to make a quicker transition to renewable energy.

Gov. Phil Scott and members of his administration have publicly expressed concern about all three of the bills. Asked whether Scott would veto them, Jason Maulucci, Scott's spokesperson, said the governor hasn't made a final decision.

"We're at the point in the session where things change rather quickly in bills, so he will reserve judgment until final versions reach his desk," Maulucci said, referring VT Digger to Julie Moore, secretary of the Agency of Natural Resources, for the administration's positions on S.213 and S.259.

While the two bills are very different, Moore said the administration's opposition to both can be boiled down to a similar sentiment: "The principle — in both of these cases — is good and important. But that doesn't mean you should just charge headlong into it without doing all of the groundwork necessary for it to be successful," she said.

S.213, which passed the Senate in March and passed the House on May 3, [addresses development in river corridors](#), sets new standards for wetland protection and increases dam safety measures. Supporters of the bill say it's an important policy that will protect Vermonters from events like the July 2023 floods.

Lauren Oates, a lobbyist at the Nature Conservancy Vermont, said Vermont has experienced flooding with more regularity and severity since Tropical Storm Irene hit the state in 2011.

"We know that that trauma and those damages, physical or otherwise, are going to continue to be incurred," she said. "And this bill, the Flood Safety Act, is the bill that we have that uses some of the best available science, and then has come up with a cohesive and semi comprehensive suite of solutions that recognize our flood problem."

Moore contends that the bill does not give her agency the money or time it needs to build out the new permitting program. While the agency asked for roughly 15 new staff members — and the bill would create 15 new positions — "it only provides enough funding for 11 of those 15 positions," she said.

While acknowledging the Legislature's financial challenges, Moore said lawmakers haven't expressed "any real interest in adjusting the scope of the bill to match the resources they do have available."

Moore is also concerned that Vermonters may be caught off-guard by the regulation, which could apply to as many as 45,000 parcels in 2028, when the permitting system would kick in. She said she thinks the process could benefit from additional time.

Oates, who has been working closely with lawmakers on S.213, said the bill balances both limited resources and the urgency of flood-related disasters with the agency's needs.

"The worst case scenario of an aggressive timeline is the agency has to come back to the Legislature and ask for more time to do this well and to do this right. The worst case scenario of an extended timeline is more homes are put in harm's way," Oates said.

S.259, which [passed the Senate](#) in April and passed the House on Monday, would use the "polluter pays" model, requiring the world's biggest oil companies to pay for damages that their product has caused in Vermont by way of climate change. The money would be deposited into a Climate Superfund Cost Recovery Program Fund.

Oil companies are expected to put up a fight, and the result could mean an expensive litigation process for Vermont.

"I harbor no illusions that Big Oil is going to do anything other than a full court press against this bill, on whichever state or states act first," Moore said. She recommended that lawmakers research the idea of a climate change superfund, write a report on it, and then determine how to proceed next year.

"I think, ultimately, you get one bite at this apple and want to make sure you're doing it in a way that will withstand judicial scrutiny," she said. "And I'm not sure we're there yet."

Ben Edgerly Walsh, a lobbyist with the Vermont Public Interest Research Group, argued that a lawsuit would be worth it if Vermont won. While no one knows yet how much money the bill could bring to the state, "what we do know, beyond a shadow of a doubt, is that the funds that would come to Vermont, if we are successful, would be orders of magnitude more than any potential cost to defend a lawsuit against this," he said.

Walsh said the bill would "clearly be good for Vermonters, because the status quo is, we have to shoulder virtually all of the costs on our own with no contribution from these enormously profitable companies."

H.289, which passed the House in March and passed the Senate on Tuesday, would update the state's renewable energy standard by requiring utilities to buy renewable energy at a faster pace.

Earlier this year, the Department of Public Service, part of Scott's administration, gave lawmakers [a cost estimate](#) that the bill's advocates — and later, the state's Joint Fiscal Office — said [was likely too high](#).

Asked about the administration's position on the bill, Moore referred VTDigger to the department. TJ Poor, director of the department's regulated utility planning division, who has worked closely on the bill, said the department still opposes it. Poor said the department would

have preferred that lawmakers consider its own proposal to update the renewable energy standard, which includes a slower timeline to using local renewable sources.

“We need to clean up our grid as fast as possible, as quickly as possible, as affordably as possible, because we’re going to lean into it far more” as the state electrifies, said Johanna Miller, a lobbyist at the Vermont Natural Resources Council.

Some supporters of the three bills see a pattern in Scott’s recent and likely future vetoes. Moore said, despite the fact that the administration “isn’t full-throated in supporting any of these three bills as they come out of the Legislature,” her agency is committed to fighting climate change and protecting Vermonters from its impacts.

The Legislature hasn’t been willing to compromise, she said, and hasn’t fully resourced the work it’s endeavoring to assign to her agency.

“As a result, you end up with this tension that is convenient to portray as for or against climate action, when in reality, I think it’s about trying to make sure we are able to do the work we need to do well,” she said.

Miller said she’s interested in seeing the administration come up with its own plan to address climate change.

Referencing S.213, Oates, with the Nature Conservancy, asked what the alternative would be.

“What are we doing, then, as a state to make it safer, to make it less expensive with respect to flood related damages?” she said. “What is the plan to create a more flood resilient or flood prepared state in the absence of this bill?”

### **In compromise, budget panel agrees to new limits on motel housing program – VT Digger – Carly Berlin**

State budget writers have decided against a contentious cap on the number of households that can access Vermont’s motel voucher program for unhoused people during the winter months. But as lawmakers finalize plans for next year’s spending, advocates continue to prepare for new limits to a program that currently shelters the bulk of the state’s unhoused residents.

House and Senate budget writers finished hashing out their differences over next year’s budget midday Tuesday, passing [the “Big Bill”](#) out of a committee of conference. Among the most disputed sections was the future of the emergency housing program.

While both chambers allocated about \$44 million for the program in the coming fiscal year, they disagreed about how to best match the contours of the program to that dollar amount. The Senate’s version of the budget [put a lid on the number of rooms](#), a measure intended to rein in costs as the state scales back the program’s pandemic-era expansion. The House’s version included no such caps.

The [version key lawmakers have landed](#) on is a sort of hybrid. A 1,100-room cap would kick in during the warmer months, beginning on Sept. 15, and be lifted during the winter. But eligibility during the colder months – historically open to anyone experiencing homelessness – would be limited to households that meet certain vulnerability criteria.

“It feels right to have the most vulnerable in the winter to not have the limitations on the rooms,” Rep. Diane Lanpher, D-Vergennes, chair of the House Committee on Appropriations, told colleagues around the negotiating table Monday night.

The conference committee’s pivot from the Senate’s budget proposal comes as something of a surprise. Throughout the negotiations, Sen. Jane Kitchel, D-Caledonia, the powerful chair of the Senate Committee on Appropriations, continually emphasized that key House members had informally agreed to the room cap provisions before heading into conference committee deliberations. Lanpher [said in late April](#) that she felt that the Senate’s version was mostly settled.

Asked what changed, Lanpher said simply, “there was reaction.”

Indeed, over the last two weeks, [advocates for unhoused Vermonters, service providers, and the mayors](#) of Burlington and Winooski [have all lambasted the room cap proposal](#), arguing that the limits would push more people into unsheltered homelessness. Members of the House’s left flank criticized the Senate’s position. And even Gov. Phil Scott, who has long advocated for shrinking the program, said at a press conference last week that the room cap proposal might inhibit Vermonters in need of assistance.

“I am hopeful that we have all of the pieces that people can agree with now,” Lanpher said, after Tuesday’s vote. The full House and Senate must still sign off on the agreement before it heads to the governor.

Lanpher also pointed to increased funding for shelters in the budget, including an additional \$10 million for emergency shelters, specifically to be stood up between December and March for people who do not meet the motel program’s eligibility criteria during the coldest months of the year.

The intent is to create a kind of backup for winter shelter – and to avoid a repeat [of the bare-bones shelters](#) stood up by the state this past March, Lanpher said, which guests needed to vacate by 7 a.m. each morning. Language in the budget remains vague around whether these emergency shelters will operate throughout the day, however, specifying only that the Department for Children and Families work with “community providers as available to deliver daytime and overnight shelter services.”

Advocates for unhoused Vermonters expressed some relief on Tuesday that lawmakers dropped the winter-weather room cap. But they continued to voice concerns about a new 80-day limit on households’ motel room stays outside of the winter months – and about the 1,100-room cap that’s slated to go into effect this fall.

The motel program currently serves about 1,500 households who meet [vulnerability criteria](#) – including disabled people, elderly people, and people fleeing domestic violence. That count

includes 565 children, as of late April. The program shelters many of the state's unhoused residents: Traditional shelters have space for about 550 households, and are generally full.

Last month, DCF Commissioner Chris Winters said the department wanted more clarity from legislators on how to prioritize who will get one of the limited spots available come September. But the budget language offers little guidance. Asked what she expected DCF to do as it prepares to downsize the program, Lanpher emphasized that lawmakers spelled out vulnerability criteria in the bill.

Yet everyone currently in the program meets vulnerability requirements set by lawmakers themselves.

Brenda Siegel, executive director of End Homelessness Vermont, said she is bracing for a first-come, first-served system that will put high-risk people in danger.

"If somebody on oxygen, or somebody in a wheelchair is not in the first-come, first-served category, if a child is not in the first-come, first-served category, those people are going to end up without shelter. And that is going to be deadly for some people," she said.

A final version of the budget is set to head to Gov. Phil Scott's desk by the end of the week.

### **Final Reading: Lawmakers send safe injection site pilot legislation to Gov. Phil Scott – VT Digger**

Over the past five years, Elissa Johnk, the lead minister at the First Congregational Church of Burlington, has borne witness to Vermont's overdose crisis.

Johnk hosts services as ambulances drive by multiple times an hour. She has found people passed out on church property. She has held burials of overdose victims in front of their children and in front of their parents. She has learned how to distinguish someone on a bad trip from someone who needs immediate medical attention. She's learned "what bone looks like when it's been eaten away by animal tranquilizer," she told listeners Tuesday in the Vermont statehouse's Cedar Creek Room. "And how to treat it."

Johnk's remarks were part of a last-minute effort by advocates to urge lawmakers and Gov. Phil Scott to pass into law [H. 72](#), a bill that would lay the groundwork for the creation of an overdose prevention center — aka safe injection site — in Burlington. As Vermont weathers a crushing [opioid abuse crisis](#) and [rising overdoses](#), proponents of the bill say that a staffed, secure site could ensure that people do not endanger themselves by using alone.

Legislators have nearly finished their work with H.72. The House passed it in January, the Senate passed an amended version last week and on Tuesday, lawmakers in the House approved the Senate's amendments.

Grace Keller, an advocate and recovery worker, said that in the past she heard skepticism about on-demand treatment, syringe exchanges and the overdose-reversal drug Narcan.



Now, “we know those things as ubiquitous. We know them as the tools that we have in our toolbelt,” Keller said. “The day is going to come when we’re going to think that way about overdose prevention centers.”

The bill would create a legal framework for overdose prevention centers in Vermont and would allocate \$1.1 million from settlements with drug companies to fund a pilot program in Burlington.

It would also direct the state’s department of health to hire an outside entity to study the pilot’s impact on overdoses, deaths, crime, emergency services, treatment and recovery, and syringe litter in the area.

Gov. Phil Scott, however, has made no secret of his opposition to the bill. The governor “remains opposed to the unproven injection sites,” spokesperson Jason Maulucci said Tuesday in an email, “and believes we should instead be investing those precious resources on more proven harm reduction, prevention and treatment methods.”

Could the legislature override a gubernatorial veto? Nothing is certain, but signs appear favorable: in January, House lawmakers approved the legislation by a 96-35 vote, and last week, the Senate passed the bill by 21 to eight. Both votes exceed the margin of two-thirds necessary for a veto override.

To advocates, the passage of the bill is long overdue.

“Not having an overdose prevention center puts the burden on all of us,” Johnk said Tuesday. “And we are not able to hold it.”

— *Peter D’Auria*

### **In the know**

State budget writers have decided against a contentious cap on the number of households that can access Vermont’s motel voucher program for unhoused people during the winter months. But as lawmakers finalize plans for next year’s spending, advocates continue to prepare for new limits to a program that currently shelters the bulk of the state’s unhoused residents.

House and Senate budget writers finished hashing out their differences over next year’s budget midday Tuesday, passing [H.883](#), the “Big Bill,” out of a committee of conference. Among the most disputed sections was the future of the emergency housing program.

[Read more here.](#)

— *Carly Berlin*

As debates about regulating hunting and trapping in Vermont have become increasingly polarized, the conversation this legislative session has focused on [S.258](#). That bill would significantly tweak Vermont wildlife management by adding two new members to the Vermont



Fish and Wildlife Board. The bill would also ban the controversial practice of hunting coyotes with hounds.

The bill [cleared the Senate](#) in March with enough votes to override a likely veto from Gov. Scott, but it appears support is waning in the House, where it's currently in the hands of the Energy and Environment Committee. On Wednesday, Rep. Amy Sheldon, D-Middlebury and the committee's chair, indicated that the House may not have enough votes to override a veto.

"We're not going to move it if it doesn't look like it has a future," Sheldon said in an interview on May 1.

[Read the first of a two-part VTDigger series here.](#)

— *Emma Cotton*

### **On the move**

In the last week, three of the legislative session's biggest climate bills passed out of their second chamber, and are likely to head to the governor's desk soon.

Those bills include [S.213](#), which would establish a new state permitting system for building in river corridors, [S.259](#), which would require big oil companies to pay for damages from climate change in Vermont and [H.289](#), a bill that would update the state's renewable energy standard by requiring utilities to make a quicker transition to renewable energy.

[Read more here.](#)

— *Emma Cotton*

The Senate on Tuesday approved [H.871](#), a bill that will continue the process of establishing a state aid for school construction program.

The Vermont Agency of Education estimates the [state's schools need more than \\$6 billion in construction over the next two decades](#), a number widely considered a lowball figure.

If passed, the bill sets up a summer working group to draft legislative language in time for next year that would renew state money for school buildings for the first time since the Great Recession.

That working group, if established, will have many big questions to answer, chief among them: how should the state prioritize its limited financial resources, and where should the money come from?

The Senate amended the House's version of the bill, so H.871 will require further approval before going to the governor's desk.

— *Ethan Weinstein*

Lawmakers in both chambers agree that they want to crack down on retail theft — but are taking different approaches to do so. On Tuesday, the Senate also advanced its version of [H.534](#), a bill that would levy escalating penalties on someone who's convicted of shoplifting multiple times.

A person would face misdemeanor-level penalties for a first and second offense of stealing \$900 or less of merchandise, but would be charged with a felony starting at a third such offense.

That's different from [the House's version of H.534](#), which would let prosecutors aggregate the value of multiple thefts and charge a felony if the combined figure is more than \$900 — provided that the thefts occur within the same two-week period and within the same county.

Senate President Pro Tem Phil Baruth, D/P-Chittenden Central, said on the floor Tuesday that he and his colleagues on the chamber's judiciary committee took their approach after hearing concerns about the House's proposal from the Vermont Office of the Defender General.

— *Shaun Robinson*

Meanwhile, the House on Tuesday passed [S.220](#), a bill that would protect library patrons ages 12 and up from having their library records disclosed to parents or guardians against their will. Currently, those protections only apply to those 16 and older.

S.220 would also require public libraries — and school boards — to establish procedures for reviewing potential objections to the materials in their collections. Such policies, for schools, would have to prevent book removals stemming from an objector's political or religious views, among other measures.

Ahead of the bill's third reading, Rep. Arthur Peterson, R-Clarendon, introduced an amendment seeking to grant records protections only to those ages 14 and up. The amendment also proposed that school libraries exclude materials that are “obscene” to minors from their collections, citing [a definition of the word](#) in criminal law.

On the floor, some lawmakers connected the latter to book bans that [have been reported nationwide](#) which they said are fueled by culture wars, a characterization that Peterson rejected. After close to 45 minutes of debate, members voted his amendment down.

The bill will now head back to the Senate to consider changes that the House *did* make.

— *Shaun Robinson*

Also on Tuesday, the Senate passed [H.614](#), which creates a new category of crime called land improvement fraud to address [ongoing cases of timber theft](#), as well as [H.847](#), which creates a [peer support provider and recovery support specialist](#) certification program within the Vermont Secretary of State's Office of Professional Regulation. The chamber gave preliminary approval to, [H.81](#), which would require manufacturers to give loggers and farmers in the state [the ability to repair their equipment independently](#).

— *VTD Editors*

**From:** Barney, Cole  
**Sent:** Wednesday, May 8, 2024 9:49 AM  
**To:** EXE; EXE - Cabinet  
**Cc:** EXE - Interns  
**Subject:** News Clips 05.08.24  
**Attachments:** News Clips 05.08.24.docx

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Scanlon

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Help raise money for Vermonters impacted by flood damage and show your Vermont pride with *Vermont Strong* and *Tough Too* license plates and socks. [Click here to purchase your Vermont Strong gear](#) or visit [DMV.Vermont.gov/VermontStrong23](http://DMV.Vermont.gov/VermontStrong23).

Impacted Vermonters can find resources and referrals by visiting [Vermont.Gov/Flood](http://Vermont.Gov/Flood).

## Governor's Daily News Clips

**Wednesday, May 8, 2024**

### After Senate approval, Vermont's biggest energy bill of the session heads to Gov. Scott – Vermont Public – Abagael Giles

Every utility in Vermont would have to source all of its power from renewable resources by 2035, under a [bill](#) that passed the Vermont Senate this week. Gov. Phil Scott is expected to veto the bill, over concerns about how it would affect electric rates. But Democratic leaders in the Statehouse are hopeful they'll be able to mount a successful override of that veto.

The legislation was drafted in the House and passed through that chamber with strong support. It was not amended in the Senate — which is highly atypical for a bill of its complexity and economic impact.

Three Senate committees gave their approval to the policy without making any changes to what House lawmakers proposed, despite hearing testimony from several entities calling for changes.

Utilities and almost all environmental groups in the state support the measure.

#### **What does the policy propose?**

Currently, Vermont electric utilities are [required to source 75% of their power from renewable resources by 2032](#), with 10% of that power coming from relatively newly built renewables in Vermont.

This bill would require the biggest utilities in the state demonstrate their power portfolios are 100% renewable by 2030. The deadline for smaller, municipal utilities and cooperatives, as well as GlobalFoundries, would be 2035.

Additionally — and most controversially — the bill doubles the amount of power utilities must source from new in-state renewables by 2035, and creates a new requirement that they purchase power from new renewables in the New England region. Most of the in-state renewables are expected to come from solar, though town-owned utilities are allowed to count existing power from small-scale hydro dams.

Notably, the bill doesn't prevent utilities from complying by purchasing power from Hydro-Quebec or from biomass — though the bill effectively excludes those resources from counting towards the requirements for “new renewables.”

The policy's supporters say it is the product of a grand compromise between many stakeholders who have historically been unable to agree about how to update the standard.

Opponents in the Scott administration and at Vermonters for a Clean Environment say it's been rushed and that lawmakers should focus more energy on containing electric rates.

### **How much would the policy reduce emissions?**

Vermont is part of a region-wide electric grid shared by all New England states. On that grid, electricity generated from a natural gas plant in Massachusetts gets jumbled together with electrons flowing from Hydro-Quebec and net metered power from rooftop solar.

As a result, Vermont utilities are directly dependent on power from natural gas plants outside the state's borders, even if the contracts they hold for their power purchases are largely for renewable resources.

Because of this, the only way for Vermont to make its electricity less emitting, from a climate perspective, is for utilities to purchase power from new renewables, built in places where there is demand for more electricity nearby and where there is suitable grid infrastructure and potentially storage for the power they generate.

This is something that is broadly agreed upon — by lawmakers, by environmental advocates and by the Scott administration.

Estimates are all rough, but the trade group Renewable Energy Vermont, which represents renewable developers in the state, and Vermont Public Research Interest Group, an environmental nonprofit that often advocates for renewable energy, have [estimated](#) the bill would do the equivalent of taking 160,000 to 240,000 cars off the road by 2035.

However, critics of the bill, including officials in the Scott administration, have pointed out that according to the state's own accounting, Vermont's electric sector accounts for just 2% of the state's total emissions.

As a result, the policy would have little impact on Vermont's progress towards complying with its legally binding commitment to reduce greenhouse gas emissions in the coming decades.

### **How would the bill affect electric rates?**

Purchasing power from new renewables is more costly than purchasing power from existing resources, like Hydro-Quebec. However, once renewables are built, long-term, their costs tend to be lower and less volatile than electricity derived from fossil fuels.

Vermont's grid is very old and constrained in some places, and would likely require costly transmission and distribution grid updates to accept new renewable power.

VELCO, the state's grid operator, says Vermont's aged grid will need massive upgrades in the coming years regardless of whether lawmakers update the Renewable Energy Standard this year.

However, requiring utilities to purchase twice as much power from new in-state renewables as they do now would almost certainly add cost for ratepayers because the state has no policy to ensure those new renewables are built out in places where there is existing infrastructure capacity for them.

VELCO says two major inter-state transmission projects in the works could help to ensure electric ratepayers don't shoulder the brunt of those costs alone.

The Joint Fiscal Office predicts the policy would increase electric rates between 2% and 6.7% over what they're projected to be anyway by 2035. The Scott administration and those who oppose the legislation allege those numbers are too low, and supporters of the bill, including renewable energy developers, say they are too high.

### **Heated debate over affordability**

The question of affordability boiled over at an event late last month in a Statehouse room, where more than 100 people rallied in opposition to a swath of environmental bills including proposed changes to Act 250, a bill that restructures the governance of the Fish and Wildlife Board and updates to the Renewable Energy Standard.

Speakers alleged the proposed bill would do more to benefit developers than Vermont residents.

They pointed to grid constraints in the Northeast Kingdom, which have forced grid operators to curtail power at Lowell's Kingdom Community Wind. Regulators at the Department of Public Service have said that new solar development in those constrained areas effectively cannibalizes power generated by existing resources, and at a cost to Vermont ratepayers.

The Department of Public Service pitched its own proposal to lawmakers earlier this session, which would have required utilities to buy all of their power from renewables or nuclear power by 2030, and required about half the additional new renewables the current bill calls for.

DPS argues its policy would have saved Vermonters hundreds of millions in transmission upgrades by requiring about half the new in-state renewables lawmakers have endorsed. (Environmental advocates with Conservation Law Foundation and VPIRG contest the department's math and fiscal analysts in the Statehouse have put forward very different figures.)

Vermont has some of the highest solar penetration of any state in the country, with an aged rural grid and huge disparity in who currently owns and has access to renewable power.

TJ Poor, director of regulated utility planning for the Department of Public Service, told members of the Senate Finance Committee in late April that if electric rates go up too much too fast, it could slow Vermonters' adoption of electric appliances, which is currently the state's primary plan for reducing greenhouse gas emissions in its two most emitting sectors — home heat and transportation.

Poor said there has to be a balance — policies should push electricity to be as low-carbon as possible, while keeping it affordable, so that people save money when they switch away from fossil fuels. He said that's especially important for bringing low-income households along.

Sen. Anne Watson, a Democrat from Washington County who voted for the bill Tuesday, argued the policy lawmakers just sent to the governor does just that.

"This bill, I believe, strikes the right balance between affordability and moving towards a more sustainable future," she said.

### Vermont lawmakers work frantically to address massive property tax hikes – WPTZ – Stephen Biddix

With under a week left of the 2024 legislative session, lawmakers are finalizing bills and priorities. One of those is the Yield Bill, which in part requires a study to relook at how education is funded in the state, and what changes need to be made after a staggering property tax increase.

"That's an unsustainable increase. We are going to have people lose their housing because they just can't afford that, and it will be affect rents... costs are already high," said Sen. Ann Cummings, the Chair of the Senate Finance Committee.

The average increase was at one point over 20% but is now down closer to 12.5%, a notable decrease. This was possible because of a new 3% tax on short-term rentals and an unexpected \$25 million that can be used to pay down taxes.

However, Gov. Phil Scott and Republicans want more to be done.

"Doing nothing I don't think is an option, and I'd rather do something, find some cost containment for an expanded period of time, and let's get control of this," Scott said at a recent press conference.

The study includes members of the administration, lawmakers and education-related unions.

"I think to get out of this hole we're going to have to make some very serious and for some very painful decisions. We've just reached the point where we just don't have more money to keep pouring into the system," Cummings said.

While many wanted more relief now, senators said they only had a handful of days with the session anticipated to end Friday and it's going to be a difficult and long process.

"To do something significant right now, to do what the governor wanted us to do and get it into the single digits would cost about \$200 million and we just could not find a way. We had four days to work on this bill so we just couldn't find a way to raise \$200 million," Cummings said.

The bill is expected to hit the Senate floor on Wednesday.

### Governor signs bill designating Vermont state mushroom – WCAX

Vermont now has an official state mushroom after an effort spearheaded, in part, by a group of students.



We recently reported on students from Windham Elementary and the Compass School working with Windham County Rep. Michelle Bos-Lun to get their pick for a state mushroom-- the hericium americanum or the bear's head tooth-- on a bill to become the state mushroom.

Tuesday, Gov. Phil Scott signed that bill into law.

The bear's head tooth can be cultivated or foraged in the woods and is said to have certain medicinal qualities. Bos-Lun says it's also delicious if cooked properly.

Vermont now joins five other states that have a designated state mushroom.

### House passes bill allowing safe-injection sites in Vermont – My Champlain Valley – Malachy Flynn

A new bill could allow overdose prevention centers to be established in Vermont, the first of which would be set up in Burlington. The Vermont House of Representatives agreed to a proposed State Senate amendment on bill H.72, which has already passed the Senate.

The bill would introduce overdose prevention centers which are safe places for substance abusers to seek help, treatment, and resources to Vermont.

Some lawmakers had doubts that overdose prevention centers would help solve Vermont's problems.

"While our state needs to address the exploding use of illegal drug use and expand strategies to prevent overdoses, the results are unclear if safe injection sites will achieve those goals," said Rep. Patricia McCoy (R) of Poultney. "We have evidence based strategies which I believe we should be expanding instead."

Supporters of the bill and advocates for overdose prevention say the centers will help reduce the rate of drug-related deaths in Vermont, which they say is usually a result of someone engaging in unsupervised drug use.

A group of advocates came to the State House Tuesday to voice their support before the House voted. They stressed the importance of providing resources for Vermonters with nowhere else to turn for help.

They also noted the impact that public drug usage and overdoses has on community members. The Rev. Elissa Johnk of the First Congregational Church of Burlington said members of her congregation regularly witness the effects of public drug overdoses. She hopes an overdose prevention center in Burlington can bring the help her community needs.

"Not having an overdose prevention center means we are asking the rest of us: store clerks, librarians, office managers, shop owners to be counselors and medics and cleaners," The Rev. Johnk explained. "The burden on our emergency teams and on our businesses and on our cities, it is too heavy to bear. Not having an overdose prevention center puts the burden on all of us."

The initial overdose prevention center in Burlington would act as a pilot program for future initiatives, and would be paid for by Vermont's Opioid Abatement Special Fund. There is currently no timeline to build the center, nor has a designated location been decided on, but supporters say they are eager to begin work as soon as they can.

### Advocates fear public safety bill could send more Vermont children to prison – Vermont Public – Peter Hirschfeld

Child advocates are making an 11th-hour push in Montpelier to revise legislation that would send more young offenders into the criminal justice system for adults.

Teenage brains are different than adults', and that scientific fact has spurred reforms in Montpelier that are designed to keep young offenders from entering the system that Vermont uses for adults.

Public safety legislation that's up for a final vote in the Statehouse this week, however, could result in more kids going to adult prison.

"All in all, this bill is one of the most concerning pieces of legislation we're seeing this session," said Falko Schilling, with the Vermont chapter of the American Civil Liberties Union.

There are a number of provisions in legislation, [known as S.58](#), that are of concern to Matthew Bernstein, the child, youth and family advocate for the state of Vermont. The one that worries him most would allow children as young as 16 to be tried as adults for felony drug trafficking.

"I think the Legislature has gotten a little bit caught up in fear-based policymaking," Bernstein told Vermont Public.

Bernstein, whose position was created by lawmakers in 2022 to represent the interests of kids in state government, said the Legislature is understandably trying to allay public outcry over drug-fueled crime in Vermont communities.

But he said targeting 16-year-old pawns for their role in the state's substance use problem is misguided at best.

"They don't have a choice in the matter, in terms of the coercion that is being exerted upon them," he said.

Vermont lawmakers are more than a decade into a criminal justice reform effort that's sought to reduce recidivism, and improve public safety, by adopting a trauma-informed approach to the rehabilitation of young offenders.

Bennington County Sen. Dick Sears is one of the architects of that movement.

"I started working with troubled youth in 1969, before Matthew Bernstein was born, I'm sure," Sears said. "So my commitment to those kids is unwavering."

Sears, however, said some of the young offenders of 2024 are different than the ones he started working with nearly a half century ago. And he said criminal statutes need to acknowledge that evolution.

“We see kids today who are much more complex, and the behaviors are dangerous,” he said. “That’s who we’re trying to get at.”

Jay Blitzman, a former juvenile judge and public defender in Massachusetts, said the sentiment driving S.58 “hearkens back to ... what I think is pernicious mythology of the super predator era.”

Blitzman, who once ran a youth advocacy project in Massachusetts and now teaches at Harvard Law School, is referring to the [tough-on-young-criminals approach that took hold in the U.S. in the 1990s](#).

He said addressing public safety has since become a matter of science.

“Look at the data,” he said. “Look at the research.”

That research, he said, has demonstrated time and again that [young offenders](#) charged in [juvenile or family court are less likely to reoffend](#) than those sanctioned in criminal courts.

“It makes common sense, it is common sense, to take that 18, 19 and 21-year-old cohort and put them into a more rehabilitative system, which has demonstrably lower recidivism rates,” Blitzman said.

And he said the idea that some of those young offenders are too dangerous, or too far gone to bring back, has no basis in science. He said it also reinforces antiquated policies that are responsible for “searing” racial inequities in the criminal justice system.

“There are very few, if any, youth who are so dangerous that they can’t be treated in the juvenile system,” he said.

The addition of new crimes for which 16-year-olds can be tried as adults isn’t the only aspect of S.58 that would affect juvenile justice practices in Vermont. And the bill is in many ways a symptom of the [resource scarcity that’s plaguing Vermont’s public safety](#) and child welfare apparatuses.

The legislation would also postpone a law known as Raise the Age, a [statute passed in 2018](#) that was borne of the sort of research that Blitzman and Bernstein point to. It was supposed to ensure that, starting this July, most 19-year-old offenders would avoid getting charged in adult criminal courts.

Lawmakers have decided to delay implementation of the law, however, after hearing from the state workers whose job it is to rehabilitate justice-involved youth.

“The current climate that my colleagues and I are facing in the course of our jobs every day is that we are stretched beyond the breaking point for the last several years,” Jason Conety, a family

services worker at the Department for Children and Families, told lawmakers earlier this year. “The youth that we’re serving today, the behaviors that we’re seeing, are significantly more dangerous now than ever before.”

DCF says [staffing shortages and the lack of a secure facility](#) for violent youth in crisis have left rank-and-file employees to supervise young offenders for days at a time in emergency rooms, police stations and district offices.

Chris Winters, commissioner at DCF, said Raise the Age is a critically important initiative that uses breakthroughs in neuroscience to more effectively address the root causes of criminal behavior by young people.

But Winters said the state can’t responsibly move forward with Raise the Age until his department has the staff and infrastructure it needs to address the physical risks and emotional needs of the young offenders that will be coming under its custody.

“I am most concerned about our staff, about the pressure that it’s under right now, about the caseloads,” he said.

Winters is candid about what limitations at DCF mean for the teenagers who would otherwise avoid entering the criminal system.

“That’s the thing that’s the most worrisome, is that there are some youth who are going through the criminal justice system, who could be taking a more rehabilitative path and treatment-oriented path,” he told Vermont Public.

Lauren Higbee, Vermont’s deputy child, youth and family advocate, said the resource shortages faced by DCF are real. And she said her office strongly supports whatever funding increases are needed in order for the department to fulfill its child welfare mission.

But she said S.58, in its current form, speaks volumes about whose interests are being prioritized in Montpelier.

“S.58 is really designing a system for the workforce rather than designing a system for those we’re serving,” Higbee said. “And I think it’s really important to name that.”

The House and Senate are expected to hold final votes on S.58 before the end of this week.

### [Senate joins House in punting school financing dilemma to study committee – WCAX – Calvin Cutler](#)

With days left in the legislative session, state lawmakers are wrapping up their efforts to find property tax relief to offset expected double-digit increases.

Senate President Phil Baruth Tuesday called it a “dark legislative session,” saying the property tax issue has lingered over everything. He says raising taxes to address the full \$200 million in

new local school spending isn't possible, so the Senate is poised to approve a plan to tax Vermont businesses through software storage and add a three percent tax on short-term rentals. The Senate plan would also set aside \$25 million in excess tax revenues, meaning homestead property taxes and non-homestead taxes covering renters are slated to increase 12.5%.

"Is it bold, is it groundbreaking -- I would say we're going lower than we ever have on the excess spending penalty than we ever have. But there's a lot more to do and I think at this point that's the process of the coming year," Baruth said.

The Senate plan also includes measures for cost containment -- a penalty on school districts that pass budgets over a certain threshold. It also funds an 18-month study on what the future of the state's education system should look like and how to pay for it.

The House also passed a \$120 million package of taxes -- including on wealthy Vermonters -- to help fund health care, housing, and positions in the criminal justice system. But Baruth says that tax package is not moving forward over cost concerns.

Meanwhile, Baruth says a plan from Governor Scott to loan school districts from state reserves to buy down the rate is off the table.

### **Renewable Energy Bill Heads to Governor's Desk – Seven Days – Kevin McCallum**

Lawmakers gave final approval to a bill that will accelerate the state's transition toward clean energy by requiring utilities to get 100 percent of their power from renewable sources by 2035.

The bill, H.289, was lauded by environmental groups but blasted by Republicans concerned about the costs. It faces a likely veto by Gov. Phil Scott and an override when the legislature returns in June.

"Today's vote shows that most Senators agree that increasing our reliance on renewable energy makes sense both environmentally and economically," Peter Sterling, executive director of Renewable Energy Vermont, said in a statement.

The bill has broad support among utilities, including Burlington Electric Department, which claims it is already 100 percent renewable, and Green Mountain Power, which says it is on track to get there by 2030.

But Scott and Republican lawmakers have argued that the bill will impose unnecessary costs on Vermonters.

The legislature's Joint Fiscal Office has offered a wide range of cost estimates for the bill, from between \$150 million and \$450 million over the next decade, or from \$4 to \$16 per month for the average household by 2035.

It warned, however, of "considerable uncertainty" in those estimates, which Sen. Russ Ingalls

(R-Essex) said are “all over the place.”

Sen. Chris Bray (D-Addison), countered that one of the reasons for the difficulty of predicting future energy costs is that most New England power plants run on natural gas, which is prone to spikes in cost.

The bill would not only lower carbon emissions from fossil fuels but would end the “roller-coaster ride” of fuel price swings, Bray said.

The Department of Public Service proposed other ways to update the law, known as the state's renewable energy standard. But lawmakers rejected them, partly to avoid increasing the state's reliance on nuclear power.

Lawmakers' views varied widely. Sen. Terry Williams (R-Rutland) based his opposition in part on the premise that fossil fuels will be a major part of the world energy supply for at least the next 30 years. He came to this conclusion, he said, “from a conversation I had with an engineer from ExxonMobil.”

Strong majorities in both chambers agreed that the bill's cost increases were modest compared to its environmental benefits.

“While Vermonters do value affordability, we also value reducing our carbon, and this bill strikes that balance,” Sen. Anne Watson (D/P-Washington) said during debate on the bill last week.

She noted that analysts called the cost of the bill in 2025 “insignificant.”

Sen. Andrew Perchlik (D/P-Washington) called it inconsistent for senators to support a bill designed to make big oil companies pay for the environmental damage from selling fossil fuels — as most did recently — while not supporting a bill designed to help the state get off those fuels.

“If we think they are responsible for their past actions, we have to be responsible for our actions now,” he said.

### **Results start to come in for school district revotes happening Tuesday – WPTZ – Molly Osborne & Shelby Lincoln**

Several school districts across Vermont are presenting budget proposals Tuesday as they continue working to secure spending plans for the next fiscal year.

Several budgets failed on Town Meeting Day due to sharp property tax increases. A change to the statewide education funding formula is the main driver of those rate hikes.

Most districts are on a second round of voting. Some are already asking voters to consider revised budgets for a third time.

See how your district voted below:

### **Twinfield Union School District**

After the \$8 million budget passed by 3 votes on Town Meeting Day, voters in the district circulated a petition asking the community to [reconsider](#) the budget. On Tuesday, voters overturned the budget, 440-423.

### **Caledonia Cooperative School District**

The school district's revised budget proposal passed on the second try, 321-311. The original budget proposal failed on Town Meeting Day.

### **St. Johnsbury School District**

The new \$29.2 million budget proposal passed on the third try, 673-475. The [original](#) \$30.2 million budget failed on Town Meeting Day. And the \$29.2 million revised budget failed in a revote in April.

In a statement, St. Johnsbury School District Superintendent Karen Conroy said, "Throughout this process, I have gained invaluable insights and have learned a great deal. I acknowledge that there are areas where we can improve, particularly in our upfront planning for future budgets....I am fully committed to implementing changes that will help alleviate similar challenges in the future."

### **Alburgh School District**

The school district's revised budget proposal failed on the second try.

The vote was 100 in favor, 136 against, according to the superintendent of the Grand Isle Supervisory Union.

### **Essex-Westford School District**

Voters in the Essex-Westford district approved a \$76.6 million budget on the second try. It's a \$4.5 million reduction compared to the original budget that previously failed.

Results show 2,404 people voted in favor and 1,925 voted against.

### **South Burlington School District**

The South Burlington School District finalized a budget after a third attempt.

The proposal falls just under \$68.1 million, which is about \$3 million less than the original proposal, which failed on Town Meeting Day.

According to the school district, there were 2,242 votes in favor of the budget last night and 1,706 against.

## **Washington Central Unified Union School District**

Voters approved a nearly \$41.7 million budget in the Washington Central Unified Union School District. It was the second attempt to pass a funding proposal.

1,222 voters approved the budget, while 1,023 rejected it.

*NBC5 is still awaiting results for the Rochester-Stockbridge Unified District, which held its first budget vote on Tuesday.*

*This is a developing story. Check this article at a later time as results continue to come in.*

## **Safe injection site bill headed to governor – WCAX – Calvin Cutler**

A bill creating the state's first safe injection site in Burlington is on its way to Governor Phil Scott.

The facilities -- also known as harm reduction centers -- allow people to consume illicit drugs under medical supervision to prevent fatal overdoses. [The Vermont House Tuesday gave final approval to the bill, which would use opioid settlement funds to create a safe injection site in the Queen City.](#)

At a rally ahead of the vote, advocates highlighted a letter signed by 500 people in support of the bill and urged Scott to sign it.

“Yes to compassion. Yes to a non-punitive approach to a population in need of safety, in need of protection, and in need of quality health care,” said Ed Baker, a licensed independent clinical social worker.

The governor has said he would veto the proposal over moral and logistical concerns and says the state should invest in treatment and prevention. Other critics have said a Department of Justice under a potential Trump administration could shut them down.

## **Bill that would restrict PFAS in consumer products heads to governor – Vermont Public – Abagael Giles**

The Vermont Legislature gave its final approval Tuesday to a bill that restricts toxic so-called "forever chemicals" in a suite of commercial goods.

The bill bans PFAS in clothing, makeup, menstrual products, diapers and nonstick frying pans starting in 2026. It also bans them in turf starting in 2028.

The tiny chemicals don't break down on their own and are increasingly ubiquitous in drinking water and the natural environment.



The Environmental Protection Agency has said virtually no level of exposure to them is safe, and [the agency added the chemicals to its "Superfund" list](#) this spring.

Paul Burns of the Vermont Public Interest Research Group said the bill will go a long way to protect Vermont consumers from chemical toxins.

"This legislation, I think, will stand as perhaps the most comprehensive legislation thus far passed in the country dealing with PFAS pollution," he said.

The Vermont Senate and House voted unanimously to support the bill.

The policy also includes a first-in-the-nation ban on phthalates, formaldehyde and mercury in menstrual products, and it also restricts the chemicals in makeup.

It calls on the Vermont Department of Health to study a potential limit on lead in cosmetics and period products.

The lead issue proved controversial as the bill was finalized. An earlier version of the bill restricted lead in makeup and menstrual products and to 5 ppm, or parts per million.

According to the federal Food and Drug Administration, lead exposure from lipstick is of particular concern because people ingest lipstick when they lick their lips.

The federal government restricts lead in makeup to 10 ppm, and just two states have their own statutory limits below that level — Oregon and Washington. Washington restricted lead to 1 ppm in makeup as of the start of this year, and Oregon's limit parrots the federal standard.

[You can look up lead levels in various lipstick brands, as tested by the FDA, here.](#)

The Associated Industries of Vermont and Personal Care Products Council lobbied hard to raise the proposed limit to 10 ppm, and Senate lawmakers ultimately decided to strike the provision altogether.

Instead, the bill directs the Vermont Department of Health to study Washington's experience implementing a 1 ppm standard for lead, and to report back to lawmakers next session with a proposed limit for Vermont.

Sen. Ginny Lyons, a Democrat from Williston who chairs the Senate Committee on Health and Welfare, said she was "not thrilled with it," but her committee had qualms about setting a standard in statute that was too high and might encourage other states to follow suit.

"This is a tough choice for us," said Lyons. "But I think given where we are in the session and the amount of time that we have, I'd like to help us move forward."

Lyons said her committee will be looking closely at a limit on lead in cosmetics next session.

The House voted unanimously Tuesday to accept the Senate's proposed amendments.

The bill goes to Gov. Phil Scott's desk next. It's not yet clear whether the governor will sign the bill, but the Agency of Natural Resources signaled strong support for the policy in testimony.

### Lawmakers mull penalties in bill banning ghost guns – My Champlain Valley – Malachy Flynn

Lawmakers are putting the final touches on a bill that prohibits the possession of ghost guns — firearms without serial numbers built at home using separately purchased parts.

Ghost guns are often built with ready-made kits or 3D-printed parts, and because the individual parts are not considered guns under federal law, they aren't subject to the same regulations.

Law enforcement has a harder time tracking these guns, say supporters of the bill, [S.209](#). The bill would bar people from having guns, frames or receivers that lack serial numbers or transferring them to someone else. That would apply to unfinished parts, too. It would also require people who build a gun or a receiver to get it imprinted with a serial number.

Legislators have been going back and forth on the punishments in the bill since it passed the Senate in February and the House late last month.

Here's what senators wanted to see [as of](#) May 6:

Someone who possesses an unfinished frame or receiver, a fully built gun or a finished frame or receiver — all without serial numbers — would face a \$50 fine on their first offense. On a second offense, the person would face up to two years in prison and up to a \$1,000 fine, and for further offenses they'd face three years in prison max and up to \$2,000 in fines. Those penalties are harsher than the ones proposed by House lawmakers when they passed the bill.

Transferring or building any of the regulated items without getting serial numbers printed on them would entail up to a year in prison and up to \$500 in fines for a first-time offender. The penalties would go up to two years and a \$1,000 max fine upon a second offense, and they'd rise to three years and up to \$2,000 in fines upon further offenses.

The bill was met with pushback from gun rights advocacy groups, such as the Vermont Federation of Sportsmen Clubs, which said it would do little to help crime rates and instead puts unnecessary rules on law-abiding citizens.

"I don't care what law you pass. Criminals will always be able to get guns if they can 3D print them," Chris Bradley, director of the Vermont Federation of Sportsmen Clubs, [said in a February interview](#).

Supporters of the bill believe it is a step in the right direction for gun safety in Vermont, said Sen. Phil Baruth, D/P-Chittenden Central, one of the bill's lead sponsors, back in initial discussions.

Supporters believe that it will help decrease violent crime rates in the state, which have gone up in the past few years, said Conor Casey, the director of Gun Sense Vermont, one of the organizations backing the bill.

[According to a story published in December by Vermont Public](#), gunshot deaths have increased since 2011.

The lack of serial numbers on ghost guns makes it more difficult to trace them to a crime.

### **Progressive Party leaders say Democratic appointment breaks with precedent – WCAX – Calvin Cutler**

Vermont Progressives are crying foul over Governor Phil Scott's pick to fill Burlington Mayor Emma Mulvaney-Stanak's former House seat.

The governor on Monday appointed Abbey Duke, a Democrat, to the Burlington seat. Mayor Mulvaney-Stanak is a fusion candidate -- a Progressive Democrat -- and was the chair of the House Progressive caucus.

Progressive Party Chair Josh Wronski says Scott's choice breaks with the historical precedent of appointing a politician from the same party who is giving up the seat. "We're really disappointed with that and I think it shows the governor is willing to play politics in a way that is not in the interest of that district or moving the issues that district wants forward," he said.

The governor's office says the Progressives' concerns are inaccurate, adding that Mulvaney-Stanak filed to run in the Democratic, not Progressive primary.

### **Overdose-Prevention Site Bill Heads to Gov. Scott's Desk – Seven Days – Kevin McCallum**

Drug reform advocates celebrated Tuesday's passage of a bill that would allow Vermont to establish its first center for people to safely use illegal drugs.

Members of the House signed off on changes to [H.72](#) that their Senate colleagues approved last week. The bill now goes to the desk of Gov. Phil Scott, who has signaled he'll veto it. Legislative leaders say they expect to have the votes to override Scott's opposition.

The bill instructs the Vermont Department of Health to set guidelines for an overdose-prevention site by September, after which one could open, most likely in Burlington.

"What we have right now is unsafe injection sites all over the state," said Grace Keller, a former program coordinator at Howard Center, following final passage of the bill.

The original draft of the bill called for two sites to open, using money from a new tax on prescription drugs. But subsequent versions cut the \$2 million for the pilot program in half.

Burlington leaders, including newly elected Mayor Emma Mulvaney-Stanak, have expressed strong support for such a center as a way to help the Queen City address a recent surge in overdoses. Where — and when — one would open is still unclear.

At the Statehouse on Tuesday, Rev. Elissa Johnk, lead minister at First Congregational Church of Burlington, recalled finding people who were high in the bushes outside her church on Easter Sunday, giving sermons as ambulance sirens wailed and officiating the burials of overdose victims.

“Not having an overdose-prevention center means we are asking the rest of us — store clerks, librarians, office managers, shop owners — to be counselors and medics and cleaners,” Johnk said. “Not having an overdose-prevention center puts the burden on all of us, and we are not able to hold it.”

She added that the heartbreak of Burlington residents being unable to help those suffering from addiction was a form of “moral injury.”

“It’s a betrayal of the values and morals that we all claim to hold,” she said.

The bill provides broad protection from liability for center staff who help people use drugs or prevent overdoses. It also calls for officials to track whether the center helps reduce deaths, gets more people into drug treatment and reduces litter from discarded needles.

Ed Baker, a retired drug counselor and tireless advocate for progressive drug policies, praised lawmakers for recognizing the urgency of the overdose crisis and moving up by a year the date by which the health department would need to establish operational guidelines.

No service provider or location has been selected, but Baker said city leaders are already considering how to speed up the permitting process for such a center.

### **Lawmakers deliberate bill that would give young Vermonters confidential access to library materials – Vermont Public – Howard Weiss-Tisman**

An effort to lower the age for children to confidentially access information in public libraries is making its way through the Statehouse.

The legislation would [lower the age for children to confidentially access materials in public libraries](#) from 16 to 12.

The Vermont Library Association supports the measure, saying it gives kids access to sensitive material they may not otherwise want guardians to see.

Mary Danko, president-elect of the Vermont Library Association, [told lawmakers](#) some of the subject matter reflects “big challenges” that some young Vermonters may face.

"Some of these topics are especially important in regards to sexual abuse, incest, puberty, mental health challenges, addiction, eating disorders and sexual assault, just to name a few," Danko said.

Some parents testified to lawmakers that they oppose the change, worrying children could be exposed to inappropriate material.

Alison Despathy is a parent of three kids from Danville. She spoke against the bill in front of lawmakers.

"It's all real. This is all life, it's just when and how are our children introduced to it," Despathy said. "And who's there to guide and make sure that they're getting, you know, a good introduction to the world."

Despathy said she strongly supports free speech, but that children as young as 12 should not be able to access library materials without parental consent.

The policy change is part of a bill intended to protect libraries from book banning. The bill passed the House this week and will head back for review in the Senate, where it originated.

### Vermonters in several school districts approve revised budgets – WCAX – Lucy Caile

Voters hit the polls again in many Vermont communities on Tuesday to decide on their school budgets.

Residents in South Burlington and St. Johnsbury passed school budgets after a third vote Tuesday. On their second try, voters in Essex Westford and Washington Central Unified Union School District also passed their budgets. vote.

South Burlington's budget passed with a vote of 2,242 to 1,706, St. Johnsbury's passed 673 to 475, and Essex-Westford's passed 2,404 to 1,925. Washington Central Unified Union School District also passed its budget with a vote of 1,222 to 1,023,

But The Alburgh School District did not pass its second budget, voting 136 to 100. They will now prepare for their third

"I really appreciate the hard work that our school board did to reduce it just like the community asked for and I'm happy to support our community, our students. I mean the kids are our future, so I can't imagine not wanting to support this," said Essex resident Jessica Neiles.

The EWSD school board says they tried to make as many cuts as possible to appease taxpayers while doing what's best for the school community. The more than \$93 million budget voted on Tuesday was reduced by \$4.5 million compared to the one that failed on Town Meeting Day. The district is the second largest in Vermont, serving roughly 4,500 pre-k to high school students in Essex Town, Essex Junction, and Westford.

Most voters we spoke to seemed strongly in favor of the budget's passing.

“My kids have been in the school recently, my wife works in the schools periodically, and I know the needs that they have, and I want to have really good schools so I’m willing to pay a little more if I need to,” said Essex resident Dan Davis.

“A community simply has to look into the future and decide that they’re gonna support the children’s education or not. You can always make more money or find more money, but you can’t always find a better education,” said Essex resident Tom Jiamachello.

Others who voted no cited the property taxes as their main reason.

The second budget would raise property tax rates by nearly 10% in Westford, just over 12% in Essex Town, and nearly 15% in Essex Junction.

### **More Fallout from the Flood: Complex Questions Facing the Capitol Complex – The Montpelier Bridge – Will Lindner**

By late afternoon on Tuesday, July 11 last year, floodwaters that had inundated Montpelier the day before had receded enough for state officials to don boots and galoshes and trudge from building to building, surveying what the flood had wrought in Vermont’s Capitol Complex.

It was mayhem, just as in the commercial area of town, where business owners were beginning to stack mammoth piles of ruined inventory and furniture on the sidewalks.

“There was water everywhere,” recalls Jennifer Fitch, commissioner of the Department of Buildings and General Services (BGS), which oversees and essentially operates the state’s properties. “I never knew that refrigerators floated.”

The government owns or leases space in 24 buildings in Montpelier — not 17, as this writer erroneously reported in a recent Bridge article on teleworking by state employees. Seventeen, though, is the number that Fitch and her staff eventually determined were impacted by the flood. In some cases it was minimal. The Department of Motor Vehicles, probably the Capitol Complex building most utilized by Vermonters, had just three inches of water in the basement, which is stunning considering that it’s situated close to the Winooski River and basically upon the same plain as the downtown, which was wrecked.

There’s a reason for that, explains Joe Aja, the department’s director for design and construction. The DMV’s foundation had been renovated and protected using a technique called dry-flood-proofing; it somewhat enhances the foundation itself, but crucially includes installing sump pumps on the outside of the foundation to pump water away before it can find its way in.

“It allows a little bit of water to get inside,” Aja says, explaining the three inches. “We did the same thing with the heat plant,” a brick building behind the DMV that’s even closer to the river and provides heat to most of the complex. “We had about 10 inches of water in there.”

Even with 10 inches, the heating plant was considered “minimally impacted.” Aja and Deputy Commissioner David DiBiase had to clear wood chips and debris from the interior pumps, but it

was an easy fix and the buildings weren't compromised — a bit of good news, and evidence that we can learn to prepare for future frightening events.

But in many places the damage was worse, with problematic implications for the complex as a whole. Buildings and General Services, along with the state's Taxpayer Assistance Service and Property Evaluation, resides in an imposing granite building at 133 State Street. It has not only a basement, but also a sub-basement (as do other of the larger buildings). Getting these properties pumped — then mucked out — (the icky toil of carrying out truckloads of foul debris) required the assistance of two Servpro franchises, which brought in 150 workers from its national network. They camped out behind the Department of Labor building on Green Mountain Drive and spent weeks emptying out these subterranean vortexes, with state employees examining every sodden document to determine if it was expendable.

The mucking was followed up by aerating and dehumidifying.

"The final phase was cleaning and disinfecting," Commissioner Fitch recalls. "You need to make sure you're disinfecting everything the floodwaters touched."

This was where complications set in, because to a significant degree the structures within the Capitol Complex are interconnected. Behind her building at 133 State Street are smaller buildings on Governor Aiken Avenue and Baldwin Street that were almost unscathed in the flood. The trouble is, their electrical systems are linked to the very compromised system at her building.

"Right now," Fitch acknowledges, "we're working with the existing electrical systems. But anything that was electrical and came in contact with floodwaters will need to be replaced permanently at some point."

That will mean wholesale electrical renovations at some of the largest state buildings, with a residual impact on smaller, connected structures. And it's just one example of how, 10 months after the flood, its impact on the Capitol Complex has yet to be fully determined. As Fitch, Aja, and their associates contemplate the options, a reimagining of the complex is inevitable.

Seen more positively, though, it presents opportunities. How can the state best utilize these resources for a workforce that, in 2024, works differently from the workforce of previous decades? Which buildings might be reconfigured or discarded? Where will staff be redeployed, perhaps combined, and how much workspace will actually be needed?

And can this reshuffling benefit the taxpayers of Vermont and the residents of Montpelier and nearby towns, with their troublesome housing crises?

## **The Old Days**

The Capitol Complex has always been in flux. It has mostly occupied the same part of town — the long, less-densely developed stretch of State Street between Taylor Street and Bailey Avenue, with a shorter, parallel track on Baldwin Street. In 2004 the Vermont Historical Society published a study authored by Christopher Aladdin Bellamy, titled "The Capitol Complex: Change, Loss and Renewal." Bellamy documented 37 addresses — not 24 — at the time of his report.

The Statehouse was completed in 1859, and, conceptually, would house all of state government beneath its dome. The Supreme Court Building (1918) represented an expansion of the government footprint. Another building purposely constructed for state government is the Pavilion Office Building (1971). Its distinctive design, with tiers of wraparound porches, derived from the hotel that preceded it at that site and was built to serve stagecoach travelers.

From Bellamy's history, it appears as though as the Capitol Complex expanded, it followed the National Life Insurance Company around. Bellamy mentions several addresses that once were linked to National Life and later came under the state's purview. The first one was the building across from the Pavilion, at 110 State Street; that was National Life's birthplace, where, from the 1870s to the 1890s, it did business out of rented space on the second floor. The company's final location, before quitting the downtown, was the very building — that granite behemoth — where Fitch, Aja, and their BGS team reside today.

Other parts of the complex hint at humbler, more personal stories, such as the houses along Baldwin Street that, ages ago were homes for business leaders, attorneys, and physicians. Many of these buildings entered the state's portfolio in the 1970s, apparently a time of expansion.

Then there's 136 State Street, which, until the flood, housed the Vermont Arts Council. Nearly a century ago, Howard and Alba Leahy launched their printing operation — the Leahy Press — there, and it's where they raised their three children, including Patrick, who represented Vermont in the U.S. Senate for 48 years.

### **Newer Priorities**

And so the Capitol Complex has shape-shifted over the years, and Commissioner Fitch anticipates it will again. Actually, 110 State Street (National Life's incubator some 150 years ago) had already been on the block before the floods came.

"It's an example of a building that no longer meets our criteria," Fitch explains. "Fairly chopped up inside, so smaller spaces, and hard to optimize desk layout."

Furthermore, it's been underutilized. Fitch reached out to the city of Montpelier to see if they were interested in the building or knew of others who might be — there's a housing shortage, after all.

But her efforts went nowhere. And then came the flood.

"Now we have to retain that property until we can make repairs," says Fitch.

The buildings up on Baldwin Street escaped flooding, but as the state reevaluates what it wants from its workspaces, those structures seem questionable as well.

"They're older, they're smaller, they cost more to heat, and they're less efficient from a space-optimization standpoint because they're broken up into rooms. They're houses, after all," says Fitch. "So it's an opportunity to sell some real estate that supports the needs of Montpelier while very strategically reducing the square footage of office space we have in our portfolio."



On the other hand, she continues, “It costs money to consolidate and optimize space. It also costs money if we have to regain space sometime in the future.”

“So we want to be methodical in the decisions we’re making.”

### **Complicated Compromises**

In many ways, the Capitol Complex seems to be up and running again. People show up for work, citizens come to take advantage of state services. However, four modest structures at the far end of State Street remain unoccupied. One of them is the Leahy family’s former home.

The issues BGS faces with these properties illustrate the complexities that Fitch and her coworkers — indeed, state government as an entity — confront as they attempt to reconfigure their Montpelier footprint.

Put it this way: there are a lot of interested parties. One of them is the Division of Historic Preservation.

“These buildings at the end of State Street all had water on the first floor,” says Fitch. “Of the four, three are considered ‘historically contributing’ to the district — meaning that they’re old.”

The only way to reconstruct the ruined floors and walls so they retain their historical appearance — and thereby satisfy the Division of Historic Preservation — is with materials like plaster that replicate the original design.

A countervailing interest, though, is the Federal Emergency Management Agency.

“What FEMA says,” Fitch continues, “is if you do anything that looks permanent [the plaster, for instance] and you haven’t gotten official FEMA approval, you can jeopardize your FEMA funding.”

So the buildings remain in limbo, their histories silenced, their future unresolved. Indeed, FEMA and Historic Preservation, with nearly opposite missions, both weigh heavily in matters throughout the Capitol Complex. Fitch never utters a word of impatience, lauding them both as allies in the state’s recovery.

Then there’s FARC — the Flood Hazard Area and River Corridor Protection rules implemented by Vermont’s Department of Environmental Conservation following Tropical Storm Irene in 2011. It mandates that when owners of buildings within floodplains replace mechanical equipment, such as electrical, hot water, and heating systems, they must elevate them to at least two feet above the base flood elevation.

“That,” Fitch acknowledges, “is going to be our guiding document as we move through the planning process.”

But the implications have yet to be determined: move the essential equipment in each building to some upstairs location? Combine equipment to serve multiple buildings in a new, elevated

structure somewhere among them? “You’ve got to think about that individually, but then you have to think about it collectively,” says Fitch.

And to cap it off, there’s the Capitol Complex Commission, a five-member board with regulatory powers whose mission is to ensure harmony between the state’s holdings and the aesthetic character and practical interests of Montpelier itself.

Fitch, matter-of-factly, summarizes the situation. “You’ve got all these different, competing priorities that you’re trying to bring into the planning process. At the end of the day, typically, the outcome is some degree of compromise among all the stakeholders.”

But even that’s not the end of the story. When that barely conceivable consensus has been achieved, it will fall to the administration and the Legislature to evaluate it, probably to modify it, and finally to fund it.

Fitch hopes they’ll see it like she does — that “ultimately the overall goal is to make these buildings more resilient to future flooding events.”

With the myriad unknowns and unknowables, that may be the only certainty that lies ahead: There will be more flooding.

### **Dozens of Vermont school districts remain without a budget – Vermont Public – Lola Duffort**

In 1996, the town of Benson set a state record when, after two years of rejecting school budgets, its voters finally approved a spending plan on the 13th try. Asked by a Rutland Daily Herald reporter at the time if she had a reaction to the news, the school board chair replied: “Sure I do, but it would split your eardrums.”

Amid a statewide tax revolt nearly 30 years later, school officials in the Slate Valley Unified Union School District, which includes Benson, are hoping history won’t repeat itself. But they are bracing for a difficult summer.

“I am significantly worried about ever having a passed budget and the implications on students,” said Slate Valley Superintendent Brooke Olsen-Farrell.

Since Town Meeting Day, 90 school districts in Vermont have successfully won voter approval for a budget — some on their third try. But 33 districts still don’t have the green light from their residents, according to data compiled by the Vermont Superintendents Association.

Voters in Slate Valley will head to the polls on Thursday for the third time this year, and Olsen-Farrell said she has a simple message for the residents in the six towns she serves.

“Further ‘no’ votes are not going to really decrease your taxes. ... But it will be substantial cuts to educational programming,” she said.

That's because Vermont's complicated system for funding its schools relies on a statewide pot of money. Two variables ultimately impact how much property taxes go up (or down) in any given town: how much that district spends per-pupil, and the aggregate amount that needs to be raised statewide to pay for all the school budgets approved by local voters.

With revisions, districts without budgets can still change their per-pupil spending. But with so many school budgets across Vermont now locked into place, the total that will need to be raised statewide is nearly set. That will leave districts who continue to revise their spending downward to win their voters' approval with diminishing returns when it comes to reducing their residents' actual taxes. Lawmakers could adjourn as soon as this week, and are preparing to pass a property tax bill that assumes a statewide [increase in education spending of 10.7%](#).

School officials elsewhere in the state are attempting to communicate this complicated reality to their voters ahead of revotes this week.

"For every dollar we cut from the school budget, St. Johnsbury saves about 20 cents. The state keeps the rest and uses it to lower taxes in other towns. This is not a vote on what is happening in Montpelier. Please keep that for November," St. Johnsbury School Board Vice Chair Peter VanStraten wrote in a letter to the district's voters ahead of their third budget vote this week.

In Slate Valley, the revised spending plan before voters this week is just \$211,500 less than the \$31 million budget that was originally presented in March. School officials considered further cuts but ultimately held off, and have sought to emphasize that the district, which is one of the poorest in Vermont, already spends far below the state average per-pupil.

Cutting more would be a particularly tough pill to swallow, Olsen-Farrell argued, since higher spending in more affluent communities contributes to the tax pressure felt locally.

"We have kids in other districts around us that are receiving more resources, and our kids are receiving less. But that is lost in the conversation, and I think it's just because the system is so convoluted and hard to understand. And people tend to vote 'no' when they don't understand something, too," said Olsen-Farrell.

The district also has little room to maneuver: It has already signed contracts with its educators and transportation provider. All that's left to cut are sports, maintenance projects, clubs, and summer and after-school programming.

Even Curtis Hier, the lone Slate Valley school board member advocating against the budget, acknowledges that "fiscally, pretty much our hands are tied at this point." Since the school budget is the only direct veto power people have about the way schools are run, Hier has instead attempted to turn the budget into a referendum vote on the district's proficiency-based grading system.

"My point is let's do something to show people that we're serious about providing a better education," he said.

In an apparent counterpoint to Hier, a recent letter from Olsen-Farrell to voters argued that “continuing to vote down our budget will force us to reduce resources which are necessary to increase test scores.”

Patricia Beaumont-Stannard, Slate Valley's school board chair, said she's also increasingly worried that more cuts could flip some former "yes" voters to "no."

"There's that opposition factor where people are saying, 'No, now we don't have enough money. So now I'm gonna vote 'no' on the budget, because I want more money in the budget,'" she said.

Districts will be required to continue educating students, even if budgets fail into the fall. If a district gets to July 1 — the beginning of the fiscal year — without a voter-approved spending plan, it is authorized to borrow up to 87% of its prior year's budget to cover expenses. The state will also send partial educational payments.

Given the likelihood that several districts will get to July 1 without a budget in place, lawmakers briefly considered creating a new backstop that wouldn't rely on borrowing. But they ultimately decided to leave the status-quo in place. What's in current law seemed, for now, “as good as anything we could have come up with,” said Democratic Rep. Peter Conlon, the chair of the House education committee.

“We did not feel comfortable removing the authority of the voters to approve a school budget,” he added.

Josh Martin is a resident, parent and kindergarten teacher in Slate Valley, and he says he's sympathetic to his neighbors who keep voting the budget down. The ninth-generation Vermonter says he and his family talk often about relocating to northern Minnesota, where his wife is from, because of the ever-climbing cost of living here.

“I'm a fairly liberal fella here living in Vermont, but like, Jeezum Crow, we're getting taxed out of here,” he said.

Still, he's helping to organize a get-out-the-vote effort to pass the budget. His job is safe, but he's worried about what else the schools will need to amputate to get the budget down. The school board has already floated requiring parents to pay for after-school programming and cutting sports. Besides, Martin said, those cuts won't result in commensurate reductions in local tax bills.

“You're still going to see an increase, and the money that you pay with your taxes are just going to go to other districts who passed their budget,” he said. “And the kids in your district are going to be left with, you know, the 87% that the school district has to borrow to operate.”

The year after Benson passed its school budget on the 13th try, lawmakers passed Act 60. The landmark education finance reform decoupled education tax rates from local property values, and gave Vermont one of the most progressive school finance mechanisms in the country.

But lawmakers say the 30-year-old formula has met its expiry date. Critics increasingly say it is too complicated for people to understand, and fails to target spending where it is most needed.

And while no major reforms will pass this year, lawmakers have pledged to spend the next year and half sketching out an overhaul.

“I think that there will be lessons that we will take away from this period in Vermont history, and I do think it will probably be recorded that way,” said Jeff Francis, the executive director of the Vermont Superintendents Association.

### **Vt. bill would put limits on cashless transactions – WCAX – Jessica Tara**

An increasing number of Vermont businesses are going cashless, a trend that caught on during the pandemic, but that elicits mixed feelings. Now, some Vt. lawmakers are looking to get into the debate also.

“I think it’s super annoying,” said Melissa Danforth of St. Albans. “I feel like my bank account doesn’t need to know where I’m spending my money.”

“I prefer using my debit card because it’s just is one thing that I need to keep track of and it’s hard for me to keep track of having enough cash at any one time,” said Eliza Weissberger of Winooski.

“If I have cash, I usually count it and then see how much I have and I’m limited by that, so I don’t spend as much,” said Carol Collins of Duxbury.

The pros and cons are there for businesses, too. Cashless transactions can save time, make the job easier for employees, and prevent loss from potential theft.

Four Quarters Brewing in Winooski went cashless during the pandemic and hasn’t looked back. “Being cashless, one of the best things is we don’t have to go to the bank all the time,” said owner Brian Eckert. He acknowledges it can be exclusionary towards some customers. “Some people don’t agree with it but we try to explain.”

A bill introduced in the Legislature would address the cashless questions by prohibiting retail businesses from refusing to accept cash unless the transaction is over \$1,000. [H.527 remains in committee and is likely not going anywhere this session.](#)

Jared Carter, a professor at the Vermont Law and Graduate School, says private businesses can make whatever payment rules they want. “There are many other laws that would come into play but from purely a constitutional perspective, I don’t think private businesses are going to run into any problem if they refuse to accept cash and say it’s going to have to be a card,” he said.

A Gallup survey shows that 64% of Americans believe all payments will become electronic at some point in their lifetimes.

## As medical cannabis services wane, lawmakers look for solutions – My Champlain Valley – Brooke Burns

Medical cannabis dispensaries are closing, officials say, and leaving with them are access to products and services not available on the recreational market. A bill, passed out of the House in March, aims to remedy that.

James Pepper, chair of the Cannabis Control Board, told legislators in a Feb. 1 meeting that when medical cannabis dispensaries shut down, patients lose access to medical expertise, higher potency THC and cannabis delivery options. Such services aren't available on the recreational market.

"The way that the system is set up now, dispensaries start to close because the economics don't work," Pepper said. "Those services and products, which are only available on the medical side, would really go away."

Rep. Michael McCarthy, a St. Albans Democrat and chair of the House government operations committee, along with Rep. Matt Birong, D–Vergennes, introduced [H.612](#) in January. It was introduced in the Senate and referred to the Committee on Economic Development, Housing and General Affairs on April 2.

Vermont only has five medical cannabis dispensaries as opposed to at least 51 recreational businesses opening within the last two years, according to [Vermont Cannabis Information](#). In addition to the different offerings by medical dispensaries, their products are also free from the state's 14% tax on cannabis sales.

To boost the medical side of the weed business, the bill would allow recreational dispensaries to apply for medical endorsements, which would let them offer medical services to patients that need them, like product delivery and higher potency cannabis. Patients that qualify would still be exempt from the usual 14% tax, even at the recreational dispensaries, according to the bill.

Other components of the bill came at the recommendation of the Cannabis Control Board's annual report to the general assembly, published Jan. 15. The report suggested adding ulcerative colitis to the list of qualifying conditions for medical dispensary access, lowering the fees that all dispensaries — recreational and medical alike — are required to pay and removing caps that require recreational dispensaries to limit the potency of THC in their products. THC stands for tetrahydrocannabinol, the main psychoactive ingredient in cannabis that causes people to feel high.

Lawmakers added ulcerative colitis to the list of qualifying conditions in the bill, and they added language that would cut fees dispensaries are required to pay significantly. An application fee for a one-time retail license to sell cannabis products for either type of dispensary would drop from \$2,500 to \$1,000. Current law also requires businesses to pay a \$20,000 fee in their first year of operation. That fee would get slashed entirely, and a yearly renewal fee of \$25,000 that businesses have to pay in subsequent years would fall to just \$5,000.

Lawmakers did not, however, take the board's advice to eliminate THC potency caps on all markets. Pepper acknowledged the situation may require a more delicate solution.

“I asked for that one section in 612 to say just lift the potency caps because that’s the kind of cleanest way to just say ‘patients will be held harmless,’” Pepper said. “They’ll get the same kind of products at least. But it’s also kind of taking a sledgehammer to a situation that probably requires a scalpel.”

Vermont enforces a potency cap of 60% THC on cannabis concentrates like oil and waxes, and 30% on flower, the smokable part of a cannabis plant. Lawmakers originally aimed to eliminate the cap altogether, but they rolled that back after weighing testimony from cannabis experts and researchers.

Legislators heard testimony from those in support of the cap elimination’s inclusion in the bill, like Joseph Toploski, lab manager at Satori, a cannabis wholesaler, cultivator, and manufacturer based in Middlebury. Toploski testified to the benefits of eliminating the THC cap on certain products.

“The removal of potency caps on cannabis concentrates offers a pathway to increased state revenue, market diversification, product authenticity and enhanced safety standards,” Toploski told legislators Feb. 1. “As Vermont looks to foster a robust and compliant cannabis industry, reconsidering these caps could be a pivotal step in achieving these goals and shutting down the black market, which I think we can all agree is a good thing.”

The committee’s decision to maintain the cap was in part due to objections from the medical community. Legislators read [written testimony](#) from the Vermont Medical Society that pointed out high potency THC products may not even benefit patients. In fact, they may do the opposite.

“Researchers like the Yale School of Medicine are questioning the therapeutic value of high potency products and publishing the increasing adverse effects and risks related to regular use of dabs and high THC concentrates,” the letter reads. “There is also increasing evidence that chronic pain is best managed with products with THC potency that is less than 10-15% THC.”

The letter said high potency THC use can cause psychosis, paranoia, suicidality, and uncontrollable vomiting.

### **A wealth-tax bill roared to victory in the House. Then it died in the Senate. What happened? – The Commons – Joyce Martel**

If there can be an obituary for a piece of legislation, then this is it: H.829, we hardly knew ye.

H.829 was enthusiastically passed by the Vermont House of Representatives, 97–42 but was killed in the Senate.

From the beginning of the legislative session, H.829 was spoken about reverently by its supporters in Windham County. Its intent was to increase affordable housing in a number of ways by investing \$900 million over the next 10 years.

But where would the money come from?

According to the person who formulated the plan - House Ways and Means Committee Chair Emilie Kornheiser (D-Brattleboro) - funds would be raised through new taxes on the wealthy.

Windham County housing activists enthusiastically applauded the bill.

Chris Donnelly, director of community relations for Champlain Housing Trust, worked with lawmakers to "put forward a 10-year plan to work ourselves out of the housing/homeless[ness] quagmire we are in," said housing activist Fred Bruenig of Brattleboro.

The bill then passed "with a wide margin," and was sent to the Senate Committee on Economic Development, Housing, and General Affairs, chaired by Sen. Kesha Ram Hinsdale (D-Chittenden-Southeast).

Bruenig said Ram Hinsdale "put it 'on the wall,' meaning that it would not be even discussed or debated," and said that the Legislature "could not commit future Legislatures" to such expenditures.

The means of funding the program was also at issue, Bruenig said, including the creation of "a new tax bracket for earners making more than \$500,000, plus a higher property transfer tax on houses selling for more than \$750,000."

"I think there's just a little aversion to [an] increase in taxes this year, for a couple of reasons," Donnelly told *The Commons*.

"The Senate feels like Vermonters are a little bit in shock around property tax increases for the education funds. And I think that has played into a sense of feeling that this is just a lot of increasing taxes, even though H.829 would only affect a small number number of people," he added.

Donnelly alluded to "fear that the governor would veto the bill" and that if he did, there wouldn't be sufficient votes to override it.

"The Senate is just a little bit reluctant to move forward with a proposal that they may not be able to ultimately succeed with," he said. "And that's my view."

Kornheiser said that new revenue sources would be needed in order to build affordable housing and get homeless people out of the expensive, taxpayer-funded motels they have been staying in - some of them since the pandemic.

"The motels are not not a permanent solution," Kornheiser told *The Commons*.

"The motel programs are a big cost to the state that could be prevented if we were investing in more permanent housing solutions. [...] There are a lot of people who are paying way more for housing than they want to, or are stuck in housing that's bigger than they need, and they would move if there were other options."

H.829 would have increased the tax rate on marginal income over \$500,000 to 11.75% - a 34.3% increase from the current rate of 8.75%.



"[U.S. Sen.] Bernie Sanders talks about making sure that the wealthy are paying their fair share, and there are proposals all over the country to add a new top tax bracket," Kornheiser said. "I've worked with my committee and my colleagues in the House to do it."

The tax bracket change was expected to raise over \$74 million annually in state revenue, and would have affected only the top 1.1% of Vermont taxpayers.

H.829 also would have lowered the transfer tax paid on the first \$200,000 in the sale of principal residences, which would have constituted an approximately \$900 tax break for anyone buying a home for less than \$750,000.

At the other extreme, the transfer tax collected on the value of a property sold for more than \$750,000 would have been adjusted from 1.25% to 3.65%.

*Vermont Business Magazine* reported that the median sale price of homes in the state in 2023 was \$325,000, "ranging from a median home sale price of \$185,000 in Essex County to \$460,500 in Chittenden County." The article estimated that if H.829 were law, "approximately 93 percent of homebuyers in 2023 would have received a tax break."

Housing and homelessness advocates praised the bill, citing the urgent need for affordable housing across the state, the problem of skyrocketing income and wealth inequality, and the strong public support for increasing taxes on the wealthiest Vermont residents.

Oddly enough, some of Vermont's wealthiest people also endorsed H.829, including ice cream magnates Ben Cohen and Jerry Greenfield and Putney Student Travel's Jeff Shumlin.

More than 30 of them signed an open letter to the Legislature, which was posted on the website of Fair Share for Vermont, a nonprofit organization devoted to increasing taxes on Vermont's wealthiest residents ([fairsharevt.org/wealthy-letter](https://fairsharevt.org/wealthy-letter)).

"We see an acute housing crisis, chronic underfunding of state services, and a need for immediate investments in our infrastructure and environmental protection," the letter reads. "As Vermonters who have economically prospered in our state, we believe in contributing our fair share to build a state that works for all people who live here."

The letter goes on to assert that Vermonters take care of their neighbors and form close relationships that transcend economic circumstances.

"Public investment, funded through tax revenue, is necessary to amplify these community efforts and fund programs that strengthen our communities," they wrote.

Even *The New York Times* noted the potential of this bill. Kornheiser gave an interview to the paper about her plan to raise the income bracket for the wealthiest 1%.

"The package of bills is part of a broader push across the country by progressive groups who hope that the political moment has arrived to shake up the tax system to address income inequality," the *Times* reported.

Another Vermont advocate for H.829 was Lt. Gov. David Zuckerman, who wrote a passionate op-ed piece for VT Digger accusing the governor of trying to gut Act 250 - the state's land use planning law - to help "profiteering developers."

"Now is the time to make your voice heard," Zuckerman said. "Do you think we should irreversibly alter the landscape of Vermont for investors and real estate developers to make massive profits?"

"Or do you think we should take a balanced approach and increase our development in our town and village centers, create more walkable communities and invest more resources in affordable housing for everyday Vermonters?"

### **Responses to H.829**

In a rebuttal to Zuckerman's piece, Emerson Lynn, editor of the *St. Albans Messenger*, wrote, "Painting one side as evil and the other as virtuous promotes the divisiveness that keeps progress at bay."

He went on to say that housing can be affordable only if it can be done on a large-enough scale to make materials, labor, and other costs more affordable.

"As a state, we can't afford to forever bear the individual burden of higher and higher taxes to subsidize the huge gap between the housing stock we have and the housing stock we need," Lynn wrote.

"We also have the relatively certain prospect of a large - 17% - property tax coming our way. It seems a less than prudent time to push additional costs on Vermonters."

Although it was probably a given that Republican Gov. Phil Scott would veto the bill, the Legislature has a veto-proof majority of Democrats and Progressives. With political will, it could have overridden a veto.

But the Senate chose not to poke the bear, instead deciding to amend Act 250 to lower the property tax, which is threatening to come in at double-digit percentage increases this year due to higher school budgets.

Kornheiser said a number of bills related to zoning "have all been rolled into one bill" but the creation of a new income bracket "was taken out at some point, and the property transfer tax has changed."

She added that "a very small amount of housing investment is in a bill that's now in the Senate Finance Committee."

Ram Hinsdale said it would make more sense for the committee to lower the property tax for 99% of Vermonters than to raise the income tax for the wealthiest 1%.

"I think we'd be punishing the relatively few high-income earners who choose to claim themselves as Vermonters," Ram Hinsdale said of the income tax surcharge. "It's becoming easier and easier to move your residency to Florida or manipulate your income."

When *The Commons*, through Windham County Senator Wendy Harrison, asked Ram Hinsdale to explain her decision further, she pointed to Lynn's editorial.

### **Opposition from business sector**

One business owner who definitely opposed Kornheiser's vision is Michael Alexander, the founder and owner of Recycle Away, a \$17 million Bellows Falls company that makes and sells recycling bins. This year, his company will manufacture trash containers for Tesla charging stations.

"Emilie Kornheiser [was] poised to make Vermont the most unfriendly state in the U.S. for business," Alexander told *The Commons*.

Alexander claims that although the bill seemed like a true wealth tax, it is actually focused on anyone who makes over \$500,000 in income, but it's targeting only annual income, not investment portfolios, he said.

"That's completely different than a tax on the wealthy," he said. "Most wealthy people will not be affected by this tax. Only the working entrepreneurs who are actually making income in a specific year will be taxed."

Alexander suggested that Kornheiser write a bill that taxes trust funds instead.

"There's no part of the legislation that I'm aware of that focuses on all the wealth that is inherited," he said. "For instance, the truly wealthy will not be taxed, as their income comes from capital gains on their stock portfolios rather than income from small businesses' operations, and it is unlikely that their capital gains would ever reach the income thresholds in this legislation."

He claimed that Kornheiser's bill would, in contrast, tax "the working entrepreneurs, like myself, who may once every five or 10 years have a great year."

The bill, he said, would have targeted "me and people like me, who are the real people who are generating the jobs in the state. Not the people who inherited a large sum of money and are happy to sit on it and protect it from this tax."

"If you really want to tax the wealthy, then target their enormous stock portfolios, not the working entrepreneurs," Alexander said.

### **There's always next year**

Nothing is over until it's over, said Kornheiser, who has not lost hope about creating a future tax-the-rich mechanism to raise money for housing.

"Absolutely anything is possible, and nothing is impossible," she said, describing the chaos of the final weeks of the legislative session.

Kornheiser described herself as "really inspired by all of my colleagues in the House who sort of all came together and said that this is the right thing to do."

"This is what Vermonters want us to do," she added. "Legislative work operates on a really long timeline, and pace and grace are both needed."

Until the Legislature ends its session, Kornheiser is not willing to talk about whether she will introduce something like H.829 next year. Between sessions, she pointed out, she has to run for reelection.

"I don't know how this year is going to end," she said, "but it's really, really important to me to fully fund government, and to make sure that people's needs are met."

"And housing is one of the top needs right now," Kornheiser pointed out. "Income inequality in this country is not just about the revenue. Income inequality hurts all of us."

### **UVM Medical Center working to increase recruitment and retention of nurses – WPTZ – Sid Bewlay**

This week is National Nurse Appreciation Week, and one of our area's largest hospitals kicked off a series of events on Tuesday.

It comes as the industry continues to deal with staffing shortages.

The University of Vermont Medical Center has around 330 open positions for clinical nurses right now.

The staff shortages aren't unique to UVMHC, and staff said they've been seeing recent improvements.

One way of combating that is to use traveling nurses.

"We definitely had a lot of staffing issues on our floor," said Julia Cronan, a general medicine registered nurse at the hospital. "Being a more newer floor, we have a lot of travelers. The majority of our staff is travelers at this point."

Another nurse, Sarah Moore, said that she's noticed more nurses coming to work at the hospital in more permanent positions.

"We are seeing an uptrend in recruiting our own, which has been awesome," said Moore. "I'm so excited to see people coming in and staying in Vermont for our community."

According to the UVM Medical Center, the hospital projects a 6% turnover rate for this year for clinical nurses.

However, that's above the regional average from last year, which is 17%.

Nurse Melinda Pariser-Schmidt said that she thinks the hospital is on the right track.

"Historically there hasn't been as much turnover with new nurses as we've seen recently," said Pariser-Schmidt. "We're trying to mentor and capture opportunities to support and uplift our new nurses, keep them in the profession."

Right now, the Vermont Federation of Nurses and Health Professionals is in the middle of contract negotiations with the hospital.

According to the UVM Medical Center, the average base pay for a staff nurse is around \$94,000 per year when working a 40-hour work week.

That number does not factor in the value of benefits or incentives and overtime-related pay.

A salary increase is one of the factors in the ongoing negotiation process.

In a statement sent to NBC5, Deb Snell, the president of the nurse's union, said that she's proud of how UVMMC nurses care for the community.

"Our members are the backbone of UVMMC and I am very proud of how we care for our community. At the bargaining table, we are fighting for what we truly believe is needed to attract and retain the nurses and staff needed to care for our entire community in the manner they deserve," said Snell, in part.

Both the union and the hospital said they're continuing to negotiate in good faith.

If you are interested in learning how to become a nurse, more information can be found [here](#).

### **Welch holds virtual press conference to discuss healthcare costs – WCAX – Ike Bendavid**

Senator Welch speaking out against big pharma.

In a virtual press conference today, Senator Welch joined representative Debbie Dingell from Michigan and the nonprofit Protect Our Care.

In a new report from Protect Our Care, they say that in the first three months of 2024, big drug companies raked in nearly \$29 billion in profits and rewarded shareholders over \$28 billion.

In the call, they also discussed how big pharma companies are working to shoot down the the Inflation Reduction Act.

Welch says that Americans who are already facing rising costs can't afford the high costs of prescription drugs and the prices need to be affordable.

“We have just got to keep this fight up and push back on these scare tactics that frankly, pharma says ‘oh, you do anything to interfere with our pricing power then that is going to mean we won’t innovate’, no way,” said Welch.

Welch was a leading sponsor in the House of Lower Drug Cost Now Act and says he plans to continue to work on the issue.

### **State lawmakers pen letter in support of UVM students’ pro-Palestinian encampment – My Champlain Valley – Aidan Scanlon**

More than 20 state lawmakers have signed a letter urging University of Vermont President President Suresh Garimella not to take disciplinary action against students involved in the ongoing pro-Palestinian protest and encampment..

Lieutenant Governor David Zuckerman, two state senators and 19 state representatives signed the letter, which also expressed support for UVM’s decision to cancel the commencement address by Linda Thomas-Greenfield, U.S. Ambassador to the United Nations.

“We discourage the use of adjacent policies, such as ‘temporary structures’ policy, as a furtive method for silencing otherwise peaceful voices or to end the otherwise peaceful assemblies for the sake of preserving a more palatable campus scene for pending visitors and graduates,” the letter states.

In response, Adam White, executive director of communications at UVM, issued a statement saying, “The administration has been clear that students are permitted to demonstrate if they do so within university policies. The students on Andrew-Harris commons have been encouraged repeatedly, since the onset of the demonstration, to adapt it to comply with these policies.”

The lawmakers said the decision to cancel Thomas-Greenfield’s address is similar to the university’s decision to cancel a lecture by Palestinian poet Mohammed El-Kurd in October.

The letter follows [recent arrests](#) stemming from a similar [protest at Dartmouth](#), and even more violent clashes between protestors and police at [UCLA and Columbia University](#).

### **Pro-Palestinian protestors march from Burlington City Hall to UVM's encampment – WPTZ – Tyler Boronski**

Tuesday afternoon, a pro-Palestinian rally took place in Burlington, recognizing seven months since the deadly attacks happened on Oct. 7.

Hundreds of protestors started outside City Hall before marching through downtown and to UVM's student encampment on the Andrew Harris Commons.

"We are still here! We will not stop until all people are free," chanted Marek Broderick, Burlington's Ward 8 city councilor and current UVM student.

Protestors blocked traffic, forcing some cars to adjust and turn around.

Some drivers showed their support for the protestors, with some honking and chanting along to "Free Palestine."

At UVM, there's been an encampment up since April 28.

During that time, student protestors have made several demands to the university.

In that time, some of them have been met, such as partial disclosure of UVM's investments with companies funding the war.

The school also announced last week the cancellation of commencement speaker Linda Thomas Greenfield, who is the U.S. ambassador to the UN.

They did not clarify if it was the school or Greenfield's decision.

However, UVM has started to notify students they're in violation of school policy.

Advocates like Ashley Smith of Vermont's Coalition of Palestinian Liberation are encouraging those students to keep fighting.

"It's not going to end today. It's not going to end this week. It's not going to end this year. This is a years-long struggle to free Palestine," Smith said.

Earlier this week, UVM students have been asking the university to grant amnesty to students who have been protesting.

Student hearings will begin on Wednesday.

### **Wake boat rule goes into effect in Vermont – Bennington Banner – Chris Mays**

A new rule on wake boats and wake sports is being implemented in Vermont ahead of boating season in response to a petition filed by advocates from Responsible Wakes for Vermont Lakes.

"This is a step along the way," Jack Widness of RWVL, a resident on Lake Raponda in Wilmington, said in an interview Monday. "You know when you take a big step like this and come to a fork in the road, what did Yogi Berra say? You take it."

RWVL filed the petition in March 2022 after spending about a year before preparing the document. Widness said the group is "very grateful ... there's been such tremendous public support for this in Vermont."

In an announcement, the Department of Environmental Conservation said the rule "seeks to protect Vermont's environment while balancing a range of recreational activities."

"The wake boat rule — developed with significant input from the Vermont public — is science-based and reflective of Vermonters' shared interests in environmental stewardship and outdoor recreation," DEC Commissioner Jason Batchelder said in the announcement.

As of April 15, a wake boat may only operate in "wake sports" mode in designated wake sports zones of Vermont's lakes, ponds, and reservoirs. A wake sports zone of a lake or pond is defined as an area of at least 50 acres over 20 feet deep, at least 200 feet wide, and more than 500 feet from shore.

The DEC said the wake sports zone was "established to address concerns that wake boats erode vulnerable shoreline when the distance to shore is not adequate to dissipate the wakes and stir up lake bottom sediments in shallower waters."

Under the new rule, wake sports can happen on 30 of Vermont's inland lakes. They may also occur on Lake Champlain, Lake Memphremagog, the Connecticut River reservoirs and Wallace Pond, as these bodies of water don't have a defined wake sports zone.

"These lakes can accommodate a designated zone far enough from the shore and in deep enough waters, where there are fewer environmental impacts or recreational conflicts," the announcement states.

Widness said Vermont allows motorized boats on 73 lakes and 43 of them will not allow wake boats.

A wake boat is defined by the DEC as "a motorboat that has one or more ballast tanks, ballast bags or other devices or design features used to increase the size of the motorboat's wake." Wake sports include using "a surfboard, wakeboard, hydrofoil, or similar device to ride on or in the wake."

In a newsletter, RWVL said the rule went into effect following a 7-1 vote in favor by the Legislative Committee on Administrative Rules at its Feb. 14 meeting. Widness said the Secretary of State also had to post a final notice before the rule was finalized.

"It is important to note that the implementation of the new rule in no way impacts normal, traditional motorized boat usage, including fishing, waterskiing, tubing, pontoon boating, etc.," RWVL said.

Widness said the group hasn't decided what it will do next. He expects they will help the DEC and Agency of Natural Resources in educating people about the rule.

As of Monday morning, five associations representing six lakes in Vermont have filed petitions to prohibit wake boats and wake sports.

"This goes through the same petition process we did," Widness said. "It goes to ANR and there's a lengthy process to certify that they think the application is complete then they seek public



comments, written and oral, at meetings. It takes an unknown amount of time for that to take place. I'd say at least a year or longer."

Widness noted the DEC had no extra funding to take on the new rule. Staff will need to implement it at a time where they're "very busy doing all the programs they do in the summer so we Vermonters can enjoy our inland lakes and ponds," he said.

"So it's really a stretch for them and I think they're feeling the crunch on this," he said. "They're the ones still developing the protocols they're sharing with the public in terms of how this is going to be rolled out and implemented."

Widness suggested the "home lake rule" might be most difficult to put in place. That provision says "that during the summer boating season, wake boats must remain in the same lake (the designated home lake) unless decontaminated by an ANR-certified service provider," according to RWVL.

"They talked about having a sticker procedure where you would buy that to certify your boat is in one lake or has been certified ...," Widness said. "It's not something that you snap your fingers and it happens immediately. It takes time."

In terms of support, Widness said RWVL's newsletter has about 950 subscribers. About 35 to 40 people signed the original petition.

"It's grown a lot since the public has learned about it," Widness said. "If you look at what's happening in other parts of the country, there's a lot of interest in it."

#### **Mendon residents skeptical of hotel developer's claim new lodge won't shelter homeless – Rutland Herald – Keith Whitcomb, Jr.**

A hotel developer's signed affidavit saying he won't let his new project be used to shelter homeless people was met with skepticism by residents.

Anil Sachdev, managing member of Maruti Hospitality LLC, bought the former Econo Lodge in January and has filed for permits to reopen it as a hotel. He went before the town planning commission Monday, where about 30 people showed up in person to ask questions about the project. Nearly 50 attended remotely.

Sachdev is the former owner of the Cortina Inn in Rutland Town. When the pandemic started, its rooms filled with people receiving state vouchers who would otherwise have been homeless. Rutland Town officials have long complained of health and safety issues within that building, and say most of their police department's time has been spent in the area around the Cortina responding to calls stemming from hotel residents.

The commission spent a little more than an hour going over a list of permits and inspections the former hotel has and still needs, questions were raised about the possible need for an Act 250

permit amendment, but, as noted by several residents, the real reason so many people were in attendance was because of the voucher program.

Sachdev and his attorney, Frank Urso, submitted a signed, notarized affidavit to the commission that reads in part, “I have no present intention of completing the necessary application to qualify for the General Assistance Emergency Housing Program, which provides vouchers for hotels and motels to area homeless individuals. If I ever decide to complete said application, I shall notify the Mendon zoning administrator in writing or via email at least 30 days prior thereto.”

Urso read the entire affidavit, then said, “He is not getting into the voucher program,” prompting a chorus of exclamations from the crowd, which Planning Commission Chair Teri Corsones reined in with a warning that she’d end the meeting if the disrespectful talk continued.

Urso said his client is willing to include a “no vouchers” condition in his certificate of occupancy.

“I don’t know what more we can do, if you are going to fear something that we’re not going to do, and cannot happen. The program ends June 30. They’re changing the allocation to \$80 a night. He’ll go broke at \$80 a night. He has no intention of getting into the voucher program,” said Urso.

He said some permits aren’t needed if the building in question isn’t changing use. According to Urso, the Division of Fire Safety has said the building is classified as an existing hotel and that offering long-term accommodations would be a change in use that could subject the building to more permits and requirements.

“I’d like to put this change of use voucher program, which I think is a fictitious issue, to bed,” said Urso. “We’ve got other legitimate issues, but the voucher program is not one. It’s not going to be in the voucher program, and I don’t know how I could say it more plainly.”

Mendon resident Larry Gold said the way the affidavit is worded, that Sachdev has no “intention” of working with the voucher program, still allows him to do so.

“Where if the affidavit said, ‘I will not apply for the voucher program under any circumstances in any way shape or form,’ then that would be an affidavit that would be somewhat more meaningful,” Gold said.

Individuals have certain rights to their own properties, said Corsones, and agreed the language in the affidavit should be tightened. She noted that it does say Sachdev will notify the town should he ever use the voucher program there, but there is also an Environmental Court decision to consider.

In 2022, Rutland Town asked the District Environmental Commission to review the Cortina Inn’s Act 250 permit to see whether its sheltering people through the voucher program qualified as a change of use and would therefore be subject to an Act 250 permit amendment. The commission said that it did, and it does; however, on appeal to the Environmental Court the court, while agreeing with the commission, the court said the issue was moot because the specific program for the vouchers had changed.

Corsones said what needs to be done is to ensure there are conditions and rules in place so that whatever a property is used for, it won't cause problems.

Urso said the town is welcome to tighten the language in the affidavit but his client does have property rights. The voucher program, he said, is a state policy and there is a legitimate need to shelter people.

"I think part of the problem here is an overly visceral reaction to the homeless program that's not warranted; it does some good. But beyond that, put what you want in the certificate of occupancy, but you can't deny us a certificate of occupancy because you think something might happen a year from now," said Urso.

The latter portion of the meeting periodically featured multiple people speaking and shouting at once. CJ Abatiell questioned Sachdev's past involvements with hotels Abatiell said were run poorly. Sachdev said he doesn't own them and appeared annoyed by people thinking he's related to other hotel developers. Urso said his client has denied all unproven allegations.

Abatiell was skeptical about the new hotel being financially viable, claiming that it will have to take vouchers in order to keep operating.

Planning Commissioner Sarah Buxton said the state Legislature may limit what restrictions a town can place on the use of hotel vouchers, and so this conversation needs to go beyond the commission.

"What we are trying to say is, we do not want a repeat of Route 7 South in Rutland, Vermont," said Abatiell, referring to the location of the Cortina Inn.

Sachdev has a number of inspections and permits he still needs to show the town before he can get a certificate of occupancy. Urso said at the start of the meeting that his client is in a catch-22 situation at the moment with the state wanting the town's certificate before it issues its final permits and the town wanting to see those permits before issuing a certificate. He suggested the town grant its certificate so that it's contingent on the state issuing its own permissions.

Sachdev said he would bring what the commission has asked for to its next meeting.

### **Barre Agrees to Sell Two Lots for \$1 – The Montpelier Bridge – Carla Occaso**

Two lots in Barre City may soon have a new owner and could become housing developments, even though they are in a floodplain. But nothing is certain, yet.

"We are still trying to figure out (if) this project works," Angie Harbin, chief executive officer of Barre-based Downstreet Housing & Community Development told The Bridge. Downstreet has a mission of "creating permanently affordable homes" and helping people with financing as well as being one of the organizations involved in the project.

The Barre City Council approved the sale of the two flood-damaged Seminary Street lots during its April 23 meeting.

“The City Council approved a letter of intent with DEW to sell two adjacent parking lots for \$1. Williston-based DEW Construction is partnering with Downstreet and Evernorth to create 28–30 housing units on the site,” City Manager Nicolas Storellicastro said in an email to The Bridge. Evernorth is a New England organization focused on affordable housing development. The city put out a request for development on the properties on Dec. 13, 2023, with a February deadline, according to a record from Storellicastro’s office.

Harbin said the project is in its “infancy,” but her organization is very interested in making it work. Downstreet previously partnered with DEW Construction to build residential units on the upper floors of the Montpelier Transit Center. Harbin pointed out how, during the flood in July 2023, the Taylor Street structure was completely surrounded by water but had no damage to the building systems because it was built to flood codes.

“We definitely need housing in Barre and we are happy the council is making it feasible,” Harbin added. As for the other properties Barre City has also recently put out to bid, Harbin said her organization doesn’t want to take on more than it can handle.

On that note, Storellicastro’s office recently sent out a press release describing additional city-owned properties they would like to see become affordable housing developments, including one at Wobby Park, a “cluster of lots” along Merchant and Cleary streets, and a parking lot on Plain Street. Letters of interest are due May 10.

“The lots will be sold at a significantly reduced price to compelling projects,” the release states.

All three properties are in Barre’s north end. Wobby Park sits outside the floodplain adjacent to the public safety building and is now used as a playground. At 0.41 acres, it’s considered suitable for building. It is zoned for civic use but could be rezoned for the right project, according to a document issued from the city. If the plot is developed into housing, the park will be relocated somewhere else in the neighborhood.

The cluster of lots between Merchant and Cleary streets measures 0.54 combined acres and is in a residential neighborhood. It would be offered at a significantly reduced price. Interested parties are asked to respond by Friday, May 24, at 4:30 p.m.

The Plain Street property is a vacant lot and measures 0.20 acres. Like the other properties, city officials state they will consider a significantly reduced price for an applicant who presents a plan that develops the parcel for residential use. The deadline for applications is also Friday, May 24, at 4:30 p.m. Letters of interest will be reviewed by a committee that will include members of the Barre City Council, staff, and other parties as determined by the council.

“It is more urgent than ever to creatively address our housing shortage,” said Storellicastro. “We will leave no stone unturned in our effort to find partners to build safe, affordable, and comfortable housing options in our city — including seeking to develop a beloved neighborhood playground. The housing needs in Barre are extensive — from people who lost housing as a result of the July 2023 flood, to people looking for pathways out of homelessness, and to

professionals seeking to relocate here to work in our health care and education sectors. We look forward to hearing from interested developers who want to help shape Barre's future."

### **Winston Prouty seeks to build 300 affordable housing units – The Commons – Ellen Pratt**

Chloe Learey, executive director of the Winston Prouty Center for Child and Family Development in West Brattleboro, has a vision to build 300 units of diverse housing on the center's 180-acre campus.

Guided by the belief that an inclusive community is ultimately healthier for everyone, Learey's goal is to provide housing that is affordable to many people with different needs.

"I imagine a neighborhood where you don't say, 'Oh, there's the poor people's building. There's the old people's building,'" Learey said. "We're trying to build a neighborhood that reflects our community, where anybody can live and it's not segregated."

Learey has spent the past year and a half focused on realizing this dream. She's gotten buy-in from the Prouty board of directors, the town of Brattleboro, and community members.

Secretaries of multiple state agencies and federal staffers participated in a funders' site tour, and the campus was included in Brattleboro's state-recognized neighborhood development area in order to fast-track permitting.

Site constraints have been mapped and evaluated; wetlands, flagged.

Now Learey is looking for financing. That part hasn't been easy.

### **Building workforce housing is challenging**

Learey and others in the housing field acknowledge that traditional financing mechanisms don't necessarily work for a project like this one, where a nonprofit without much development experience plans to build hundreds of mixed-income housing units.

She looked into using low-income housing tax credits (LIHTC) as one funding stream. The federal LIHTC program provides up to 70% of development costs and is the largest single resource available for the development of affordable rental housing in the U.S.

The Vermont Housing Finance Agency (VHFA) administers the program in Vermont.

But LIHTC isn't necessarily a good fit for projects such as Learey's, said Seth Leonard, managing director of community development at VHFA.

"LIHTC works really well in developments where the majority of units in a building are program-eligible, that target household incomes below 60% of area median income," Leonard said. "Putting little sprinkles of that funding into different buildings is not something the program does well."

Additionally, these tax credits are typically awarded to affordable housing developers with experience in the program and who are very efficient in this line of business, Leonard said.

Windham & Windsor Housing Trust and other regional housing groups are examples of experienced nonprofits that use these tax credits to build affordable housing around the state.

While there are some "first-time LIHTC developers" in Vermont, Leonard said that it can be challenging to take on a project as a first-timer.

Sometimes project developers team up with more experienced housing developers to access the LIHTC program, but that can involve selling the portion of the property that relies on LIHTC and giving up control of the project.

### **Vermont lacks incentives to build workforce housing**

Josh Hanford, director of intergovernmental relations at the Vermont League of Cities and Towns (VLCT) and a former commissioner of the Vermont Department of Housing and Community Development, believes Vermont needs incentives to build more "missing middle" workforce housing like that proposed for the Winston Prouty campus.

The majority of low-cost funding such as grants and tax credits goes to the development of capital "A" affordable housing, where Hanford says the most pressing need is.

"And that's not bad," he adds.

But the result is that large-scale, sophisticated developers capable of building workforce housing have been driven out of the state because they can't make their projects in Vermont work.

Hanford thinks one solution would be project-based tax-increment financing (TIF), which would serve smaller regions than the current TIF program serves.

He says that with project-based TIF, Winston Prouty could finance the necessary upgrades to water, sewer, and roads that would entice a developer to take on the project, which would then bring in additional tax revenue to the state.

### **'We're just a little quirky'**

Learey is undaunted by the challenges she faces.

"We're just a little quirky," she said.

People might wonder why a small nonprofit that supports kids and families might want to build housing, but Learey argues that housing helps kids and families by providing stability that is essential to child development.

And it helps the community, which, according to the town's 2021 Housing Action Plan, has a "pressing need" for more than 500 housing units.

"We have this asset [of 180 acres]. And it's our responsibility to be part of the solution," Learey said.

She thinks that the addition of 300 mixed-income housing units will help stabilize the local housing market, known for its scarce and expensive options.

Learey has scaled back the original plan for the campus in order to bring down the project budget. Using modular construction and a row-house design of fourplexes, construction costs are currently estimated to average \$263,000 per unit.

The total cost for the housing component of the project would be less than \$100 million.

Learey is now looking at a financing model that would include traditional debt and private equity. She thinks "impact investment" - whereby investors accept a lower rate of return in exchange for helping to create beneficial social or environmental effects - would be a good fit for the project.

Learey pointed to the development of middle-market, workforce housing in St. Johnsbury by the Northern Forest Center as an [example](#) of this type of financing.

Using impact investment funds, as well as private gifts and grants and a \$500,000 low-interest loan from State Treasurer Mike Pieciak's "10% for Vermont" fund, the center is developing 10 apartments and two commercial spaces in a 1906 building downtown.

"We're big fans of that approach," said Leonard, and according to him the VHFA has been prioritizing projects that have been able to access low-interest debt and attract private capital.

### **A model from Middlebury?**

Learey wonders whether large, local employers could also help fund the project.

She cited Middlebury College's 2022 [purchase of 35 acres](#) for the development of a mix of housing ranging from affordable to market-rate. In between will be workforce housing units, available to those who meet the income requirements of \$50,000 to \$80,000 per year for a two-person household.

While the college is partnering in developing the project, tenants will not have to be employees of the college to qualify for the workforce housing units.

"We think that trying to find creative ways of leveraging private investments for this project could potentially be a positive model for the rest of the state," said Leonard. "I think the work they're doing to try to activate that type of capital is something that we should applaud from an ingenuity standpoint."

Meanwhile, Learey perseveres.

"I will talk to anybody who is doing this type of development or has thought about doing it," she said. "I don't know how many people I've spoken to over the past year and a half trying to find out how to make it work."

She's come to accept that "no one is going to save us," but says that's OK.

"Maybe it's better," she said. "This is our community, and we can figure it out."

### **Wild divide: A debate over wildlife management in Vermont runs deep – VT Digger – Emma Cotton**

In early April, more than a dozen people stood at one end of a carpeted room in the Statehouse holding signs with slogans such as "hunting coyotes with hounds IS legalized dog fighting" and "all voices matter."

At the other end of the room stood Mike Covey, executive director of the Vermont Traditions Coalition, which advocates for rural interests in the Statehouse. He was observing and sometimes recording video. Two reporters stood in the middle, the only other people in the room.

Brenna Galdenzi, who was standing among the group holding signs, addressed the room.

"I just want to take a minute to say that (we) are not animal rights terrorists, extremists. We are not 'antis.' We are not invasive species taking over Vermont," said Galdenzi, president of Protect Our Wildlife, a Stowe-based organization that has advocated for increased hunting regulations.

Her ad-libbed comments at the press conference, held to support a bill related to wildlife management, show how polarized conversations about wildlife management have become. Across Vermont, people's experiences and views related to wildlife come in shades of gray. But at the Statehouse and in the press, they often appear in black and white.

In the Legislature, much of the conversation has been focused on the membership of the Fish and Wildlife Board. Currently, its 14 citizen members, appointed by the governor, create and approve all of the hunting, trapping and fishing regulations for Vermont's game species. The board is typically made up of active hunters, trappers and anglers.

As wildlife adapts to stressors such as climate change and habitat loss, a growing range of people want to see the animals' needs prioritized over those of hunters. They argue that the board unfairly prioritizes the interests of hunters, who represented about 10% of Vermont's population in 2023, according to data from the Vermont Fish & Wildlife Department.

In the past few years, the dispute has become increasingly pitched. Some influential lawmakers have moved to address that perceived disparity, along with complaints about the impacts of certain hunting and trapping practices on landowners.

Their proposals have raised the hackles of many hunters and trappers, who defend the current composition of the board and see ongoing debate as a threat to their way of life.



This legislative session, the conversation has focused on [S.258](#), a bill that would significantly tweak Vermont wildlife management by adding two new members to the Vermont Fish and Wildlife Board whose primary backgrounds would not likely be hunting and trapping. The bill would also ban the controversial practice of hunting coyotes with hounds.

Perhaps most significantly, S.258 would shift rulemaking authority from the board to the Vermont Fish & Wildlife Department. Staffed with 150 people, many of whom are wildlife biologists, the department currently provides advice and recommendations to the board, which are largely accepted.

When the bill reached the Senate floor earlier this year, Sen. Russ Ingalls, R-Essex, told lawmakers that the measure is “the biggest anti-hunting bill that’s ever reached the Senate, in my opinion.”

“If this bill passes, this is the end of hunting as we know it in the state of Vermont,” Ingalls said.

Ingalls and other opponents of the bill argue that people who hunt, trap and fish have the appropriate experience to craft regulations related to those activities.

Vermonters who have grown up in a hunting culture often describe the potential for humans to be a healthy part of the ecosystem. Hunting has the capacity not only to provide food for families and protection of people and property, but also to serve as a valuable wildlife conservation tool, they argue.

Additionally, hunters express concern about newcomers to Vermont who have had the resources to buy land that is rapidly growing more expensive. They feel that those new residents are sometimes advocating for change before understanding the cultural nuances of their new home.

“It’s been expressed recently that some folks on that side feel it’s a culture war,” said Covey, of the Vermont Traditions Coalition. “And I would agree with that.”

This framing troubles Sen. Chris Bray, D-Addison, the lead sponsor of S.258. Bray said he’s been concerned “about not wanting this to become so divisive that it would fracture community, because I think that it’s something we have in Vermont still.”

The bill [cleared the Senate](#) in March with enough votes to override a likely veto from Gov. Phil Scott, but it appears support is waning in the House, where it’s currently in the hands of the Energy and Environment Committee. On Wednesday, Rep. Amy Sheldon, D-Middlebury and the committee’s chair, indicated that the House may not have enough votes to override a veto.

“We’re not going to move it if it doesn’t look like it has a future,” Sheldon said in an interview on May 1.

In 2022, the Legislature passed a bill that banned wanton waste of wildlife, requiring humans to eat, mount or skin all animals killed through hunting or trapping, except coyotes. It took three years to push that change through, Sheldon said.

“I think we took some very helpful testimony on this — even though we have stopped taking testimony — in terms of, what are the things that people are afraid of in this conversation? And how do we address those the next time we bring it up?” Sheldon said.

### **A public trust**

The [North American Model of Wildlife Conservation](#), which guides state wildlife agencies in the U.S., is based in part on the Public Trust Doctrine. The legal premise holds that natural resources, including fish and wildlife, are not owned by any particular entity, but rather held in trust for present and future generations by state and federal governments. In short: Wildlife belongs to all people.

But what does it mean to hold wildlife in public trust when the public can’t agree about how to manage it? Vermont is not alone in contemplating this question. Washington, Oregon, Colorado, New Mexico and Arizona are among the states engaged in similar debates.

“These changing attitudes and cultural interests related to wildlife conservation seem to be playing out across the country,” said John Austin, who directs the Wildlife Division at the Vermont Fish & Wildlife Department.

In Washington state, Kim Thorburn, an avid birdwatcher, made headlines in 2023 when Gov. Jay Inslee did not reappoint her to the state’s Fish and Wildlife Commission. He had expected her to advocate against certain hunting policies, but Thorburn surprised him when she defended them, she told VT Digger. She served on the commission for eight years, but in the last two, the panel became “absolutely packed and overrun” with animal welfare advocates, she said.

The opposite situation appears to have occurred in Colorado. Gary Skiba, who was appointed to that state’s commission by Gov. Jared Polis in July 2023, relinquished his seat in March after it looked unlikely that the Colorado Senate would approve his appointment. A former wildlife program manager for an environmental group and state wildlife biologist, he was opposed by “a growing chorus of recreation and hunting groups — along with commissioners in the hunter-reliant counties of Grand and Teller,” [according to the Colorado Sun](#).

In Vermont, staff at the Fish & Wildlife Department said that they often feel caught in the middle between people who want to protect the right to hunt and people who argue for more hunting regulations. Asked what the department’s mission might say about the divide, Commissioner Chris Herrick referenced the Public Trust Doctrine.

“We hold all wildlife in trust for everyone, and for future generations,” he said. “That’s it.”

### **‘Impenetrable’**

Galdenzi, from Protect Our Wildlife, is far from the only person in Vermont who wants to see more restrictions on hunting and trapping. Organizations such as Vermont Wildlife Patrol, Animal Wellness Action, the Humane Society and Project Coyote are all active in advocating for updated wildlife policies in the Green Mountain State.

But when hunters speak about the animal welfare movement — and when reporters in Vermont document it — Galdenzi's name is often the one that surfaces.

A photo of a trapped bobcat, its paw crushed and bloody, sparked the fire for Galdenzi, she said. She was volunteering for a group called Green Mountain Animal Defenders in 2010, which was focused on banning trapping, she said. Soon after, she founded Protect Our Wildlife.

“It caused me to go on this path of like — no, this is inflicting prolonged suffering to an animal. This is not hunting. This is animal cruelty,” she told VT Digger in an interview.

People have become proponents for change in Vermont's wildlife management for a variety of reasons.

Some are concerned about non-target species and [pets that have been killed in traps](#) (though at least some of these instances have occurred because of traps that were set illegally). Others are fed up with the [behavior of hunting dogs](#), who have traversed onto posted property. Collectively, they feel the board is not open to addressing their concerns.

“I have seen folks excited to get involved with wildlife management, and to share their knowledge and experience with the board, and then give up and not attend meetings in the future because they feel that their voices are not heard, and their perspectives are not valued by the current system,” said Bob Galvin, the Vermont state director for the nonprofit Animal Wellness Action and the Center for a Humane Economy, at the April press conference.

Over time, as Galdenzi and other advocates have taken their concerns to the Vermont Fish and Wildlife Board, they describe meeting repeated obstacles.

Galdenzi said she has petitioned the board twice for regulated coyote seasons — currently, the animals can be hunted every day of the year. She pointed to [studies](#) that show that coyote populations stay stable even when humans try to manage them. Nothing came of the efforts, she said.

“The system right now is just impenetrable,” she said.

Asked about the petition for coyote seasons, Herrick, the commissioner of the Vermont Fish & Wildlife Department, said the internal conversation about how to advise the board on petitions “always ends up being a serious discussion.”

Staff at the department look at a number of factors, including the impacts on both the wildlife and on humans. “It's not a 10-minute meeting with a few people. Oftentimes, we'll say we're gonna take a month, maybe two months to really dig into this,” he said.

Those who are frustrated with the system feel that the department, despite its deliberations, still does not consider the merits of their arguments.

Indeed, Herrick himself told lawmakers at a Senate Natural Resources and Energy Committee hearing in February that “hearing every voice does not mean doing everything they say.”

“I’ve used this example, and I don’t mean it to be condescending in any way, but I have kids that are grown up now,” he said. “I certainly listened to them growing up, but I didn’t do what they said every time because they weren’t always right.”

### **‘A Rorschach test’**

Galdenzi and others said that feeling unheard is what led them to bring their ideas to lawmakers in the Statehouse, who were more receptive.

Bray, who chairs the Senate Natural Resources and Energy Committee, told VT Digger that “folks who are oriented to animal welfare have been the folks who have come forward” to talk about a variety of issues since he started in the Legislature in 2007.

“It made me think about things I hadn’t thought about before,” he said.

Bray has also adjusted bills based on feedback from the hunting community, he said. He used an example from 2022, when lawmakers in Bray’s committee introduced [a trio of bills](#) that, together, would have banned leghold traps and hunting coyotes with hounds while stripping the board of its authority to make regulations, leaving it with only advisory power.

After hearing a large volume of testimony from hunters and trappers, lawmakers rolled the bills back. The version that became law required the board to create new rules for coyote hounding and trapping.

Last summer, the Fish and Wildlife Board completed that process, submitting the new rules to the Legislative Committee on Administrative Rules (LCAR), which is charged with approving state regulations created by the executive branch.

Then came more controversy: Members of LCAR, including Bray, made four objections to the rules, saying they didn’t meet the law’s intent. For example, they argued that a new rule to require GPS collars on hunting hounds still wouldn’t give hunters enough control over their dogs to effectively avoid conflicts with landowners.

Members of the Fish and Wildlife Board [voted to pass the rules](#) anyway — prompting a [lawsuit](#) from Protect Our Wildlife. While a judge [denied the organization’s request](#) for immediate action, the case remains pending.

With his concerns still unresolved after the yearslong process, Bray responded with [S.258](#).

### **Wild divide: Can wildlife management policy reflect Vermonters’ complex views? – VT Digger – Emma Cotton**

In late February, a collection of people who care passionately about Vermont’s wildlife — and disagree about how to manage it — crowded into the Senate Natural Resources and Energy Committee room.

Over two days, lawmakers heard from roughly 60 members of the public on [S.258](#), which would change wildlife governance in Vermont. During a break, Sen. Chris Bray, D-Addison, the committee chair, observed conversations between people with opposing viewpoints that, at first, appeared tense. But over a period of hours, he said, the conversations turned amiable.

“Then we adjourned for the morning, and I would come back down the hall 15 minutes later, and they’re still talking in the hallway,” he said. “To me, all those kinds of real conversations, back and forth, are a great success.”

Bray, the bill’s lead sponsor, hopes the legislation will spur productive conversations like the ones that took place in his committee room — especially amid increasing tension about wildlife management in Vermont. For Bray and other bill supporters, this goal appears challenging, especially considering that the debate about wildlife management [has often been called a culture war](#).

In this perceived dichotomy, one side advocates for wildlife and the other advocates for hunting rights. But a review of studies, interviews and written commentaries shows that Vermonters’ views on wildlife are often more complex than the public dialogue shows.

Lawmakers crafted S.258 to address what its supporters describe as a disparity on Vermont’s Fish and Wildlife Board, which creates regulations for hunting, trapping and fishing. Those who want to change the system argue that the board, which is made up of hunters, trappers and anglers, unfairly prioritizes the interests of those groups.

The bill [cleared the Senate earlier this session](#) with enough votes to override a likely veto from Gov. Phil Scott, but it appears to have stalled in the other chamber. Members of the House Environment and Energy Committee have stopped taking testimony on it after realizing they may not have the two-thirds majority — 100 or more votes — to override.

If the measure becomes law, it would give more voice to people who want hunting regulations to prioritize the needs of wildlife, especially as species adapt to stressors such as climate change and habitat loss.

Specifically, it would allow the Legislature to appoint two people to board, expanding authority beyond the governor in hopes of diversifying the appointments, and it would shift the authority to enact wildlife management policy from the board to the Vermont Fish & Wildlife Department. All board members would be required to meet a list of qualifications and participate in training. The bill would also ban the controversial practice of hunting coyotes with dogs.

The measure has elicited concern and opposition from many hunters and trappers, who defend the current composition of the board and see the bill as a threat to practices that define their way of life. Hunters and trappers often argue that their activities help manage wildlife populations, and are therefore beneficial to the ecosystem.

That’s where Bray sees common ground.

“The thing I came to appreciate, as I listened to — I really hate saying it this way, but, ‘both sides’ — is that wildlife conservation was by far the thing that united them most strongly,” Bray said. “I think they had so much more in common than they realized.”

### **By the numbers**

If not in two separate camps, where do most Vermonters stand? Wildlife professionals have looked at this question from a number of angles.

First, by license numbers: Participation in hunting has waned compared to 30 years ago, though it saw a slight resurgence during the Covid-19 pandemic, according to data provided by the Vermont Fish & Wildlife Department.

In 1994, Vermonters held about 87,000 hunting licenses. (That figure includes combination licenses for fishing and hunting and excludes permanent and lifetime hunting licenses, for which the department does not have data until 2017.)

That number dropped to 73,500 in 2004, then fell again to 62,000 in 2014.

In 2023, some 44,000 people purchased hunting licenses — about half the number of people who bought new licenses in 1994. Another 23,000 who held permanent or lifetime licenses hunted that year, bringing the total to about 70,000 Vermont residents who could legally hunt, or 11% of the state’s population.

Surveys also illustrate Vermonters’ views on the topic. In 2022, the Vermont Fish & Wildlife Department conducted a telephone [survey](#) of more than 800 people to assess their opinions about wildlife management. When they asked whether Vermonters approve of trapping, the answer depended on the intention of the trapper and whether the activity was regulated.

For example, 91% strongly or moderately approved of trapping to help with wildlife restoration, while 70% approved if the activity reduced damage to crops and gardens. Only 26% approved of trapping for recreation.

Interviewers split the group of respondents, asking one half if they approved of “trapping” (42% approved) and the other half if they approved of “regulated trapping” (60% approved).

Sam Bliss, a postdoctoral fellow in Nutrition and Food Sciences at the University of Vermont, considers hunting through the lens of food access. He [told lawmakers earlier this year](#) that roughly 14% of food consumed in Vermont comes from “non-market” sources, such as gardens, food pantries, foraging, fishing and hunting.

His survey of 400 Vermonters found that about 20% of households in Vermont get some of their food from a family member who hunts, though just a sliver of all food consumed in Vermont — about 1% — comes from hunting.

For a lot of hunters, the activity isn’t about food access, he said in an interview. It’s about spending time in nature, or continuing a family or cultural tradition.

“But for some residents of Vermont, it is really important for food access,” he said. “This tends to be folks who are low income and have a tradition of hunting, have been hunting for their whole lives, so that they're good at it. And they have the necessary knowledge and gear to have success hunting, because that's a big thing.”

Another subset of Vermonters, Bliss told VT Digger, prefer to get their meat from hunting for ethical reasons: to avoid buying factory-farmed meat at the grocery store.

While some Vermonters [have taken up hunting for the first time](#) in recent years, numbers and anecdotes suggest that, over time, Vermont's culture may be slowly shifting away from certain types of hunting.

Author Marc Boglioli stayed with people at hunting camps and conducted a number of interviews with Vermonters for his 2009 book, “A Matter of Life and Death: Hunting in Contemporary Vermont.” Asked in an interview whether conversations were heated when he conducted his research, Boglioli raised the then-controversial issue of coyote tournaments, when hunters would win prizes for killing the most coyotes.

The tournament violated an ethic of hunting Boglioli said was common among hunters: You eat, or use, what you kill. Boglioli said he personally “stuffed a lot of coyotes into Glad bags after those tournaments and put them in the garbage.”

“It was probably the first time that there was a chink in the armor of the hunting community itself around the ethics of hunting,” he said, “because a lot of hunters weren't cool with it.”

The competitions divided hunting families, he said — and caught the attention of wildlife advocates. The Legislature banned the tournaments in 2018.

A Vermont chapter of a 2018 report, called [America's Wildlife Values](#) — administered by two associations of fish and wildlife agencies to help their members make decisions based on the public's interests — defines Vermonters' values related to wildlife more broadly, using four categories.

Traditionalists, the report states, believe that wildlife should be used and managed for the benefit of people. Mutualists believe “wildlife are part of our social network and that we should live in harmony.” Pluralists prioritize the values differently depending on the context, and those who are “distanced” believe that wildlife issues are less relevant to them.

In Vermont, 25% of people are traditionalists, 34% are mutualists, 29% are pluralists and 12% are distanced, according to the report. Those values stay relatively consistent across age groups, income groups and education levels.

### **‘Significant overlap’**

Even people who hold different values about wildlife are not always in separate camps.



Former Fish & Wildlife Commissioner Louis Porter wrote in a 2018 [report](#) that there is “likely significant overlap” in Vermont between traditionalists and mutualists “in that both groups generally value wildlife and support the conservation of species.”

In a [survey](#) conducted in the state in 2015, he noted, 91% of respondents thought it was important for people to be able to participate in “wildlife-related outdoor recreation such as hunting, fishing and wildlife viewing.” That figure was up from 80% in 2000.

“Even more compelling, 81% of the general public and 86% of hunters and anglers strongly believed that threatened and endangered species must be protected, up from 37% in 1995,” Porter wrote.

Joshua Morse, a Ph.D. student at the University of Vermont’s Rubenstein School for Environment and Natural Resources (and the public relations officer for the Vermont Fish & Wildlife Department), has found overlaps in wildlife values, too. In his [dissertation](#), which he defended in March, Morse used stories to assess Vermonters’ relationships with coyotes.

Morse wrote that he is “concerned by the polarization” in policy arenas, media coverage “and even research into” the reasons that nature matters to people.

“Human-human conflict around the elements of nature we value is increasingly recognized as a barrier to human-wildlife coexistence and management in its own right,” he wrote.

Morse chose coyotes because they are often the center of controversy about how wildlife impacts human wellbeing, he wrote. While coyotes are not native to Vermont, they replaced wolves, which colonists extirpated from the landscape through hunting, Morse wrote. They are now considered a naturalized species and [not invasive](#).

In 150 interviews collected with the help of the Vermont Folklife Center and high school students, Morse looked at whether coyotes were adding or detracting from Vermonters’ lives. He found that more people talked about coyotes as contributors rather than detractors. For example, a grandfather spoke about howling back and forth with coyotes during a pandemic winter.

However, when people spoke about negative relationships with coyotes, “it was in these really high-tension categories — things like mental health, or sense of security, or impacts to agriculture,” he said.

The results weren’t binary, and Morse took care to capture the complexities that people expressed. He broke the values into three categories: “instrumental,” or prioritizing human needs in relationship with nature; “intrinsic,” in which people believed nature mattered separately from humans; and “relational,” which addresses the relationship that people want to have with nature.

People spoke about the species’ impact on them, the importance of coyotes for their own sake, and the awareness of an ongoing relationship with coyotes at the individual level and population level.

“All of that is out there,” Morse said. “But much more interesting to me is that, often, those three things, or some combination of them, exist in the same person.”



### **‘Not a zero sum game’**

Some major environmental groups active across Vermont accept [certain types of hunting](#), and many hunters approve of increased regulations on the activity.

The Nature Conservancy, an environmental organization that protects and conserves land across the United States and elsewhere, opens much of its land to hunting, though the organization does not take a position for or against the activity.

“The most common reason for allowing hunting and/or fishing on Conservancy preserves is to maintain or restore the integrity of sensitive species and biological communities,” the organization’s website states. “Another common reason the Conservancy allows hunting and/or fishing on some of our preserves is to respect the practices and cultural traditions of human communities.”

Brenna Galdenzi, president of Protect Our Wildlife Vermont, has supported bans on trapping, coyote hounding and certain types of hunting. Still, she isn’t trying to ban all hunting, she said, noting that her organization has never participated in a Fish and Wildlife Board meeting about turkey rules or deer rules. Rather, she wants to see more regulations that show animals respect.

“I think most hunting in Vermont is done for cultural reasons, for food, as a way of life,” she said in an interview. “That is never something that we would ever fight or oppose or look to change.”

Mike Covey, executive director of the Vermont Traditions Coalition, which opposes S.258, said many hunters and trappers care sincerely about wildlife conservation.

“When it becomes a part of our life on a very real and deep and meaningful level, it gives us that incentive to really care about outcomes, and really care about ensuring that we have healthy populations of these animals on the landscape,” he said.

Some hunters even appear amenable to S.258.

In a recent [commentary](#) for VTDigger, Alex Smith, a member of the Bristol Conservation Commission, wrote that he has “serious skin in the game as it pertains to the future of hunting and fishing.”

“They are the most important things in my life outside of my family,” he wrote.

Still, he defended what others have called an “anti-hunting” bill. Wildlife, he wrote, does not only belong to people who hunt it.

“Rather than property, wildlife is to be ‘held in trust by the state for all citizens.’ This is law — not my opinion,” he wrote. “It is hard for me to acknowledge that and make an objective argument against having the Wildlife Board consist of a more diverse set of viewpoints. How this affects sportsmen/women will depend on the people who eventually occupy that board.”

If S.258 passes — which seemed less and less likely in early May — many people expect that the governor would appoint 14 people from the hunting and trapping community to the Fish and Wildlife Board, and the Legislature would appoint two people viewed as wildlife advocates.

But Bray said the wording of the bill prevents politics from playing such a large role. Rather, he said, it's a recipe for balance, requiring every entity with the authority to appoint members to the board — the speaker of the House, the Senate's Committee on Committees and the governor — to appoint people with certain qualifications.

“Some people have said to me, ‘oh, that's going to end up being 14 to two.’ And I hope not, because everyone's going to come through the same criteria,” Bray said.

Those criteria would include having “a knowledge of fish and wildlife biology, ecology, and the ethics of fish and wildlife management,” as well as the capacity to have “balanced viewpoints” and “recognize the challenges to wildlife and habitat caused by climate change, including an unprecedented loss of biodiversity, and prioritize the value of science in the work to conserve, protect, and restore natural ecosystems,” the bill states.

The bill is unlikely to clear the House this year. Rep. Amy Sheldon, D-Middlebury, chair of the House Environment and Energy Committee — which currently has possession of the bill — said she expects to raise the issue again in a future session. If S.258 fails to pass the House, lawmakers would need to start from the beginning on a new bill.

Still, the conversations about that have taken place this session have served a purpose, she said, despite the bill's increasingly narrow path to become law.

“I think folks are starting to understand each other better on these issues,” Sheldon said. “You know, there's issues we need to address, but I think there's room to address them. The majority of Vermonters, I think, can understand that we continue to be in support of hunting and those kinds of engagements with our wildlife, but that there's also room for other voices at the table.”

Sitting in his committee room in early April, Bray ruminated over the controversy surrounding S.258. He said he didn't want the bill to divide Vermonters.

“I just have never seen anyone who's at a table having a conversation lose anything by letting someone else join the conversation,” he said. “It's not a zero sum game.”

### **Art exhibit documents the Covid-19 vaccine experiences of Black Vermonters – VT Digger – Auditi Guha**

Samirah Evans hates needles. So she wasn't thrilled when she saw on TV the first folks receiving the Covid-19 vaccine in December 2020.

“That needle looks long and it made me nervous,” she outlines in [an audio account](#) that is now a part of a storytelling project by Clemmons Family Farm capturing the range of reactions of Black and African American Vermonters during the early rollout of the vaccine.

Funded by the Vermont Department of Health, the exhibit includes original stories, songs, poems and visual art by 30 Black Vermont residents and three white health providers who administered the vaccine in its early days.

As the pandemic wreaked havoc in the early months of 2020, Evans, a Black musician in Vermont, recalls her horror at the passing of a colleague, followed by the father of an acquaintance, followed by musicians in New Orleans, both Black and white.

Until her cousin got rushed to the hospital critically ill from the virus, most of her family members had refused to take the vaccine. “Because for decades African Americans have been used for experiments that led to death. And many of us are marginalized in various ways when it comes to having access to proper health care and nutrition,” she said.

Evans understood the lack of trust in the government and health care system, but she also saw the pandemic did not discriminate — that people of all races were dying alone and so fast that timely burials were difficult.

“So how did I feel about taking the vaccine? Absolutely 100% ready, in line to take one for the sake of humanity,” she continues in her account. “And yes, it helps that a female African American scientist [Kizzy Corbett](#) was on the front lines of developing the Moderna vaccine.”

Evans is among the artists participating in the “Beneath Our Skin” exhibit, which opened last month and is now on display at the Clemmons Family Farm in Charlotte, the South Burlington Public Library, the Root Social Justice Center in Brattleboro, the University of Vermont’s College of Nursing and Health Sciences and [online](#).

Her contribution is a song titled “The proof is in the pudding”:

*But when we hit the million mark*

*So many were still in the dark*

*More lives lost than World War II*

*Yet there is something that we can do*

*It’s time to let go of the fears*

*Stop watching those around us disappear*

*Find the courage to protect yourself*

*Save another’s life*

*Don’t let one more life perish*

*Consider the lives that you cherish*

*This is a shared responsibility*

*The proof is in the pudding.*

## Disparate outcomes

The global pandemic threw into light the disparate health treatments and outcomes of marginalized communities nationwide. In an effort to counteract that, the Vermont Professionals of Color Network helped to [create](#) the Vermont Health Equity Initiative in the spring of 2021, to promote Covid vaccine clinics for Black people, Indigenous people and people of color, giving them a chance to get to the head of the line.

The BIPOC community is growing in the nation's second-whitest state, but Black people make up a mere 1.4% (about 8,000 people) of Vermont's population, up from 1% in 2010, according to the 2020 census.

According to the health department's Covid [data](#), white Vermonters ages 5 and above recorded the highest updated booster rate at 34%, while Black Vermonters have lagged at 17%.

All but two of the Black Vermonters who participated in the "Beneath our Skin" project were vaccinated (booster shots were not available at the time); 12 were from the U.S., nine were from East Africa and one was from the Pacific Islands, according to [a report](#) compiled by the Clemmons Family Farm in March.

The key lessons from the project include the need to develop restorative interventions to address mistrust in government and public health systems, which, the report notes, is more prevalent among U.S.-born Black people, and improve communication about the virus and the vaccine, according to the report. Black Vermonters who participated expressed a strong desire for bodily autonomy, and the project found that family members' experience strongly influenced vaccine decisions. It also noted that transportation and weather posed barriers to accessing the vaccine.

The storytelling project, conducted at the height of the pandemic, is an effort to highlight and learn from the Black experience and "help build a shared understanding of needs and perceptions related to improving Covid-19 vaccination access and uptake," states a release from the Clemmons Family Farm, one of Vermont's few historic African American-owned farms.

It is also [an effort](#) by the health department to generate "qualitative data about vaccine acceptance and hesitancy, and about health provider care-giving attitudes and practices" that may improve future vaccine behaviors of Black Vermonters.

## The exhibit

The nonprofit collected stories of Black Vermonters who were fully, partially or not at all vaccinated against Covid-19 between October 2021 and December 2022. Curated by Yanna Marie Orcel, a wellness arts adviser at the farm, the exhibit includes three collections:

- 13 stories from Black Vermonters and three anonymous white vaccine providers who gave the vaccine to Black clients around Chittenden County
- 7 Black residents sharing their stories anonymously over the phone with a trained facilitator

— 10 stories from members of the Vermont African-American/African Diaspora Artists Network beyond Chittenden County.

Last Thursday, Orcel walked through the Charlotte exhibit — housed in what was once a blacksmith's shop on the farm.

She pointed out quotes displayed on one wall to show the gamut of reactions — from fear and mistrust to relief and gratitude. They are printed in red on cards modeled after the vaccination cards issued during the pandemic. Many of them refer to the [infamous syphilis experiment](#) on Black men in Tuskegee, Alabama, in which human subjects were offered free food and checkups, but never told that they were part of a study in which medical treatment would be withheld.

The idea of the Vermont project was to get people to not only remember what happened but also to get them to think differently, explained Orcel, who has a background in art therapy. “Since the arts are known to support public health and mental health and well being, it’s a perfect integration,” she said.

Robin Anthony Kouyate, a member of the farm’s board and a senior adviser on the larger “How Are We Doing?” project of which this exhibit is a part, said the exhibit is intended to “really bring to light some of the attitudes and the perspectives of Black and white Vermonters.”

A public health-trained social and behavioral scientist, Anthony Kouyate said the stories definitely spark “some uncomfortable conversations” but her favorite aspect is that art was used as a way of collecting data.

Recalling her own experience, Orcel said she was terrified being in Massachusetts when the pandemic began in 2020. Curating the exhibit brought back the fear of crowds, the inability to go out without a mask, the hoarding of toilet paper — things people have already begun to forget about, she said.

Light blue face masks, ubiquitous during the height of the pandemic, were pinned around the room.

[One](#) of the displays — the outline of a pink human head filled with colorful words and a black spiky virus superimposed in the middle — represents a word cloud generated from the audio transcripts of all the stories, Orcel said. “Freedom,” “Tuskegee,” “white folks” and “choice” loom in large letters, representing the words that came up the most.

The project shows that Black Vermonters are a complex group that didn’t feel one way about the vaccine, said Orcel.

Orcel hopes the display will help “inform Vermont’s public of how Black Vermonters actually felt and to contextualize it so that the general public can understand more about why Black Vermonters were hesitant.”

“I would like this exhibit to also serve as a way for Black Vermonters to feel seen, represented, heard and understood and for their voices to be amplified in the realm of public health, which they usually are not,” Orcel said.

### **3 of the session's largest climate bills face opposition from Phil Scott administration – VT Digger – Emma Cotton**

In the last week, three of the legislative session's biggest climate bills passed out of their second chamber, and are likely to head to the governor's desk soon.

Those bills include [S.213](#), which would establish a new state permitting system for building in river corridors, [S.259](#), which would require big oil companies to pay for damages from climate change in Vermont and [H.289](#), a bill that would update the state's renewable energy standard by requiring utilities to make a quicker transition to renewable energy.

Gov. Phil Scott and members of his administration have publicly expressed concern about all three of the bills. Asked whether Scott would veto them, Jason Maulucci, Scott's spokesperson, said the governor hasn't made a final decision.

"We're at the point in the session where things change rather quickly in bills, so he will reserve judgment until final versions reach his desk," Maulucci said, referring VT Digger to Julie Moore, secretary of the Agency of Natural Resources, for the administration's positions on S.213 and S.259.

While the two bills are very different, Moore said the administration's opposition to both can be boiled down to a similar sentiment: "The principle — in both of these cases — is good and important. But that doesn't mean you should just charge headlong into it without doing all of the groundwork necessary for it to be successful," she said.

S.213, which passed the Senate in March and passed the House on May 3, [addresses development in river corridors](#), sets new standards for wetland protection and increases dam safety measures. Supporters of the bill say it's an important policy that will protect Vermonters from events like the July 2023 floods.

Lauren Oates, a lobbyist at the Nature Conservancy Vermont, said Vermont has experienced flooding with more regularity and severity since Tropical Storm Irene hit the state in 2011.

"We know that that trauma and those damages, physical or otherwise, are going to continue to be incurred," she said. "And this bill, the Flood Safety Act, is the bill that we have that uses some of the best available science, and then has come up with a cohesive and semi comprehensive suite of solutions that recognize our flood problem."

Moore contends that the bill does not give her agency the money or time it needs to build out the new permitting program. While the agency asked for roughly 15 new staff members — and the bill would create 15 new positions — "it only provides enough funding for 11 of those 15 positions," she said.

While acknowledging the Legislature's financial challenges, Moore said lawmakers haven't expressed "any real interest in adjusting the scope of the bill to match the resources they do have available."

Moore is also concerned that Vermonters may be caught off-guard by the regulation, which could apply to as many as 45,000 parcels in 2028, when the permitting system would kick in. She said she thinks the process could benefit from additional time.

Oates, who has been working closely with lawmakers on S.213, said the bill balances both limited resources and the urgency of flood-related disasters with the agency's needs.

"The worst case scenario of an aggressive timeline is the agency has to come back to the Legislature and ask for more time to do this well and to do this right. The worst case scenario of an extended timeline is more homes are put in harm's way," Oates said.

S.259, which [passed the Senate](#) in April and passed the House on Monday, would use the "polluter pays" model, requiring the world's biggest oil companies to pay for damages that their product has caused in Vermont by way of climate change. The money would be deposited into a Climate Superfund Cost Recovery Program Fund.

Oil companies are expected to put up a fight, and the result could mean an expensive litigation process for Vermont.

"I harbor no illusions that Big Oil is going to do anything other than a full court press against this bill, on whichever state or states act first," Moore said. She recommended that lawmakers research the idea of a climate change superfund, write a report on it, and then determine how to proceed next year.

"I think, ultimately, you get one bite at this apple and want to make sure you're doing it in a way that will withstand judicial scrutiny," she said. "And I'm not sure we're there yet."

Ben Edgerly Walsh, a lobbyist with the Vermont Public Interest Research Group, argued that a lawsuit would be worth it if Vermont won. While no one knows yet how much money the bill could bring to the state, "what we do know, beyond a shadow of a doubt, is that the funds that would come to Vermont, if we are successful, would be orders of magnitude more than any potential cost to defend a lawsuit against this," he said.

Walsh said the bill would "clearly be good for Vermonters, because the status quo is, we have to shoulder virtually all of the costs on our own with no contribution from these enormously profitable companies."

H.289, which passed the House in March and passed the Senate on Tuesday, would update the state's renewable energy standard by requiring utilities to buy renewable energy at a faster pace.

Earlier this year, the Department of Public Service, part of Scott's administration, gave lawmakers [a cost estimate](#) that the bill's advocates — and later, the state's Joint Fiscal Office — said [was likely too high](#).

Asked about the administration's position on the bill, Moore referred VTDigger to the department. TJ Poor, director of the department's regulated utility planning division, who has worked closely on the bill, said the department still opposes it. Poor said the department would



have preferred that lawmakers consider its own proposal to update the renewable energy standard, which includes a slower timeline to using local renewable sources.

“We need to clean up our grid as fast as possible, as quickly as possible, as affordably as possible, because we’re going to lean into it far more” as the state electrifies, said Johanna Miller, a lobbyist at the Vermont Natural Resources Council.

Some supporters of the three bills see a pattern in Scott’s recent and likely future vetoes. Moore said, despite the fact that the administration “isn’t full-throated in supporting any of these three bills as they come out of the Legislature,” her agency is committed to fighting climate change and protecting Vermonters from its impacts.

The Legislature hasn’t been willing to compromise, she said, and hasn’t fully resourced the work it’s endeavoring to assign to her agency.

“As a result, you end up with this tension that is convenient to portray as for or against climate action, when in reality, I think it’s about trying to make sure we are able to do the work we need to do well,” she said.

Miller said she’s interested in seeing the administration come up with its own plan to address climate change.

Referencing S.213, Oates, with the Nature Conservancy, asked what the alternative would be.

“What are we doing, then, as a state to make it safer, to make it less expensive with respect to flood related damages?” she said. “What is the plan to create a more flood resilient or flood prepared state in the absence of this bill?”

### In compromise, budget panel agrees to new limits on motel housing program – VT Digger – Carly Berlin

State budget writers have decided against a contentious cap on the number of households that can access Vermont’s motel voucher program for unhoused people during the winter months. But as lawmakers finalize plans for next year’s spending, advocates continue to prepare for new limits to a program that currently shelters the bulk of the state’s unhoused residents.

House and Senate budget writers finished hashing out their differences over next year’s budget midday Tuesday, passing [the “Big Bill”](#) out of a committee of conference. Among the most disputed sections was the future of the emergency housing program.

While both chambers allocated about \$44 million for the program in the coming fiscal year, they disagreed about how to best match the contours of the program to that dollar amount. The Senate’s version of the budget [put a lid on the number of rooms](#), a measure intended to rein in costs as the state scales back the program’s pandemic-era expansion. The House’s version included no such caps.



The [version key lawmakers have landed](#) on is a sort of hybrid. A 1,100-room cap would kick in during the warmer months, beginning on Sept. 15, and be lifted during the winter. But eligibility during the colder months – historically open to anyone experiencing homelessness – would be limited to households that meet certain vulnerability criteria.

“It feels right to have the most vulnerable in the winter to not have the limitations on the rooms,” Rep. Diane Lanpher, D-Vergennes, chair of the House Committee on Appropriations, told colleagues around the negotiating table Monday night.

The conference committee’s pivot from the Senate’s budget proposal comes as something of a surprise. Throughout the negotiations, Sen. Jane Kitchel, D-Caledonia, the powerful chair of the Senate Committee on Appropriations, continually emphasized that key House members had informally agreed to the room cap provisions before heading into conference committee deliberations. Lanpher [said in late April](#) that she felt that the Senate’s version was mostly settled.

Asked what changed, Lanpher said simply, “there was reaction.”

Indeed, over the last two weeks, [advocates for unhoused Vermonters, service providers, and the mayors](#) of Burlington and Winooski [have all lambasted the room cap proposal](#), arguing that the limits would push more people into unsheltered homelessness. Members of the House’s left flank criticized the Senate’s position. And even Gov. Phil Scott, who has long advocated for shrinking the program, said at a press conference last week that the room cap proposal might inhibit Vermonters in need of assistance.

“I am hopeful that we have all of the pieces that people can agree with now,” Lanpher said, after Tuesday’s vote. The full House and Senate must still sign off on the agreement before it heads to the governor.

Lanpher also pointed to increased funding for shelters in the budget, including an additional \$10 million for emergency shelters, specifically to be stood up between December and March for people who do not meet the motel program’s eligibility criteria during the coldest months of the year.

The intent is to create a kind of backup for winter shelter – and to avoid a repeat [of the bare-bones shelters](#) stood up by the state this past March, Lanpher said, which guests needed to vacate by 7 a.m. each morning. Language in the budget remains vague around whether these emergency shelters will operate throughout the day, however, specifying only that the Department for Children and Families work with “community providers as available to deliver daytime and overnight shelter services.”

Advocates for unhoused Vermonters expressed some relief on Tuesday that lawmakers dropped the winter-weather room cap. But they continued to voice concerns about a new 80-day limit on households’ motel room stays outside of the winter months – and about the 1,100-room cap that’s slated to go into effect this fall.

The motel program currently serves about 1,500 households who meet [vulnerability criteria](#) – including disabled people, elderly people, and people fleeing domestic violence. That count

includes 565 children, as of late April. The program shelters many of the state's unhoused residents: Traditional shelters have space for about 550 households, and are generally full.

Last month, DCF Commissioner Chris Winters said the department wanted more clarity from legislators on how to prioritize who will get one of the limited spots available come September. But the budget language offers little guidance. Asked what she expected DCF to do as it prepares to downsize the program, Lanpher emphasized that lawmakers spelled out vulnerability criteria in the bill.

Yet everyone currently in the program meets vulnerability requirements set by lawmakers themselves.

Brenda Siegel, executive director of End Homelessness Vermont, said she is bracing for a first-come, first-served system that will put high-risk people in danger.

"If somebody on oxygen, or somebody in a wheelchair is not in the first-come, first-served category, if a child is not in the first-come, first-served category, those people are going to end up without shelter. And that is going to be deadly for some people," she said.

A final version of the budget is set to head to Gov. Phil Scott's desk by the end of the week.

### **Final Reading: Lawmakers send safe injection site pilot legislation to Gov. Phil Scott – VT Digger**

Over the past five years, Elissa Johnk, the lead minister at the First Congregational Church of Burlington, has borne witness to Vermont's overdose crisis.

Johnk hosts services as ambulances drive by multiple times an hour. She has found people passed out on church property. She has held burials of overdose victims in front of their children and in front of their parents. She has learned how to distinguish someone on a bad trip from someone who needs immediate medical attention. She's learned "what bone looks like when it's been eaten away by animal tranquilizer," she told listeners Tuesday in the Vermont statehouse's Cedar Creek Room. "And how to treat it."

Johnk's remarks were part of a last-minute effort by advocates to urge lawmakers and Gov. Phil Scott to pass into law [H. 72](#), a bill that would lay the groundwork for the creation of an overdose prevention center — aka safe injection site — in Burlington. As Vermont weathers a crushing [opioid abuse crisis](#) and [rising overdoses](#), proponents of the bill say that a staffed, secure site could ensure that people do not endanger themselves by using alone.

Legislators have nearly finished their work with H.72. The House passed it in January, the Senate passed an amended version last week and on Tuesday, lawmakers in the House approved the Senate's amendments.

Grace Keller, an advocate and recovery worker, said that in the past she heard skepticism about on-demand treatment, syringe exchanges and the overdose-reversal drug Narcan.

Now, “we know those things as ubiquitous. We know them as the tools that we have in our toolbelt,” Keller said. “The day is going to come when we’re going to think that way about overdose prevention centers.”

The bill would create a legal framework for overdose prevention centers in Vermont and would allocate \$1.1 million from settlements with drug companies to fund a pilot program in Burlington.

It would also direct the state’s department of health to hire an outside entity to study the pilot’s impact on overdoses, deaths, crime, emergency services, treatment and recovery, and syringe litter in the area.

Gov. Phil Scott, however, has made no secret of his opposition to the bill. The governor “remains opposed to the unproven injection sites,” spokesperson Jason Maulucci said Tuesday in an email, “and believes we should instead be investing those precious resources on more proven harm reduction, prevention and treatment methods.”

Could the legislature override a gubernatorial veto? Nothing is certain, but signs appear favorable: in January, House lawmakers approved the legislation by a 96-35 vote, and last week, the Senate passed the bill by 21 to eight. Both votes exceed the margin of two-thirds necessary for a veto override.

To advocates, the passage of the bill is long overdue.

“Not having an overdose prevention center puts the burden on all of us,” Johnk said Tuesday. “And we are not able to hold it.”

— *Peter D’Auria*

### **In the know**

State budget writers have decided against a contentious cap on the number of households that can access Vermont’s motel voucher program for unhoused people during the winter months. But as lawmakers finalize plans for next year’s spending, advocates continue to prepare for new limits to a program that currently shelters the bulk of the state’s unhoused residents.

House and Senate budget writers finished hashing out their differences over next year’s budget midday Tuesday, passing [H.883](#), the “Big Bill,” out of a committee of conference. Among the most disputed sections was the future of the emergency housing program.

[Read more here.](#)

— *Carly Berlin*

As debates about regulating hunting and trapping in Vermont have become increasingly polarized, the conversation this legislative session has focused on [S.258](#). That bill would significantly tweak Vermont wildlife management by adding two new members to the Vermont

Fish and Wildlife Board. The bill would also ban the controversial practice of hunting coyotes with hounds.

The bill [cleared the Senate](#) in March with enough votes to override a likely veto from Gov. Scott, but it appears support is waning in the House, where it's currently in the hands of the Energy and Environment Committee. On Wednesday, Rep. Amy Sheldon, D-Middlebury and the committee's chair, indicated that the House may not have enough votes to override a veto.

"We're not going to move it if it doesn't look like it has a future," Sheldon said in an interview on May 1.

[Read the first of a two-part VTDigger series here.](#)

— *Emma Cotton*

### **On the move**

In the last week, three of the legislative session's biggest climate bills passed out of their second chamber, and are likely to head to the governor's desk soon.

Those bills include [S.213](#), which would establish a new state permitting system for building in river corridors, [S.259](#), which would require big oil companies to pay for damages from climate change in Vermont and [H.289](#), a bill that would update the state's renewable energy standard by requiring utilities to make a quicker transition to renewable energy.

[Read more here.](#)

— *Emma Cotton*

The Senate on Tuesday approved [H.871](#), a bill that will continue the process of establishing a state aid for school construction program.

The Vermont Agency of Education estimates the [state's schools need more than \\$6 billion in construction over the next two decades](#), a number widely considered a lowball figure.

If passed, the bill sets up a summer working group to draft legislative language in time for next year that would renew state money for school buildings for the first time since the Great Recession.

That working group, if established, will have many big questions to answer, chief among them: how should the state prioritize its limited financial resources, and where should the money come from?

The Senate amended the House's version of the bill, so H.871 will require further approval before going to the governor's desk.

— *Ethan Weinstein*

Lawmakers in both chambers agree that they want to crack down on retail theft — but are taking different approaches to do so. On Tuesday, the Senate also advanced its version of [H.534](#), a bill that would levy escalating penalties on someone who's convicted of shoplifting multiple times.

A person would face misdemeanor-level penalties for a first and second offense of stealing \$900 or less of merchandise, but would be charged with a felony starting at a third such offense.

That's different from [the House's version of H.534](#), which would let prosecutors aggregate the value of multiple thefts and charge a felony if the combined figure is more than \$900 — provided that the thefts occur within the same two-week period and within the same county.

Senate President Pro Tem Phil Baruth, D/P-Chittenden Central, said on the floor Tuesday that he and his colleagues on the chamber's judiciary committee took their approach after hearing concerns about the House's proposal from the Vermont Office of the Defender General.

— *Shaun Robinson*

Meanwhile, the House on Tuesday passed [S.220](#), a bill that would protect library patrons ages 12 and up from having their library records disclosed to parents or guardians against their will. Currently, those protections only apply to those 16 and older.

S.220 would also require public libraries — and school boards — to establish procedures for reviewing potential objections to the materials in their collections. Such policies, for schools, would have to prevent book removals stemming from an objector's political or religious views, among other measures.

Ahead of the bill's third reading, Rep. Arthur Peterson, R-Clarendon, introduced an amendment seeking to grant records protections only to those ages 14 and up. The amendment also proposed that school libraries exclude materials that are “obscene” to minors from their collections, citing [a definition of the word](#) in criminal law.

On the floor, some lawmakers connected the latter to book bans that [have been reported nationwide](#) which they said are fueled by culture wars, a characterization that Peterson rejected. After close to 45 minutes of debate, members voted his amendment down.

The bill will now head back to the Senate to consider changes that the House *did* make.

— *Shaun Robinson*

Also on Tuesday, the Senate passed [H.614](#), which creates a new category of crime called land improvement fraud to address [ongoing cases of timber theft](#), as well as [H.847](#), which creates a [peer support provider and recovery support specialist](#) certification program within the Vermont Secretary of State's Office of Professional Regulation. The chamber gave preliminary approval to, [H.81](#), which would require manufacturers to give loggers and farmers in the state [the ability to repair their equipment independently](#).

— *VT Editors*

**From:** Moore, Julie  
**Sent:** Friday, May 10, 2024 6:57 AM  
**To:** Brackin, Stephanie; Gendron, Maggie  
**Subject:** FW: Admins position on S.259?

[Climate Superfund Act nearly clear of Vermont Legislature | Local News | rutlandherald.com](#)



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*The Agency of Natural Resources supports telework and there are times when I may be working from another location. I am generally available to connect by phone and email during business hours. I am also available to meet in-person upon request.*

Help raise money for Vermonters impacted by flood damage and show your Vermont pride with *Vermont Strong* and *Tough Too* license plates and socks. [Click here to purchase your Vermont Strong gear](#) or visit [DMV.Vermont.gov/VermontStrong23](http://DMV.Vermont.gov/VermontStrong23).

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**Sent:** Wednesday, May 8, 2024 8:58 AM  
**To:** Moore, Julie <[Julie.Moore@vermont.gov](mailto:Julie.Moore@vermont.gov)>  
**Subject:** Admins position on S.259?

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Secretary Moore,

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Thanks,  
-Keith

- Keith Whitcomb Jr.

General Assignment Reporter

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**From:** Barney, Cole  
**Sent:** Friday, May 10, 2024 9:16 AM  
**To:** EXE; EXE - Cabinet  
**Cc:** EXE - Interns  
**Subject:** News Clips 05.10.24  
**Attachments:** News Clips 05.10.24.docx

#### Today's Articles

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- Vt. businesses celebrate Gov. Scott's inclusion declaration – WCAX – Hailey Morgan
- Scott says he'll support budget, but draws line on tax hike – My Champlain Valley – Malachy Flynn
- Vt. lawmakers at odds over retail theft bill – WCAX – Cam Smith
- Climate Superfund Act nearly clear of Vermont Legislature – Times Argus – Keith Whitcomb, Jr.
- Vt. lawmakers set veto session for mid-June – WCAX – Calvin Cutler
- Vermont bill to study psychedelic therapy heads to governor's desk – Brattleboro Reformer – Chris Mays
- Act 250 reform bill nears finish line again; faces veto threat – WCAX – Calvin Cutler
- "Severe" geomagnetic storm may bring vibrant northern lights to Vermont, New York Friday night – WPTZ
- New EPA air quality rules expected to trigger more alerts – WCAX
- New state rule regulates wakeboats on lakes – News & Citizen – Liberty Darr
- Sen. Welch pushes for long-term disaster relief funding – WCAX
- As lawmakers race to adjourn, the fate of Vermont's landmark data privacy proposals is uncertain – VT Digger – Sarah Mearhoff
- Vermont congressional delegation calls on FEMA to improve flood recovery efforts – VT Digger – Jimmy Nesbitt
- Senate's education funding bill makes dent in tax increase but kicks the can on big change – VT Digger – Ethan Weinstein
- Final Reading: Citizen group rallies at Statehouse against Democratic supermajority's agenda – VT Digger

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## Governor's Daily News Clips

**Friday, May 10, 2024**

### Vermont's flavored tobacco ban bill attracted surge in lobbying, ad spending before governor's veto – Vermont Public – Corey Dockser

After [almost five years of effort](#), this year the Legislature passed a bill banning flavored tobacco and vaping products, including menthols, only to see it [vetoed by Gov. Phil Scott](#) last month.

The bill attracted the highest amount of advertising spending on any single issue this year, as groups focused on public health pushed for the ban, and tobacco companies and retailers fought it.

The Campaign for Tobacco-Free Kids spent just over \$381,000 on advertising, state disclosure data shows, accounting for more than half of ad spending this year.

Katherine Levasseur, campaign manager for [Flavors Hook Kids Vermont Coalition](#), which is principally funded by the Campaign for Tobacco-Free Kids, described the campaign as grassroots and multi-faceted, including a letter-writing campaign and ads on social media, news websites and radio.

“We had to get really creative, and that meant identifying and mobilizing volunteers to make sure that legislators were hearing from Vermonters how impactful this issue was and continues to be to them,” Levasseur said.

On the anti-ban side, the New England Convenience Store and Energy Marketers Association spent \$65,000 on digital ads. Additionally, many retailers carried flyers with QR codes linking Vermonters to a form letter — spending that is not required to be disclosed.

Companies opposing the flavored tobacco ban spent more money on formal lobbying — hiring professionals to argue one's case before lawmakers and monitor legislation. Most of the anti-ban lobbying was on behalf of subsidiaries of Altria Group and Reynolds American Inc., two large American tobacco companies.

Altria Group, Reynolds American Inc., and the New England Convenience Store & Energy Marketers Association, the two largest lobbying spenders and top advertising spender for the anti-ban campaign, did not respond to requests for comment.

Vermonters responded to the flurry of advertising by contacting officials about the tobacco question. The governor received around 360 messages by phone and through the state's official [Contact the Governor](#) form, with about 53% in favor of the ban and 47% opposed to it, said the governor's spokesperson Jason Maulucci.

Of people who called the governor's office, 76% were in favor of a ban.

Scott said he saw the bill as “hypocritical and out of step with other initiatives that have passed into law recently and over time,” particularly the 2020 legalization of cannabis (which includes flavored products) and the legal sale of flavored alcohol.

After the governor’s veto, lawmakers said they would not attempt an override vote. The legislation had not garnered the two-thirds majority that would be needed to pass despite the governor’s objection.

### **Vt. businesses celebrate Gov. Scott's inclusion declaration – WCAX – Hailey Morgan**

Business leaders are joining faith and civic leaders to support Vermont’s declaration of inclusion.

Governor Phil Scott declared the second week of May Inclusion Week in Vermont. The declaration condemns racism, welcoming all persons regardless of race, color, religion, national origin, sexual orientation, gender identity and expression, disability, or socioeconomic status.

So far, the declaration has been adopted by 145 Vermont cities and towns. One business owner says this initiative is an important part of growing Vermont’s workforce.

“We have a workforce crisis. We feel like we have to do everything we can to attract people here. One way to do that is to say we are welcoming. We may look like a very white state, but we are actually very welcoming, and I am an example of that,” said the owner of Moose Meadow Lodge Willie Docto.

Vermont Interfaith Action, one organization behind the initiative, says [their next step is to make sure all towns and cities adopt the declaration.](#)

### **Scott says he’ll support budget, but draws line on tax hike – My Champlain Valley – Malachy Flynn**

As the current legislative session comes to an end, Governor Phil Scott said he intends to put some differences with the legislature aside, but is drawing a hard line on other issues.

Governor Scott shared his plans for last-minute legislative action at his weekly news conference Wednesday. He said that while he does not see eye to eye with many lawmakers on every item, the state budget is something he can work with, and plans to put some of his qualms aside and approve it.

“Though I still believe it spends a bit too much, the budget appears to be on a path to something I can live with,” Scott said. “This has been a rare example over the last few years where legislators chose to work with me and my team, and again, although it’s nowhere near perfect from my perspective, I think it can work.”

Lawmakers finalized the state's \$8.6 billion budget earlier this week. It includes \$25 million of tax relief in the general fund, bringing the average statewide property tax down to 12.5 percent. While these funds will help Vermonters face this year's double-digit tax increases, Rep. Diane Lanpher, Chair of the House Committee on Appropriations said this is a short-term solution.

"It's one-time, so therefore we're kicking the can down the road," said Lanpher. "We're going to have to make that up and then some, probably when budgets come through again, so although it has the effect that it does this year, it really multiplies the pain next year."

Although he is willing to compromise on the budget, Scott won't back down on additional tax increases. He said he plans to veto bills that will increase costs for Vermonters if changes aren't made before they get to his desk.

Among these are bill H.887, known as the yield bill, which the Vermont Senate amended Wednesday and passed on to the House.

"I've been clear, Vermonters simply cannot afford a historic double-digit property tax increase," Scott explained. "Whether it's an average increase of 15 percent, or 12.5 percent, it's still way too much, and I cannot accept it."

Scott also opposes bill H.687, an environmental protection bill that includes some housing elements and reforms to Act 250, the state's land use law. He has advocated to keep environmental legislation separate from housing initiatives. He said some of the bill's elements will increase building restrictions, instead of lifting them, adding red tape and making home development more expensive.

The current legislative session is set to end this week, and while a veto session is expected this summer, Scott said there is still time to come to agreements before then.

### **Vt. lawmakers at odds over retail theft bill – WCAX – Cam Smith**

Vermont lawmakers are at odds over a bill on how to address the trend of retail theft that has swept the state in recent years.

Under Vermont law, anyone convicted of stealing merchandise valued at under \$900 is charged with a misdemeanor. A House bill would make it a felony if a person is convicted of multiple misdemeanor retail thefts in a two-week period and in the same county.

The Senate made a number of changes, including not aggregating the crimes, but increasing the criminal penalties for first, second, third, and subsequent offenses. The amendments have forced the bill into a conference committee.

Senator Dick Sears, D-Bennington, says if lawmakers are unable to come to an agreement, the bill will likely die. "I'd be extremely disappointed personally. I think that many of my constituents -- particularly those that operate stores and those who shop in those stores -- because

somebody is paying for the shoplifter. I think they would be extremely disappointed if we can't deal with this problem," Sears said.

Sears says if they can't come to a resolution, lawmakers would try to find a compromise next session.

### Climate Superfund Act nearly clear of Vermont Legislature – Times Argus – Keith Whitcomb, Jr.

A bill seeking to force the fossil fuel industry into paying Vermont for damages tied to climate change has all but been approved by the Legislature, though the Agency of Natural Resources says its effort, while well-intentioned, is premature.

S.259, the Climate Superfund Act, still needed final approval from the Senate as of Thursday morning, said Ben Edgerly Walsh, climate and energy program director at Vermont Public Interest Research Group. The amendments the House added to it were all relatively minor and the bill left both chambers with broad support, he said.

Broadly speaking, the bill would see cost recovery demands sent to several large fossil fuel companies, ones with some kind of presence in Vermont, for damages caused by fossil fuel emissions between 1995 and now, said Walsh.

"It's proportional to their pollution, so it's only requiring them to pay their fair share for the cost that Vermont has incurred, or will incur, from the emissions of fossil fuels during that 30-year period," he said.

The bill holds that the Agency of Natural Resources and the Office of the Vermont State Treasurer will put together a climate resiliency plan to be finalized by Jan. 1, 2026, something they've already announced they will do.

That plan will then be used to determine how much the companies owe the state.

Walsh said it's impossible to say exactly how much the state might ultimately be seeking but the damage done by the July 2023 floods, it could easily be in the high hundreds of millions into the low billions.

Walsh said this bill is distinct from other types of climate change related laws in that it's not looking directly towards cutting fossil fuel emissions but rather holding entities responsible for emissions that have already occurred and seeking compensation for damage that has been caused.

"The fossil fuel industry knew for decades that their products would cause costly and disastrous climate changes," stated Anthony Iarrapino, of the Conservation Law Foundation, in a release. "Instead of acting on this knowledge by transitioning to cleaner alternatives that could have avoided the worst climate impacts, they stuck with business as usual and in some cases increased

production. It is only fair to hold them accountable for the financial consequences their voluntary business decisions have imposed on society.”

The floods of 2023 heavily impacted central Vermont, including Montpelier.

“As a Montpelier city councilor, I’ve seen first hand the devastating costs of climate change to homeowners, local businesses and in the municipal budget,” stated Lauren Hierl, executive director of Vermont Conservation Voters, in a release. “Vermonters can’t afford to keep paying to clean up a mess that Big Oil created.”

Walsh said that it’s a given the oil companies will fight this bill, should it become law, in court. He said that he and other advocates for the bill believe it’s got firm legal ground upon which to stand.

Some say they think that ground ought to be much firmer, and that perhaps other, much larger states with deeper coffers and similar takes on the matter might be better for leading the way.

“I appreciate the principle of it, but the science that it relies on is actively evolving and, frankly, improving, but I’m not sure it’s there yet,” said Agency of Natural Resources Secretary Julie Moore on Wednesday.

She said that California, Maryland, Minnesota and New York are a few of the states who’ve been contemplating a bill like this and what they’ve proposed is taking a far more cautious approach than what Vermont is proposing here.

Moore testified on the bill in February when it was in the Senate Committee on Judiciary.

“A lot of the work today appears to have focused on temperature-related effects, which are certainly important but obviously flooding is front and center in Vermont, and it’s my understanding that the work done in that area is less robust right now,” said Moore.

Moore said she would prefer the bill to focus on laying the groundwork for figuring out just how much these companies would owe the state and reporting back to the Legislature to figure what next steps make the most sense.

“I think there’s been an effort to make it, either you’re for climate action and therefore for this bill, or you’re against climate action if you’re asking questions about this bill, and I don’t think that’s a fair, accurate characterization,” Moore said. “I think this is a pretty novel argument, and we’re going to be given one opportunity to make it, and if we do a crummy job or the science doesn’t support the broadest possible evaluation of the impacts of climate change it has the potential to undermine the case we would make.”

It’s one thing to say the fossil fuel industry is responsible for much of the climate change that’s occurring, said Moore, it’s a much bigger lift to tie financial damages to specific companies. There are different ways to calculate damages, she said. Some might work better than others, and the types of impacts being felt might well vary from place to place.



### Vt. lawmakers set veto session for mid-June – WCAX – Calvin Cutler

From the Yield Bill to Act 250 reform to safe injections, Vermont lawmakers face a long list of possible vetoes this session.

The past few sessions have seen a record number of vetoes and veto overrides by the Democratic supermajority, and this year is shaping up to be no different.

There are a few bills that Governor Phil Scott has signaled he may veto. He's been concerned about the cost of the [Renewable Energy Standard](#), requiring utilities to source their power from renewable energy. He's also opposed to the [bill creating a safe injection site in Burlington](#). And then there's the Yield Bill which sets statewide property taxes. [Scott has said lawmakers are not doing enough to provide relief to the double-digit property tax rate hike this year and are not addressing education finance reform.](#)

One veto lawmakers will not try to override is the ban on flavored tobacco. [Senate President Phil Baruth last month said they have no intention to try to override the measure and will send it back to committee.](#)

While lawmakers are expected to adjourn as early as Friday, they already have a veto session penciled in for mid-June.

### Vermont bill to study psychedelic therapy heads to governor's desk – Brattleboro Reformer – Chirs Mays

Vermont lawmakers passed a bill to establish an advisory working group tasked with studying psychedelic therapy to improve mental health.

Rep. Tristan Roberts, D-Windham-6, called the passage of S.114 "great news for veterans, frontline workers, victims of crime and abuse and anyone suffering from PTSD, chronic depression or other issues."

"The bill is headed to Gov. Scott's desk and I urge him to sign it and help Vermont take this small step forward in offering this medicine to Vermonters who badly need it," Roberts said.

Jason Maulucci, press secretary for Scott, said the bill isn't one "we've put any focus on at this point, but will review it when it reaches the governor's desk."

The bill says the working group will review existing research then make "findings and recommendations regarding the advisability of the establishment of a state program to permit health care providers to administer psychedelics in a therapeutic setting and the impact on public health of allowing individuals to legally access psychedelics under state law."

In an impassioned speech from the floor Wednesday, Roberts credited psychedelic therapy with helping him to "uncover again my true nature" after experiencing mental health challenges associated with being a victim of child abuse.

"I'm talking about it today because I want to spread a message of hope to other individuals diagnosed with childhood PTSD, or anyone diagnosed with PTSD, chronic depression, anxiety, addiction, cluster headaches, or any of the dozens of chronic, incurable conditions for which psychedelic assisted therapy has demonstrated remarkable efficacy in controlled, FDA-validated clinical trials," he said.

Throughout his life, Roberts sought out medical treatment and later turned to alternative medicine. In his late 30s, he received treatment for trauma and began to make progress. Two or three years in, he heard of psychedelic assisted therapy and found a doctor in California who offered what he called "a legal, safe and proven form" of the therapy.

Psychedelic therapy, Roberts said, "can be described as taking a deeply rutted ski slope and laying down 12 inches of light powder. Instead of being triggered and involuntarily symptomatic, I've found choices."

Roberts said he sleeps much better now while depression and anxiety often move through him rather than sticking around and defining him.

"These medicines aren't magic. They are real and they work," Roberts said. "The psychedelic medicines that I have been prescribed and benefited from have been delivered in a single sitting, sometimes just once, and sometimes repeated and spaced out over time per doctor's orders."

Roberts declined to say what medicines he used, as any specific one has critics and stigmas. He noted the bill doesn't change laws related to drug possession.

"This is not a 'decriminalization' bill," he said. "It started out with a provision to decriminalize, but the Senate removed that provision prior to sending it to the House. I think that is a wise decision. This bill makes Vermont's consideration of psychedelic medicine a matter of science and public health policy."

The Brattleboro Retreat is supportive of S.114. Staff from the mental health hospital have testified on the bill, believing psychedelic therapy has potential to be an effective treatment option.

"It's something that we've been following for a number of years," said Kurt White, vice president of community partnerships/communications at the Retreat.

Retreat staff have participated in advanced training for MDMA treatment for PTSD, which is being reviewed by the federal Food and Drug Administration. Approval is anticipated late this year.

White called the treatment "potentially transformative ... for that complicated problem." Clinical trials show the diagnosis disappearing for 65 to 70 percent of participants, he said.

Psilocybin mushrooms, LSD and MDMA are "performing so well in clinical trials that they're on a fast track to be considered for FDA approval for therapeutic use," White said.

At the Retreat, working groups are researching and training in psychedelic therapy. White will be giving a talk on the treatment on May 21.

"It sounds kind of nutty," he said, "but this is a transformative moment in the whole mental health field. It's not a panacea. It's not without risks. But the potential of therapies that involve use of these substances to help people is really enormous. We haven't seen the like in probably 70 years."

Drug treatments for mental health tended to have only incremental improvements instead of big leaps forward, White said. He described being "really happy the state of Vermont is interested in getting a group together to consider how we can be a leader among states" looking into psychedelic therapies.

His hope is to have the Retreat named as a participant of the working group in the final version of the bill.

"I'd love to be involved," he said. "If not, I'm in touch with others who are involved in that group. We're definitely going to be following this closely."

White said the Vermont Psychedelics Society has hosted conferences for years, bringing in experts from around the U.S. and world to provide education. The group also helped with the bill.

The House version of the bill says the working group will be made up of the following officials or their designees: the dean of the Larner College of Medicine at the University of Vermont, president of the Vermont Psychological Association, president of the Vermont Psychiatric Association, executive director of the Vermont Board of Medical Practice, director of the Vermont Office of Professional Regulation, executive director of the Vermont Medical Society, state commissioner of health, and commissioner of mental health. They will seek testimony from Johns Hopkins' Center for Psychedelic and Consciousness Research, in addition to any other entities with an expertise in psychedelics. A written report will be due by Nov. 15.

The Vermont Department of Health Department hasn't taken a position on the bill.

"Our involvement, as currently drafted, appears to be serving as a member of the working group, and we have no objection to that," said Ben Truman, spokesperson for the department.

### **Act 250 reform bill nears finish line again; faces veto threat – WCAX – Calvin Cutler**

With just hours to go in the legislative session, state lawmakers are trying to wrap up details of an Act 250 reform package aimed at both expanding housing construction and updating the state's signature land use law to meet emerging environmental threats.

In a year with soaring property taxes, demographic and workforce concerns, extreme weather, and an ongoing housing crisis, lawmakers are trying to put the finishing touches on a controversial measure a decade in the making.

“We know we need housing in the short-term, but we also need the housing to be climate ready and any new investments we make are in safe and logical places,” said Rep. Amy Sheldon, D-Middlebury.

A complex bill that would update the now 53-year-old Act 250 is nearing the finish line at the Statehouse. The bill sets up a tiered system for Act 250 jurisdiction, loosening land use regulations in developed areas and strengthening protections in areas with sensitive natural resources.

Governor Phil Scott who wants more exemptions for towns has signaled a potential veto, saying he is concerned small towns will be left behind. “Having so much of our state having to go through a regulatory process will impair, I believe, the rural parts of the state,” he said this week.

The bill follows a long-simmering debate over to what degree Act 250 regulations are to blame for Vermont’s housing shortage and whether the solution lies in loosening regulations or more public investment.

“I by no means am saying that Act 250 and zoning changes are going to answer the housing crisis, but we’ve thrown money at the problem. At some point, we need to mold them both together,” said Rep. Ashley Bartley, R-Fairfax.

Others say pressures like short-term rentals and second homes have contributed to the housing crisis. “Act 250 has not been the barrier to housing across the state. It does add cost and maybe it doesn’t add value in certain locations. This bill would remove those costs and barriers in those certain locations,” said Brian Shupe with the Vermont Natural Resources Council.

The House and Senate are still working out their differences on the bill, including negotiations over a tax when homes are bought or sold.

### "Severe" geomagnetic storm may bring vibrant northern lights to Vermont, New York Friday night – WPTZ

A rare display of the northern lights may occur Friday night and through the weekend across Vermont and Northern New York, following the arrival of a strong solar storm.

NOAA's Space Weather Prediction Center issued a "very rare" G4 Geomagnetic Storm Watch late Thursday, the first issued in nearly 20 years. The agency says several eruptions of energy from the sun are expected to merge together and hit Earth's magnetic field.

The solar storm is expected to begin late Friday night into early Saturday.

Clouds are expected to hang tough across southern Vermont, but will be more broken across northern Vermont and New York. Northern areas will stand the best chance of seeing the display!

Remember to head to a dark viewing spot away from light pollution, looking towards the north. Consider using a long-exposure camera, as the lights are often not visible to the naked eye in our region.

### New EPA air quality rules expected to trigger more alerts – WCAX

You may see more air quality alerts this year, but not necessarily because the air is getting worse.

The EPA earlier this year strengthened its national ambient air quality standards. Air quality values that were previously designated as “good” will now be yellow, or “moderate.”

The New York Department of Environmental Conservation officials say they are keeping track of data to issue health advisories and improve air quality. “We’re constantly implementing different strategies and looking at different research projects and monitoring initiatives, to help determine who is most at risk, who’s being exposed, and what we can do to help alleviate those impacts,” said the DEC’s Abby Komarc.

The changes came after last year’s historic wildfire season, when smoke from fires in Canada and the western U.S. shrouded the Northeast.

### New state rule regulates wakeboats on lakes – News & Citizen – Liberty Darr

For those looking to hang loose this boating season, a new state rule adopted in February, dubbed the first of its kind in the nation, regulates wakesports and wakeboats on certain lakes across the state.

Under the new rule, wake sports are now confined to a “wakesport zone” of 50 contiguous acres defined by a 500-foot shore buffer from all sides, a depth of more than 20 feet, and at least 200-feet wide. The rule allows wake sports to occur on 30 lakes throughout the state, like Lake Iroquois in Hinesburg, Lake Caspian in Greensboro and the Waterbury Reservoir.

A wake boat is designed to create large, powerful wakes, making it ideal for wakesurfing and boarding. The wakes created by the motorized boats serve as a prime launching point for riders where waves wouldn’t usually occur.

Because ballast tank systems used in the boats help with water displacement, additional state rules implement a decontamination requirement for wake boats travelling between lakes as studies have also shown that these tanks can spread invasive species when moved between water bodies.

While other states have adopted similar policies, “this is the first and most stringent statewide rule in the nation,” Pat Suozzi, president of the Federation of Vermont Lakes and Ponds, said at a special meeting on March 26. “I think that’s a great accomplishment.”

The adopted rule comes after a nearly two-year-long process that was initiated by a group known as Responsible Wakes for Vermont Lakes, which petitioned the Agency of Natural Resources in March 2022 to implement rules for the sport, which is exploding in popularity. According to the National Marine Manufacturer's Association, in recent years wake boats constituted the fastest-growing segment of new powerboat sales.

The authority under which this new rule was made comes from the Vermont Use of Public Waters Rules adopted in 1994 and originally administered by the former Vermont Water Resources Board. In 2012, the authority was given to the Agency of Natural Resources and then handed down to the Lakes and Ponds Program.

"These rules regulate recreational activities, basically how people interact on the water, and they were developed especially to resolve conflict between different uses," Laura Dlugolecki, lakes and ponds permitting and Vermont Project WET coordinator with the Agency of Natural Resources, said. "Use of public waters rules can restrict the types of watercrafts on certain waterbodies, they can be used to restrict speed, boat size and motor size in addition to a few other things."

Before the new wakeboat rule, the most notable public waters decision happened in the 1990s, which prohibited jet skis or personal watercrafts in lakes under 300 acres in size.

"A lot of times it can be made for big statewide decisions that affect all water bodies, but it can also be used to make specific rules for specific water bodies," Dlugolecki said. "We haven't really had a big statewide rule since this jet ski rule."

There are essentially two different ways a rule can be made, she said. They can either be generated internally from a state department or agency or the public can petition for the rule, which, in this case, officially came to the agency in 2022.

"We have received a lot of complaints over the years about the impact that these boats have on shorelines and other recreational activities," she said, citing that most complaints stemmed from nuisances for kayaks, canoes and swimmers. Homeowners also voiced concern over increased erosion and the spread of invasive species.

To start the rule-making process, the agency gathered scientific information and met with individual affected user groups — water ski enthusiasts, loon biologists and summer camp owners — to hear firsthand how a rule might impact their operations.

The proposed rule went through an administrative process before a public comment period kicked off last June.

From June to August, the agency received over 750 comments from the public with over 90 percent of the comments in favor of some type of regulation for wake sports.

"It was pretty overwhelming," she said.

The Legislative Committee on Administrative Rules formerly adopted the rule in a 7 to 1 vote on Feb. 15.

The new rule is less restrictive than the 1,000 feet shore-buffer proposed by the petitioning group, mostly because after further research “the scientific literature didn’t support the 1,000-foot offset,” Dlugolecki said. That rule would have only allowed wake sports on 15 lakes across the state.

While the Hinesburg Selectboard and the town’s conservation committee sent a letter of support for some regulations, the Lake Iroquois Association said that it did not take a stance on the petition or rule, but greeters at the boat launch will have information to give out to wakeboaters this summer.

But other groups, like the Friends of the Waterbury Reservoir, are petitioning for even stricter regulations.

Eric Chittenden, President of Friends of Waterbury Reservoir, presented a petition to the Stowe Selectboard last week requesting endorsement to ban wakesports on the Waterbury Reservoir altogether. Justifications for a ban, he said, include harm to the environment and negative impacts to other users of the reservoir.

“The adoption of this lake-specific rule would ensure the safety of the thousands of canoeists, anglers, campers, boaters, kayakers, and others who enjoy many forms of normal and traditional outdoor recreation enabled by the Reservoir,” they wrote in their petition, which garnered more than a dozen letters of support from surrounding neighbors.

The Stowe Selectboard agreed to table supporting the petition until the Waterbury Selectboard has taken action on it.

### Sen. Welch pushes for long-term disaster relief funding – WCAX

Vermont Senator Peter Welch is asking fellow lawmakers to pass long-term disaster relief funding following the catastrophic flooding in 2023.

In a speech on the Senate Floor Thursday, Welch cakked for delivering flexible funds through the Community Development Block Grants-Disaster Relief Program, which is designed to give communities extra help in recovering from natural disasters and preparing for future ones.

“But what happens after the waters recede, after the FEMA emergency folks are gone, is that the hard work of actually rebuilding that house, repairing that business, that is left in the community. And if they don’t have that disaster relief funding and the flexibility that’s required to the very particular challenges in that community, then we haven’t completed the job,” Welch said.

Welch emphasized that while the flooding was almost a year ago, recovery from the disaster is still underway, and for those affected, bureaucratic hoops only make that process more complicated.

## As lawmakers race to adjourn, the fate of Vermont's landmark data privacy proposals is uncertain – VT Digger – Sarah Mearhoff

The fate of two landmark data privacy proposals appeared uncertain late Thursday as Vermont lawmakers barrelled toward a self-imposed Friday deadline to adjourn the state's 2024 legislative session.

In recent days, the Vermont House and Senate have gone back and forth over two bills aimed at the nation's largest social media companies, as well as businesses that buy and sell consumer data. And though adjournment seemed in sight, the two chambers remained miles apart on the matter, exchanging sweeping strike-all amendments to one another's bills.

“What came over from the Senate demonstrates politics over policy, and a complete disregard for the issues at hand,” Rep. Monique Priestley, D-Bradford, said on the House floor Thursday.

What began as two separate bills — [H.121](#), a data privacy bill, and [S.289](#), a bill aimed at protecting children using social media — have since merged into one mega-bill, in H.121. It has since ping-ponged from the Senate to the House and now back to the Senate, which is expected to take action on it Friday.

Priestley sits on the House Commerce Committee, which penned H.121. On Thursday, the committee met to draft a last-minute rewrite of the bill, after the Senate passed its own version Wednesday night.

What came from the Senate, Priestley told VTDigger, was “significantly watered down” from what the House initially passed. Last month, Priestley and her committee colleagues told VTDigger that they suspected [Big Tech lobbyists](#) were behind the effort.

With the latest rewrite, the committee attempted to strike a balance with the Senate and with small-to-midsize Vermont businesses that expressed fear the bill went too far. The House committee significantly whittled down the bill's private right of action, a legal mechanism that would allow Vermonters to sue businesses in violation of the law.

The bill also includes measures originally included in S.289 seeking to compel large social media companies to alter their codes and algorithms to make social media sites safer for children under 18 years of age. The bill — nicknamed “Kids Code” — has been a priority for the Senate.

“I would say in no uncertain terms: These platforms don't give a shit about your kids,” Rep. Jim Carroll, D-Bennington, said on the House floor Thursday, speaking in support of the bill.

Support for the House's latest iteration of the bill was strong on Thursday, with members voting 139-3 to advance the latest rewrite. Now, the bill heads to the Senate for its approval — or counter-proposal.

Sen. Kesha Ram Hinsdale, D/P-Chittenden Southeast, was the lead sponsor of S.289 and has played a leading role in the debate as chair of the Senate Committee on Economic Development, Housing and General Affairs. Shortly after the House's vote Thursday, she told VTDigger she



hadn't seen the latest rewrite but said she thought both chambers could agree on the "kids code" portion of the bill.

Despite the stark divide between the two chambers, lawmakers did not appoint a conference committee to hash out their differences together — a common practice at the Statehouse when the House and Senate are far apart on a given bill.

It's a dynamic evident not only in the data privacy legislation. As of Thursday, dramatic differences between the House and Senate — despite Democratic supermajorities in both chambers — threatened the fate of other high-priority bills.

In those cases, lawmakers also opted to swap amendments back and forth between the chambers, rather than meet in the middle in a conference committee.

As of Thursday, H.687, a bill that seeks to overhaul Vermont's 50-year-old land use law, hangs in the balance. That's despite lawmakers declaring since the session's early days that reforming Act 250 was one of their top priorities of the year.

Also up in the air Thursday evening was the Legislature's annual yield bill, which sets property tax rates to fund the state's education system. It's a must-pass bill, but with just one day left before scheduled adjournment Friday, it appeared that the two chambers remained worlds apart on that bill's language.

### **Vermont congressional delegation calls on FEMA to improve flood recovery efforts – VT Digger – Jimmy Nesbitt**

Vermont's congressional delegation on Thursday called on the Federal Emergency Management Agency to address shortcomings it said residents faced accessing federal assistance after the July 2023 floods.

In [a letter](#) to FEMA Administrator Deanne Criswell, the delegation thanked the agency for providing more than \$25 million in direct aid to over 3,600 households affected by the floods.

But Sen. Bernie Sanders, I-Vt., Sen. Peter Welch, D-Vt., and Rep. Becca Balint, D-Vt., also wrote that the agency had fallen short in several areas of its response. The delegation said that "many Vermonters struggled to access" housing assistance, particularly manufactured home owners; FEMA's correspondence with aid applicants was confusing; and technical assistance was unnecessarily delayed.

In its letter, the delegation demanded answers to a series of related questions, along with a staff briefing, by May 29.

## **Senate's education funding bill makes dent in tax increase but kicks the can on big change – VT Digger – Ethan Weinstein**

The Senate's version of the annual education funding bill, passed Wednesday night, would make a dent in Vermonters' looming property tax increases but stopped short of changing the system.

By and large, the bill punts tough questions about how to reduce costs in Vermont's schools. While the House and Senate considered radical reimaginings of education finance — transitioning to a system that pays school districts per student — both chambers backed away from big change this session.

Since the legislation, referred to as the “yield bill,” left the House, a combination of increased revenue to the education fund and decreased school spending has brought down the average projected school property tax increase from 14.2% to 12.5%. That number was projected to be closer to 20% earlier this year.

“We would have liked to make it a lot lower,” Sen. Ann Cummings, D-Washington, who led drafting the Senate's version of the bill, told her colleagues on Wednesday. But Cummings said her committee, which worked on the bill for about a week, “just haven't had the time to do our due diligence” on more significant education finance changes.

The legislation, however, looks destined for a veto. Gov. Phil Scott said at a press conference on Wednesday that “without changes,” he would reject the bill.

Amendments made by some of the body's finance committee passed on a 19-10 vote, while the yield bill itself, once amended, passed by voice vote.

Lawmakers plan to buy down property tax rates with about \$25 million from a one-time state budget surplus and add two new taxes to the education fund projected to bring in approximately \$27 million in additional revenues next year. That \$52 million is relatively small compared to the current projected education spending increase of \$182 million.

The Senate's bill increased the House's proposed tax on short-term rentals from 1.5% to 3%, which is projected to raise around \$12 million in its first year.

The Senate's version also more narrowly tailored the House's proposed “cloud tax” — a repeal of a tax exemption on some software. The upper chamber's version nixed software taxes that would have more specifically targeted businesses.

The bill would also bring back and lower the “excess spending threshold,” which penalizes higher spending school districts. The Senate decided to lower the bar from 20% above the state average spending to 16%, one of the bill's most substantial cost containment measures.

Rather than push out new education finance ideas this year, some members of the Senate Finance Committee, including Cummings, the committee's chair, decided to prioritize an education finance study committee, which would include a small group of lawmakers, a state education leader, and a state tax expert. Working this summer, the committee would have to consider:

school and class size, alternative funding models, school consolidation, administrative consolidation, spending caps, local control and a variety of other topics.

Both chambers' version of the yield bill also tweaks how the Common Level of Appraisal, or CLA, is applied to individual towns, with the goal of decreasing the local tax rate impact after the CLA is applied.

Often inaccurately accused of driving up property taxes, the CLA is used to adjust local tax rates so that property owners pay taxes on the fair market value of their properties. As reimagined in the bill, the CLA would be used in such a way that "cut(s) down some of that big wide (tax rate) swings that people get so upset about," Cummings said on the Senate floor.

In one of the biggest changes from the House version, the Senate voted to postpone the "commission on the future of public education," a large group that would be tasked with taking a system-level look at education, including education finance, in Vermont.

Instead, the Senate decided to prioritize the study of school finance before examining public education generally, drawing criticism from some lawmakers.

"I think this puts the cart before the horse," Sen. Alison Clarkson, D-Windsor, said.

"We need as many people at the table as possible," Sen. Ruth Hardy, D-Addison, said. "It cannot be done by a few legislators, a brand new secretary of education who does not understand our school finance system, and the tax commissioner."

Arguing in favor of prioritizing funding changes, Sen. Randy Brock, R-Franklin, said lawmakers needed to "stop the bleeding now" by finding finance fixes as soon as possible.

The upper chamber also shot down two amendments by Sen. Martine Gulick, D-Chittenden Central, which she said would have helped with "cost containment."

One amendment would have prevented public tuition dollars from [going to private schools more than 25 miles from the Vermont border](#). A second amendment would have prevented private schools from [charging publicly tuitioned students more than families who pay out of their own pockets](#).

The yield bill now goes back to the House, which must decide whether to agree to the Senate's changes or make further changes. Alternatively, the bill could be hashed out by a conference committee.

### **Final Reading: Citizen group rallies at Statehouse against Democratic supermajority's agenda – VT Digger**

"Tap trees — not Vermonters." That was the message that a loose coalition of about 100 people brought to the Statehouse Thursday, on yellow-and-green signs and at a midday press

conference, raising a last-minute alarm over legislation they said would make Vermont less affordable.

It was [the second such rally](#) in as many weeks. Among the organizers was John Rodgers, a former Democratic state senator from Glover, who told the group packed into the Cedar Creek Room that the Legislature had “forgotten” them.

Several Republican lawmakers were in the room, though Rodgers and other speakers’ discontent seemed largely directed at the Democratic supermajority in both chambers. The group’s push came with, perhaps, a day left before this year’s session comes to an end.

“I’m here to speak for all those who work too hard, for too little, in a state that costs too much to live in,” Rodgers told the crowd, many of whom also held up fliers advertising the Vermont GOP. “Vermonters are feeling tapped by the Legislature and we have no more blood to give.”

While Thursday’s event centered on affordability, it also served as something of a catch-all for people’s discontent with state politics and policies. Speakers referenced the [annual education funding bill](#), which would hold the average projected school property tax increase to 12.5%; but they also panned several environmental and energy bills, and a proposal to [outlaw unserialized, untraceable firearms](#) known as “ghost guns.”

Broadly, several speakers said, there is a disconnect between the values of legislative leaders who hail from communities in Chittenden County and those of many rural Vermonters.

Rodgers called out several pieces of legislation he is opposed to: [a bill](#) that would require utilities to buy renewable energy at a faster pace, [a bill](#) that would make sweeping reforms to Act 250, and [a bill](#) that would reform the state’s wildlife management structure.

After he listed each proposal, he led the crowd in a call to Gov. Phil Scott: “Veto!” (Scott has already signaled his opposition to all three of those bills as well as any new tax increases.)

After the rally, James Ehlers — an activist and former gubernatorial candidate — urged the crowd to head down to the Sergeant-at-Arms’ office and draft paper messages to their senators and representatives, which would then be delivered throughout the building that afternoon.

“They’re the ones with the power,” Ehlers said. “We have no choice but to react to what they’re doing to us.”

— *Shaun Robinson*

## **In the know**

Both the House and the Senate met into the evening on Wednesday and are beginning another evening floor session as this newsletter is being prepared. Lawmakers continue to push to finish their work by Friday, that is, tomorrow, but **much remains to be done**.

Representatives from the two chambers have already [reached agreement on the contours of the budget](#) for the upcoming fiscal year, which begins on July 1, but their members still need to sign off on it. And several high-profile bills remain under negotiation with their final form in play.

Three bills taking up a lot of the brainpower in the building: [H.687](#), this [session's run at encouraging housing construction and Act 250 reform](#); [H.887](#), the annual bill that [sets property tax rates to fund public school budgets](#) and [H.121](#), which has become the vehicle for both broad [consumer data privacy measures](#) and those that aim to require social media companies to adjust algorithms to protect youth online.

Read more about the legislative action later this evening and tomorrow at [VTDigger.org](#)

— *VTD Editor*

Vermont's Democratic delegate to the U.S. House joined a bipartisan coalition on Wednesday to block the ouster of the chamber's Republican speaker.

**U.S. Rep. Becca Balint, D-Vt.**, voted to table a measure that would have declared the speaker's office vacant. Had it passed, House Speaker Mike Johnson, R-La., would have been removed, and the body would have been without a leader for the second time in a year.

"Vermonters have had enough of the chaos from the Republicans in the House and need government to truly work for them," Balint said in a written statement Thursday.

[Read more here.](#)

— *Paul Heintz*

## On the move

The Senate's version of the annual education funding bill, passed Wednesday night, would **make a dent in Vermonters' looming property tax increases** but stopped short of changing the system.

By and large, the bill punts tough questions about how to reduce costs in Vermont's schools. While the House and Senate considered radical reimaginings of education finance — transitioning to a system that pays school districts per student — both chambers backed away from big change this session.

Since the legislation, referred to as the "yield bill," left the House, a combination of increased revenue to the education fund and decreased school spending has brought down the average projected school property tax increase from 14.2% to 12.5%. That number was projected to be closer to 20% earlier this year.

"We would have liked to make it a lot lower," Sen. Ann Cummings, D-Washington, who led drafting the Senate's version of the bill, told her colleagues on Wednesday. But Cummings said her committee, which worked on the bill for about a week, "just haven't had the time to do our due diligence" on more significant education finance changes.

[Read more here.](#)

— *Ethan Weinstein*

Visit our [2024 Bill tracker](#) for the latest updates on major legislation we are following.

**From:** Ramirez-Richer, Emma  
**Sent:** Friday, May 10, 2024 3:02 PM  
**To:** ANR  
**Subject:** Weekly news links 5.10.24

**News:**

- Wildlife Watch: Restoring natural floodplains ([WCAX](#))
- Counting critters: Vermont Reptile and Amphibian Atlas turns 30 ([VTDigger](#))
- Without a trout, it's stocking season ([Bennington Banner](#))
- Vermont congressional delegation calls on FEMA to improve flood recovery efforts ([VTDigger](#))
- New state rule regulates wakeboats on lakes ([Vermont Community Newspaper Group](#))
- New EPA air quality rules expected to trigger more alerts ([WCAX](#))
- Act 250 reform bill nears finish line again; faces veto threat ([WCAX](#))
- Climate Superfund Act nearly clear of Vermont Legislature ([Rutland Herald](#))
- Vt. Fish and Wildlife urges people to leave fawns alone ([WCAX](#))
- Missing Dog Found Shot After 14 Days Of Searching ([Our Herald](#))
- Lawmakers pass bill that would crack down on timber theft ([VTDigger](#))
- 3 of the session's largest climate bills face opposition from Phil Scott administration ([VTDigger](#))
- Wild divide: A debate over wildlife management in Vermont runs deep ([VTDigger](#))
- Barre Agrees to Sell Two Lots for \$1 ([Montpelier Bridge](#))
- For Vermont's youngest lawmaker, flood recovery and rural issues hit home ([Vermont Public](#))
- More Fallout from the Flood: Complex Questions Facing the Capitol Complex ([Montpelier Bridge](#))
- Bill that would restrict PFAS in consumer products heads to governor ([Vermont Public](#))
- Renewable Energy Bill Heads to Governor's Desk ([Seven Days](#))
- Governor signs bill designating Vermont state mushroom ([WCAX](#))
- After Senate approval, Vermont's biggest energy bill of the session heads to Gov. Scott ([Vermont Public](#))
- Vermont, federal officials plan rabies bait drop as wildlife cases rise ([VTDigger](#))
- Values Collide as Lawmakers Consider How Wildlife Policy Is Created in Vermont ([Sierra Club Magazine](#))
- Vermont Fish and Wildlife announces free fishing day for June 8, 2024 ([WPTZ](#))
- New wake boating regulations go into effect ([WCAX](#))
- Vermont's new wakeboat rule now in effect - what boaters should know ([Burlington Free Press](#))

- Vermont House passes Climate Superfund Act with tripartisan support ([Vermont Public](#))
- Wake boat rule goes into effect in Vermont ([Bennington Banner](#))
- Vt. House greenlights bill requiring fossil fuel companies to pay for climate change damage ([WCAX](#))
- Final Reading: Senate passes annual capital bill — with new Statehouse furniture in the mix ([VTDigger](#))y
- Vermont Senate passes Act 250 reform bill after whirlwind debate ([VTDigger](#))
- Construction begins Monday on chicanes on VT-108 to combat notch 'stuckages' ([WPTZ](#))
- Thousands participate in Vermont's unofficial state holiday 'Green Up Day' ([WPTZ](#))
- Washed out Lamoille Valley rail trail gets Green Up Day tune up ([WCAX](#))
- Vt. lawmakers set veto session for mid-June ([WCAX](#))
- Scott says he'll support budget, but draws line on tax hike ([My Champlain Valley](#))

#### Opinion:

- John Bossange: The eclipse traffic and crowds were a warning for Vermonters ([VTDigger](#))
- Brenna Galdenzi: Our voices matter ([VTDigger](#))
- Howard Krum: Developers are not friends of Vermont (i.e., greed is not good) ([VTDigger](#))

#### Press Releases:

- Dive into Summer: Volunteer to Monitor Vermont's Lakes and Ponds ([DEC](#))
- Vermont's Summer Free Fishing Day is Saturday, June 8 ([FWD](#))
- Green Mountain Conservation Camps Lead Wins Northeast Regional Conservation Award ([FWD](#))
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**From:** Barney, Cole  
**Sent:** Monday, May 13, 2024 9:34 AM  
**To:** EXE; EXE - Cabinet  
**Cc:** EXE - Interns  
**Subject:** News Clips 05.13.24  
**Attachments:** News Clips 05.13.24.docx

### Today's Articles

- Vt. Legislature adjourns, passing several last-minute bills – WCAX – Calvin Cutler
  - Vermont Legislature adjourns session focused on property taxes, housing, climate change – AP
  - Lawmakers pass property tax bill, whittling hike down to nearly 14% - Vermont Public – Lola Duffort
  - Lawmakers Reach Deals and Adjourn After a Marathon Late-Night Session – Seven Days – Kevin McCallum
  - Vt. lawmakers pass \$8.5 billion budget – WCAX – Calvin Cutler
  - At the 11th hour, lawmakers strike compromise on Act 250 reform – Vermont Public – Carly Berlin
  - Federal grant helps farmers and expands food access for Vermont communities – Times Argus – Greta Solsaa
  - Vermont lawmakers wrap up the 2024 legislative session early Saturday morning – WPTZ – Stephen Biddix
  - Capitol Recap: Here are the bills the Vermont Legislature is sending to Gov. Phil Scott – Vermont Public
  - Report shows need for mobile home maintenance – WCAX – Melissa Cooney
  - VT House advances 10-year investment to address housing crisis – The Eagle Times
  - Housing series digs into state-level remedies – The Valley Reporter – Tracy Brannstrom
  - Legislature adjourns, and partisan battle spills from Statehouse to campaign trail – Vermont Public – Peter Hirschfeld
  - Logging business fined in Vermont – WCAX – Sophia Thomas
  - Homeless advocates: Hotel voucher plan will put vulnerable people in danger – Times Argus – Keith Whitcomb, Jr.
  - VTrans eyes changes for problematic St. Albans intersection – WCAX – Hailey Morgan
  - From outsider to Senate chair, what Sanders' incumbency means for Vermonters – Vermont Public – Jenn Jarecki & Nathaniel Wilson
  - Capitol Beat: Delegation goes to bat for flood victims – Times Argus
  - Two major health care access bills meet different fates in Vermont Statehouse – VT Digger – Peter D’Auria
  - Vermont lawmakers reach late-night property tax deal, but bill looks destined for a veto – VT Digger – Ethan Weinstein
  - Vermont Legislature adjourns after a contentious 2024 session – VT Digger – Sarah Mearhoff & Shaun Robinson
  - Vermont Legislature passes bill to create uniform ethical standards in local government – VT Digger – Shaun Robinson
  - Final Reading: The clock is ticking down on Vermont Legislature’s biennial session – VT Digger
-

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Impacted Vermonters can find resources and referrals by visiting [Vermont.Gov/Flood](http://Vermont.Gov/Flood).

## Governor's Daily News Clips

**Monday, May 13, 2024**

### Vt. Legislature adjourns, passing several last-minute bills – WCAX – Calvin Cutler

Lawmakers burned the midnight oil at the statehouse on Saturday morning, passing an \$8.5 billion state spending plan.

Lawmakers came to a deal on the property tax problem, passing a plan which on average, increases them by 13.8%. It would also study bigger-picture changes to our education funding problems. Republican Senator Randy Brock, sarcastically blasted the overall results of the session.

“Most Vermonters will be happy that we’ve tamed the property tax problem. By limiting this year’s increase to only double digits,” said Senator Randy Brock of Franklin County.

Lawmakers also struck 11th hour deals on retail theft, stiffer penalties for drug trafficking, and Act 250 reform. The proposal which has been years in the making, is intended to balance conservation and the housing crisis. State lawmakers also agreed on bolstering Vermont’s flood resiliency efforts by regulating river corridors. Democratic Senator Allison Clarkson, says last summer’s devastating floods set the tone for one of the most challenging sessions in decades.

“Despite these challenges, we have managed to accomplish a huge amount. “ said Senator Clark

This session created new protections for personal data online, measures aimed at cutting carbon emissions, and bills aimed at making healthcare more affordable.

But not everything made it, including a bill reforming the state Fish and Wildlife board, and another which would have pumped the brakes on the PCB testing program.

Senate President, Phil Baruth, says the two-year biennium was productive and set Vermont up for success in the long run.

“Historic childcare legislation what some are calling the best year for environmental legislation in recent memory, maybe even in a generation, major gun legislation,” said Baruth

The end of the legislative biennium again put the democratic supermajority at odds with Republican Governor Phil Scott on spending and taxes. However, Scott says he and Democrats share the same goals for Vermont.

“We just have a different vision on how to get there. and after this session it’s clear, we have a little bit more work to do.” said Scott

This isn’t the end of the line for state lawmakers in this legislative biennium. They’ll be back On June 17th to attempt to override any vetoes from Governor Phil Scott.

## Vermont Legislature adjourns session focused on property taxes, housing, climate change – AP

The Vermont Legislature adjourned early Saturday, ending a session focused on housing, climate change and addressing soaring property taxes.

Republican Gov. Phil Scott is expected to veto a number of the Democrat-controlled legislature's bills as the two sides continue to disagree about spending.

The legislature passed a \$8.5 billion state budget and a property tax bill to pay for education that would increase property taxes by an average of nearly 14% and create a committee to recommend changes to make Vermont's education system more affordable.

Scott says Vermonters cannot afford double-digit tax increases and is expected to veto the bill.

The rising cost of education was a focal point this year following an increase in spending combined with the end of federal pandemic aid, [Vermont Public reported](#). Nearly one in three school budgets were rejected on Town Meeting Day in March.

Following the catastrophic summer flooding, the legislature also passed measures to regulate development in river corridors and for [big fossil fuel companies](#) to pay a share of the damage caused by climate change.

Bills to severely restrict a type of pesticide [that is toxic to bees](#) and other pollinators and to ban a group of synthetic, potentially harmful chemicals known as PFAS from cosmetics, menstrual products and [other consumer products](#) also are headed to the governor.

The legislature also [passed a bill](#) that would require firearms that are privately made from individual parts, kits or by 3D printers to have serial numbers in an effort to crack down on so-called [ghost guns](#), which are increasingly being used in crimes. In terms of housing, the legislature agreed on making changes to the state's land use law to allow for more development in areas in and around certain downtowns.

Scott said he and most Democrats want the same things but have a different visions for how to accomplish those goals.

“And after this session, it's clear we have a lot more work to do,” he said.

## Lawmakers pass property tax bill, whittling hike down to nearly 14% - Vermont Public – Lola Duffort

Just after the stroke of midnight on Saturday morning, state lawmakers passed the property tax bill necessary to pay for schools. The vote was 93 to 44 in the House and 18 to 8 in the Senate.

Negotiations over the legislation, which will see taxes climb by 13.8% on average, stretched into the final hours of the legislative session.

Gov. Phil Scott is expected to veto the tax bill, and the evening's vote totals suggest it is unclear whether lawmakers will be able to override him when they return for a special veto session in June.

"I've been clear. Vermonters simply cannot afford a historic double-digit property tax increase," Scott said at his press conference Wednesday.

The [rising cost of Vermont's prek-12 system](#) has dominated debate at the Statehouse this year. A spike in spending, coupled with the retreat of federal Covid-era aid, created a perfect storm, and nearly [one in three school budgets failed](#) on Town Meeting Day.

Property taxes were initially predicted in December to rise an average of [18.5% this year](#), but three factors — new revenues, surplus funds, and lower school budgets — reduced that figure to 13.8%.

Following a string of budget failures at the ballot box, school boards trimmed their spending plans by nearly \$24 million. With this tax bill, lawmakers are also removing the sales tax exemption on software accessed remotely — like Turbotax — and enacting a 3% surcharge on short-term rentals, which will together raise a combined \$26 million in ongoing revenue for the Education Fund.

The state's revenues also continue to surpass expectations, which allowed lawmakers to use an additional \$25 million in one-time surplus funds from the general fund, and another \$44 million in the Education Fund to further take the pressure off property taxes.

All told, that means lawmakers are using just under \$70 million in one-time money to help soften the blow to property taxpayers this year. That sum concerns even the tax bill's supporters, because it risks creating a fiscal cliff next year.

"I'm really, really concerned and it is very difficult for me to vote for these one time funds buying down rates," Rep. Laura Sibilio, an independent, said in floor speech. "We know that these types of buy-downs exacerbate the ongoing problem. This is part of what has gotten us here — is the administration and legislature continuing to do this year after year."

Taxes were at one point earlier predicted to [climb above 20%](#). But a legislative [intervention mid-way through the session](#), which axed a tax break that many believed to be partly driving spending, helped head off that worst-case scenario.

The tax bill also includes one-time credit for Vermonters who pay their property taxes based on income to help offset this year's increase.

The legislation puts back into place a tax penalty for school districts whose budgets climb over a certain threshold, but Scott and his Republican counterparts in the Legislature have heavily criticized the bill for not doing more to limit spending.

“I cannot support a bill that has zero structural change in it. Zero. We are doing nothing for the next year. I cannot support this bill with a double digit property tax increase,” said Republican House Minority Leader Pattie McCoy. “Yes, it is an average. But that average means that some people may be paying 5% — but other people are going to be paying upwards of 25 to 30% increases.”

Lawmakers are using the tax bill to set the stage for much larger reforms in the coming years. It creates a Commission on the Future of Public Education, which will be required to release an interim report on cost containment ideas this December, ahead of the upcoming legislative session. A final set of recommendations for a comprehensive overhaul of the state’s education system is due the following year.

“We know the field is ready like never before to have the tough conversations, to sacrifice the sacred cows and to do what it takes to have an educational system that brings people to Vermont — not drive them away due to the cost,” said Democratic Rep. Peter Conlon, who chairs the House Education Committee. “But the actions we decide are necessary must be done with stakeholders, not to them. And that is really the goal of the commission.”

The governor had proposed that lawmakers more aggressively buy down property taxes by using even more one-time money — and then ask school districts to repay some of it over several years. Lawmakers quickly set Scott’s idea aside, however, after Vermont’s treasurer testified that it would imperil the state’s credit rating.

### Lawmakers Reach Deals and Adjourn After a Marathon Late-Night Session – Seven Days – Kevin McCallum

Lawmakers endured a marathon legislative session that stretched well past midnight on Friday as they sought compromise on controversial bills to set property taxes, protect people’s data and modernize Act 250 while speeding housing construction.

Last-minute disagreements between the House and Senate over several bills pushed exhausted lawmakers and staff to the brink. The Senate adjourned around 1:20 a.m., the House after 2 a.m., with each chamber agreeing to return on June 17 to address the expected vetoes from Gov. Phil Scott.

“This has been a hard session,” Sen. Alison Clarkson (D-Windsor) told colleagues. “This has been perhaps the hardest session of my 20 years in the Statehouse.”

Immediately before the Senate adjourned, Scott, who spent several hours eating pizza and watching hockey in his Statehouse office as he waited for lawmakers to wrap up, gave customary remarks thanking lawmakers for their hard work.

He said they all shared a vision of a Vermont with families breathing life back into communities, healthy children filling classrooms and a thriving economy.

“We just have a different vision on how to get there, and after this session, it’s clear we have a little more work to do,” Scott said.

The most closely watched bill taken up late on Friday was legislation that sets property tax rates, known as the yield bill. The bill, [H.887](#), was the subject of vigorous back and forth between the House and Senate. Lawmakers debated how to best shield property owners from increases that just a few months ago were predicted to exceed an average of 18 percent, depending on the size of school budgets and other factors.

Senators drafted a bill that wrestled that average increase down to 12.5 percent. They did so by plowing an additional \$25 million in general fund dollars into the State Education Fund to “buy down” the amount that would have to be raised by property taxes.

They also proposed raising other taxes to buy down the property tax burden further. A sales tax on the use of online software would raise \$14.7 million. And a 3 percent tax on short-term rentals was expected to raise \$12 million.

The House worried that lower-income residents who rely on a property tax credit program would get hit hardest by the increase. So they proposed rejiggering the formula to increase those credits by \$20 million.

“This is going to help the most financially vulnerable,” Sen. Ann Cummings (D-Washington) said.

That move, however, increased the total average property tax hike to 13.8 percent. The Senate reluctantly agreed to the House’s change.

Republican lawmakers, taking a cue from Scott, blasted the tax hike as unacceptable, noting that the bill contained no immediate changes to rein in costs.

“I cannot support a bill that has zero structural changes in it,” Rep. Pattie McCoy (R-Poultney).

The bill calls for the creation of a Commission on the Future of Public Education charged with reforming the structure and financing of education.

But Sen. Mark MacDonald (D-Orange) said he expected the commission would end up confirming what everyone already knows.

“Small rural schools spread about in hilly and mountainous areas are more expensive to operate than schools in other places,” he said. “Vermont is a poster child for a place that’s expensive to educate children.”

Scott has argued that lawmakers haven’t done enough to reduce the property tax increase. But Senate President Pro Tempore Phil Baruth (D/P-Chittenden-Central) said lawmakers had done as much as they responsibly could under the circumstances.

Scott’s only ideas for reducing that burden further involve borrowing money from reserves in a

way that could negatively affect the state's bond rating, Baruth said.

"He has relinquished his title as the fiscal adult in the room," Baruth said of Scott, who is expected to veto the bill.

Another high-profile bill that went down to the wire under intense pressure to hammer out a compromise was the Act 250 reform bill. [H.687](#) proposed overhauling Vermont's 54-year-old land-use law while also streamlining housing production.

The controversial bill has come under withering criticism from Gov. Scott, who supported the elements designed to make it easier to build housing near town and village centers but not those provisions meant to set the stage for additional protection of sensitive habitat such as forests, wetlands and river corridors.

The bill got hung up near the finish line on a somewhat tangential issue — how to raise money from property sales to fund new housing construction.

The House proposed an increase in the property transfer tax on all properties over \$750,000, but the Senate felt that was too blunt an instrument. Senators favored a more complex series of changes to property transfer aimed at raising \$15.7 million, primarily from the sale of second homes.

The House, due in part to the clock running out, agreed to the Senate's changes.

Other bills that made it over the finish line include ones addressing data privacy, cannabis regulations and ethics code for municipal officials.

The data privacy bill was one of the more contentious of the session. [H.121](#) sought to protect both people's online data and children using social media.

The bill proposed a series of regulations on the collection, sharing or sale of people's online data, a rule that would apply not only to Big Tech but to small businesses such as the Vermont Country Store.

A debate erupted over whether people should be allowed to sue companies that violate the new regulations, known as a private right of action. That right, after a study, would go into effect on January 1, 2027.

"I'm really proud of where we landed," said Sen. Kesha Ram Hinsdale (D/P-Chittenden-Southeast), who chairs the Senate Committee on Economic Development, Housing and General Affairs.

In his parting remarks to Senators, Scott thanked retiring senators for their service, including Sen. Dick McCormack (D-Windsor) and Sen. Bobby Starr (D-Orleans). He reserved special praise for Dick Mazza, the Democratic Grand Isle district senator who stepped down earlier this session as he battles cancer. Despite their different party affiliations, Scott and Mazza have been close for decades.



“In all honesty, it has been very difficult for me, and I know for many of you, to be here without him,” Scott said.

### **Vt. lawmakers pass \$8.5 billion budget – WCAX – Calvin Cutler**

State lawmakers were burning the midnight oil on the final hours of the legislative biennium, passing an \$8.5 billion budget.

This budget deal will increase property taxes by 13.8%, an increase that Governor Scott has concerns over. This budget includes funding for schools and government-subsidized housing.

We’re still waiting for the chambers to agree on a sweeping land-use bill, which would update Act 250 and try to incentivize more housing.

They also advanced a pair of bills that would crack down on retail theft and increase penalties for dealing synthetic opioids.

There are a few bills that didn’t make it over the finish line, including a bill remaking the Fish and Wildlife Board and banning coyote hunting with dogs.

Lawmakers will return on June 17th for the veto session.

### **At the 11th hour, lawmakers strike compromise on Act 250 reform – Vermont Public – Carly Berlin**

In the final hours of the 2024 legislative session, lawmakers managed a considerable feat: They passed broad reforms to Act 250, a law that has governed and guided development in Vermont for half a century.

The bill cleared its last hurdle — a vote in the House — moments before midnight.

For years, legislators have attempted — and failed — to thread the needle on modernizing Act 250. Housing proponents have long argued the land use review law adds cost, time and risk to the development process, stifling housing growth, and environmentalists have contended that climate change and habitat loss due to development should require builders to think even more carefully about their projects.

[H.687](#), which will now head to Gov. Phil Scott’s desk, represents something of a [grand bargain](#) between those interests. It relaxes Act 250’s reach in existing development centers, a move proponents hope will clear red tape and encourage compact housing development amid [an acute housing shortage](#), and it tacks on a range of other housing policies intended to spur more building. It also lays the groundwork for extending Act 250’s protections over to-be-determined ecologically sensitive areas.

“I believe we’re really united in this proposal,” said Sen. Kesha Ram Hinsdale, D-Chittenden Southeast, on the Senate floor on Friday afternoon. “That’s a wonderful thing to see coming out of many, many years of trying to get the engine started on Act 250 reform.”

Yet the Republican governor has repeatedly voiced his criticism over earlier versions of H.687 as it wound its way through the Statehouse, at times calling it a “conservation bill” and arguing that it does not go far enough to promote housing development, particularly in rural areas.

He has signaled a potential veto. At a Wednesday press conference, asked whether he thought everyone would walk away empty-handed on Act 250 at the end of the session, Scott said the chances were “50-50.”

The bill passed largely along party lines, with Democrats generally voting in favor and Republicans against. It’s unclear whether both the House and the Senate could muster the two-thirds majority required to override a veto.

H.687 sets in motion a years-long process to chop Vermont into a series of “tiers” that will dictate how development is treated under Act 250, loosening the law’s reach in some already-developed areas and strengthening its protections over sensitive ecosystems.

While lawmakers agreed on that general framework early on in the legislative session, they found much to debate in the details. How should legislators determine the boundaries of what areas see exemptions from Act 250, or further scrutiny under the law?

Disagreements over those details — including whether housing along certain transit routes should be free from the law’s review — persisted until the very end. Some lawmakers speculated that they would have to delay adjournment to arrive at a compromise.

When the bill [came up for its first vote in the House](#) in March, some members of the rural caucus voted against it. Leaders of the influential, tri-partisan group argued the bill’s requirements for housing exemptions from Act 250 were too arduous for smaller towns to meet.

But after the Senate lowered some of those hurdles, many members of the rural caucus came around, including co-chair Rep. Katherine Sims, D-Craftsbury.

“I don’t think everybody loves everything in this bill,” said Sims. “But to me it feels like really meaningful compromise so that we can address our housing crisis, make Vermont more resilient in the face of climate change, and preserve and protect our natural resources in a way that works for communities of all sizes.”

The actual boundaries of the new Act 250 tiers would largely be left up to future mapping and rulemaking efforts. In the meantime, the bill sets up a number of interim exemptions from Act 250, including one for all housing projects within the state’s [24 designated downtown areas](#) through January 2027, and for projects of up to 50 units around dozens of [village centers](#) around the state.

Those interim exemptions were a sell for the rural caucus, and they’re also favored by the Scott administration. The housing exemptions in the bill, both short and long term, are something of a

sequel to [last year's HOME Act](#), which focused on loosening local zoning rules to allow for more density across Vermont.

The final back-and-forth between the House and Senate on the Act 250 portion of the bill focused on fairly marginal changes. The meatier debate in the last few days of the session centered on new taxes to fund housing programs.

Throughout this session, the House has pushed for new taxes on corporations, higher earners, and higher-value properties to fund a range of priorities, [including affordable housing and emergency shelter](#). But the Senate has [panned those ideas](#).

During its latest chance to amend the sprawling land use and housing bill, the House revived one of its favored tax proposals: an increase in property transfer taxes for property purchases exceeding \$750,000, well above Vermont's median home price.

The new tax was a sticking point for some key senators, including Sen. Ram Hinsdale, who argued it would hinder the development of multi-family apartments and conversions of commercial buildings into housing. She instead pushed for a new property transfer tax on second homes fit for year-round use, arguing that it could act as a deterrent to the proliferation of vacation homes in Vermont and open up more properties for long term residents.

House lawmakers ultimately agreed on the second-home tax, which will raise roughly the same amount of revenue as the tax on higher-value homes. Some of the roughly \$15.7 million raised next year will fund eviction prevention programs favored by the House. The new tax hike is paired with a modest tax break on the purchases of owner-occupied homes.

The House also agreed to a property valuation freeze on some newly constructed and rehabbed homes in areas impacted by last year's catastrophic flooding, despite concerns around how the policy would impact the imperiled education fund.

### **Federal grant helps farmers and expands food access for Vermont communities – Times Argus – Greta Solsaa**

The first 14 pounds of lettuce and spinach arrived at BROCC Community Action Food Shelf this past week. Within three days, the mountain of leafy greens was gone from the shelves and on the plates of Rutland and Bennington county residents.

That was just the start.

The food shelf plans to purchase 25,860 pounds of local foods from May until next February, including 10,800 pounds of vegetables and more than 15,000 pounds of local pork and goat meat from three farms. The food will be available for free every week Monday through Friday, 10 a.m. to noon. Friday afternoons are set aside for new Americans and senior citizens.

The effort was funded by a U.S. Department of Agriculture grant, part of the agency's Local Food Assistance Program designed to help socially disadvantaged farmers, particularly people of color.

"Folks are thrilled to be able to get beautiful produce," said Amy Scott, food programs manager for BROOC. "Hopefully, (the food shelf) takes the strain off of our neighbors a little bit right now with the current food prices."

The grant program allows farmers to get a fair price for their products, said Sarah McIlvennie, agricultural program specialist at the Vermont Agency of Agriculture, Food and Markets.

In late April, the state agency announced 11 farms and programs would be funded through the federal grant, including BROOC

Consumers benefit economically, too, Scott said.

"The tangible impact of a healthy diet lowers taxes and costs for taxpayers, and funding our farms creates a better economy for all of Vermont," said Scott.

In Rutland County, BROOC operates a traditional food shelf where people choose the type and quantity of food they desire, according to Scott. In Bennington County, the group's food shelf works on a smaller scale and uses a model within which farmers are paid upfront to regularly supply fresh produce to patrons.

The Northeast Organic Farming Association of Vermont partners with more than 60 farms — including some receiving the federal grant — to subsidize programs like that for low-income Vermonters. Johanna Doren, local food access coordinator for the association, said those farm share programs, often called Community Support Agriculture or CSA programs, support farms while improving food access.

"The main goal is to provide farmers with income earlier in the season and to give them a secure market, so that they know that people are going to buy their food, and we found that it's a really important tool for a resilient farm," said Doren.

Farms involved in those agreements were able to weather the flooding last summer better than others, Doren said.

Burlington's Intervale Center is partnering with several Intervale farms and distributing foods at the Intervale Food Hub, where people with free CSA farm shares choose fresh produce to bring home every week with support.

"The LFPA funding has increased our capacity to provide more culturally relevant foods and also provide financial compensation for smaller-scale farmers, as well as recently resettled refugee farmers," said Hannah Baxter, food access manager for the Intervale Center.

Other recipients of the federal money are standing up CSA models like BROOC's in Bennington County. Senior Solutions in Springfield is providing free weekly produce deliveries from local farms to 11 senior centers for the growing season.

“(The program) exposed seniors to a flight of rich, locally grown food, and it helped farmers at the same time. It’s just a win-win situation,” said Thomas Simmons, the nutrition and wellness director of Senior Solutions.

In Hardwick, the Center for an Agricultural Economy has partnered five pantries around the Northeast Kingdom with around a dozen farms to distribute fresh produce.

“The community, farms and the pantries have found a lot of value in this partnership,” said Jon Ramsay, executive director of the center. “It’s a way to facilitate community connections through local food.”

Gus Griffin and Mollie Podmore, of Glinnis Hill Farm in Northfield, offer a sliding-scale CSA program. With the USDA grant, Griffin and Podmore went from offering 10 shares last year to 55 shares this year, including 30 free shares during the summer and 20 free in the winter.

“The whole community benefits when everybody’s well-fed and healthy,” said Griffin. “The cutting edge of the organic movement (is centered around) making delicious, sustainable, locally-grown vegetables available to people no matter their income and viewing food as a human right, and that’s a large part of why we’re farming.”

### Vermont lawmakers wrap up the 2024 legislative session early Saturday morning – WPTZ – Stephen Biddix

Vermont state lawmakers adjourned just before 2:00am Saturday morning to close out the 2024 Biennium. The day consisted of getting those last few bills across the finish line.

One of those was the annual [yield bill](#) that plays a major role for Vermonters as they continue to face staggering property tax increases.

Just days ago, the Senate made their changes to the bill that made the average property tax increase 12.5% across the state, in part to some extra found revenue, a 3% tax on short-term rentals, and a cloud software tax.

But Friday morning, the house moved some money around to help income-sensitized Vermonters, and the average rate increased to up to 13.8%.

The Senate will concur with those changes, so the average property tax increase statewide will be roughly 13.8%. Either way, the Scott administration isn’t happy with the direction that number is going, and a veto is expected.

Another key priority for many was housing, and the House and Senate are at odds over multiple aspects of the bill.

In its most recent [form](#), roughly 27 designated downtowns will be able to receive some type of full or interim exemption from Act 250, the exemptions also expand to a half mile outside of the designated downtown.

The bill includes a three tier system, tier 1A and 1B include those exemptions, tier 2 area's will not see much change with the way Act 250 works now, and tier 3 automatically triggers act 250 but is mostly wetlands, mountainous areas or locations that lawmakers say bring serious environmental or flooding concerns.

The House and Senate agreed to terms on the bill late Friday night, and it will head to the governor's desk. However, his decision on a veto is still unclear.

Some other bills that have not made it to the finish line include a bill that would have put more power of the VT Fish and Wildlife Board into the hands of the legislature and outlawed coyote hunting with bait or dogs.

### **Capitol Recap: Here are the bills the Vermont Legislature is sending to Gov. Phil Scott – Vermont Public**

Vermont's regular legislative session has wrapped up. In these final busy weeks, lawmakers have sent dozens of bills to Gov. Phil Scott's desk for his signature. They range in subject matter from climate change mitigation to health insurance coverage and "forever chemicals."

Scott has already made decisions on several bills this year. He vetoed a bill that would have [banned the sale of flavored tobacco products](#) in the state. He signed a bill declaring a [new state mushroom](#) (the bear's head tooth mushroom) and another bill that [expands health insurance coverage for breast cancer](#) screenings.

Here are some of the other bills we're watching as they head to the governor's desk.

### **Climate and environment**

#### **S.259 - Climate superfund**

This bill would [require fossil fuel companies to compensate the state](#) for climate change-related damage.

Modeled after the [federal Superfund program](#), the policy would require companies like ExxonMobil Corporation and Shell to pay Vermont a share of what climate change has cost the state in recent decades. Vermont would [use those payments to fund recovery from climate-fueled disasters](#) and adaptation to the state's already-changed climate.

If it becomes law, Vermont would be the first state in the country to enact this kind of legislation.

But Gov. Scott has signaled he will likely veto the bill over concerns about how much it would cost the state to take big oil companies to court — and how long it would take Vermont to recoup damages.

The bill's supporters say without it, Vermont taxpayers and communities are footing the bill for climate change — and that tab is only getting bigger.

Lawmakers have a strong shot at an override in June.

### **S.213 - Flood Safety Act**

As Vermont is faced with more extreme rain due to climate change, [lawmakers have sent a major flood safety bill](#) to Gov. Scott's desk. The Flood Safety Act [would regulate new development in river corridors](#) across Vermont.

The bill also [bolsters protections for wetlands](#) from development. And it calls for a study of ways to waive permit fees for low income Vermonters. The policy gives the state the power to regulate private dams and directs the Agency of Natural Resources to study the cost of maintaining the Green River Reservoir dam.

Gov. Scott is expected to veto the bill.

### **S.25 - PFAS ban**

This bill [would restrict toxic so-called "forever chemicals"](#) in a suite of commercial goods.

It would [ban PFAS](#) in clothing, makeup, menstrual products, diapers and nonstick frying pans starting in 2026. It also bans them in turf starting in 2028.

The Environmental Protection Agency has said virtually no level of exposure to them is safe.

The policy also includes a first-in-the-nation ban on phthalates, formaldehyde and mercury in menstrual products, and it also restricts the chemicals in makeup.

And, it calls on the Vermont Department of Health to study a potential limit on lead in cosmetics and period products.

It's not yet clear whether the governor will sign the bill, but the Agency of Natural Resources signaled strong support for the policy in testimony.

### **H.706 - Neonicotinoid ban**

This [bill would ban the sale, use and distribution of neonicotinoid-coated](#) soybean or cereal grain seeds in Vermont. It would also ban the application of neonicotinoid pesticides in other use cases.

The insecticides have been linked to pollinator decline. They are used widely on corn and soybean seeds nationwide and in Vermont. They're also sprayed on apple trees and fruits and vegetables.

Ontario, Quebec and the European Union have already adopted bans on coated seeds, and New York state is in the process of phasing them out by 2029.

### **H.289 - Renewable Energy Standard**

Under this bill, [every utility in Vermont would have to source all of its power from renewable resources](#) by 2035.

Additionally, the bill doubles the amount of power utilities must source from new in-state renewables by 2035, and creates a new requirement that they purchase power from new renewables in the New England region.

Utilities and almost all environmental groups in the state support the measure. Opponents in the Scott administration and at Vermonters for a Clean Environment say it's been rushed. It's likely Gov. Scott will veto the bill.

### **S.310 - Disaster recovery and resiliency**

This bill could revamp the way Vermont responds to natural disasters. The legislation [establishes a new mechanism to distribute state and federal funding for mitigation projects](#) undertaken by municipalities.

Lawmakers [say it will also improve the government's response](#) immediately after disasters.

Gov. Scott has indicated he supports the legislation.

### **Housing and development**

#### **H.687 - Act 250 reform**

This [bill would relax the reach of Act 250](#) — Vermont's half-century-old land use review law — in existing development centers. It also lays the groundwork for extending Act 250's protections over to-be-determined ecologically sensitive areas.

After last-minute deliberations, proponents [said it strikes the right balance](#) between protecting Vermont's natural resources while also lowering barriers to more housing development.

Gov. Scott has criticized earlier versions of the bill.

Funding government and schools

#### **H.887 - Property taxes**

This legislation sets the [property tax rates necessary to pay for school budgets](#) and will see taxes climb by 13.8% on average, a lower tax increase than initially predicted.

Lawmakers are using just under \$70 million in one-time money to help soften the blow to property taxpayers this year.

Lawmakers are using the tax bill to set the stage for much larger reforms in the coming years. It creates a Commission on the Future of Public Education, which will be required to release an interim report on cost containment ideas this December, ahead of the upcoming legislative session. A final set of recommendations for a comprehensive overhaul of the state's education system is due the following year.



It's likely Gov. Scott will veto the bill.

### **H.883 - State budget**

This bill sets the amount of [money budgeted to support the functions of the Vermont government](#).

Lawmakers from the House and Senate have spent weeks [ironing out details](#) of the proposed budget. Among the most disputed sections was the [future of the state's emergency motel housing program](#).

As of Tuesday, lawmakers had come to a consensus that a room cap would kick in during warmer months and be lifted during the winter.

### **Transportation**

#### **H.868 - Transportation bill, including electric vehicle fee**

This bill [includes, among other programs, a plan to enforce a short-term annual fee](#) for electric vehicles.

Totally [electric vehicles would pay an \\$89 annual fee](#) beginning Jan. 1, 2025 and hybrids will be assessed \$45. The fees would help finance an expansion of the state's charging system.

Supporters say owners of the EVs should contribute to the upkeep of the state's transportation system, since they don't pay a gas or diesel fuel tax.

Lawmakers said the annual fee would be a short-term solution until a more comprehensive system can be put into place.

Gov. Scott has [signaled support](#) for the EV fee.

### **Public safety**

#### **H.72 - Harm reduction**

This [bill would allocate funding to create a pilot overdose prevention center](#) in Burlington and charge the Vermont Department of Health with organizing a study looking at the impacts of the program on overdoses in the state.

Overdose prevention centers are where individuals can use illegal drugs under medical supervision and with access to overdose-reversing medication.

Backers of the plan say it's an effective way to save lives. But [Gov. Scott said he thinks the \\$1 million allocated to stand up the center should instead go toward](#) expanding existing treatment programs. Gov. Scott said it's likely he'll veto the bill.

Lawmakers might have the numbers to override a veto, based on earlier vote tallies for the bill.

## **S.209 - Ghost guns**

This bill would [prohibit the possession of firearms and firearm frames or receivers without serial numbers](#).

Unserialized firearms, also known as ghost guns, are notoriously hard for law enforcement to trace.

The bill would require anyone who owns or puts together a gun without a serial number to [take it to a licensed gun dealer](#). They can then conduct a background check and emboss a serial number on the gun.

## **H.614 - Timber theft**

This bill would [create steeper consequences for stealing timber](#) in Vermont.

Lawmakers say loggers violating contracts or cutting trees without landowner permission has long been a problem in the state.

The bill increases fines and jail time for timber theft. And it would list the names of loggers who steal on the home improvement fraud registry. It also calls for a report on how the state can improve enforcement.

## **H.534 - Shoplifting**

This [legislation](#) is intended to curtail shoplifting in Vermont.

Currently, if a person steals less than \$900 worth of merchandise, the initial and any repeat offenses are considered misdemeanors. This bill makes a third offense a felony, with a significant fine and possible jail time, if the property stolen is valued between \$250 and \$900.

The bill also reduces penalties for first-time offenders who steal less than \$250 of merchandise.

## **Health care**

### **H.766 - Prior authorization reform**

This [bill eliminates prior authorization](#) for the patients of primary care doctors. It would give primary health care providers more flexibility to order tests and procedures for their patients.

Backers of the reform legislation [say insurance companies often use prior authorization](#) as a way to delay services, which can harm patients.

Opponents argued the legislation could raise health care premiums and that the impact needs to be studied. Gov. Scott has expressed similar concerns.

## **Government and workforce**

### **H.606 - Professional licensure regardless of immigration status**

This bill would allow people to become licensed in a number of professions, regardless of their immigration status. It covers more than 50 professions, including accountants, barbers, plumbers, opticians, realtors and nurses.

The bill also allows individuals to use other forms of federal identification if they don't have a Social Security number.

Lawmakers [say the bill could help address workplace shortages](#) in Vermont.

### **S.191 - Educational grants for New Americans**

This [legislation would expand educational opportunities for refugees](#) and other New Americans.

Current law requires New Americans to reside in Vermont for at least a year before they become eligible for educational grants from the Vermont Student Assistance Corporation. This bill would [eliminate that residency requirement](#).

Legislative analysts say the proposal won't have a measurable impact on the state budget.

### **H.644 - Access to foster care records**

This bill would give adults who were formerly in the [foster care system better access to their past records](#).

Specific records that are tied to abuse or neglect are [currently off limits to adults who were in the foster care system](#) as children, even though state agencies, law enforcement and attorneys can see them.

The Department for Children and Families supports the bill, but hopes to develop a program that offers support for the trauma that might come after reading through the records.

### **H. 612 - Cannabis reform**

This [legislation](#) makes a key change in Vermont's medicinal cannabis program, which started roughly 20 years ago but changed significantly when the retail cannabis market launched in 2022.

The bill will allow qualifying retailers to also serve the medical market — which allows higher-dose products and carries different privacy requirements.

### **Signed by the governor**

### **H.664 - State mushroom**

This bill, which has [already been signed by Gov. Scott](#), creates a new state mushroom: the *Hericum americanum*, or bear's head tooth mushroom.

### **H.621 - Insurance coverage for breast cancer screenings**

This legislation, [signed by Gov. Scott late last month](#), requires insurers to [cover mammograms and other breast imaging](#) services.

#### **H.469 - Advance directives**

This bill, which Gov. Scott signed at the end of March, [simplifies the process for filing advance directives](#) in Vermont. It allows for [electronic filing and remote witnesses](#).

#### **Vetoed by the governor**

#### **S.18 - Flavored tobacco ban**

This bill would have [banned the sale of flavored tobacco products](#), such as menthol cigarettes and flavored e-cigarettes. Gov. Scott vetoed the bill early last month, and [lawmakers said they did not plan to attempt an override](#).

#### **Report shows need for mobile home maintenance – WCAX – Melissa Cooney**

A new report to the legislature details the need for mobile home infrastructure improvement and streamlined development.

According to the report, mobile homes make up almost 6% of Vermont's housing stock. Managers say maintaining the infrastructure is a vital part of keeping Vermonters happy and healthy in the affordable communities.

There are 238 mobile home parks in the state, and the majority were established In 1970. That old age combined with different funding hurdles is a reason so many need infrastructure improvements.

Lindale Mobile Home Park is nestled off Route 15 in Middlebury, and it's biggest infrastructure issues are not in plain view.

"We have wonderful Addison County clay here in this part of the park in Middlebury. So it was making it very challenging to keep the septics functioning," said Elise Shanbacker of Addison County Community Trust.

Addison County Community Trust, which manages Lindale, says they just finished a \$5 million septic upgrade which was funded by 10 different sources.

"We have 67 households to share that cost. So it makes it very challenging to invest what's needed in the infrastructure to keep it well functioning up to date," said Shanbacker.

Shanbacker says mobile home parks have access to a combination of funds from grants and different departments in the state, but it would be easier if there was a permanent fund for mobile home parks because they have so many needs.

“We have three parks in Starksboro with 128 homes that we are working on. They pretty much need the works, new water systems, new wastewater systems, new stormwater infrastructure, road improvements, electrical improvements, those latter two things being more difficult to fund,” said Shanbacker.

Gayle Pezzo serves as the President of Westbury Village, a mobile home park in Colchester. She also worked on the report.

“Maybe 20 that have been done over the last four years and then the septic and leach fields - the leach fields all need to be replaced,” said Pezzo.

Like at Lindale, she says grants are helping make progress on improving infrastructure problems, noting leach field replacements can cost 10-13 thousand each.

Pezzo says there is a discrepancy in some organizations’ ability to obtain grants based on whether or not they own the property beneath the home. For example, she says in some parks residents own their homes, but not necessarily the property.

“The mobile homes and communities - if they own the property - need to be treated equally as far as grant access. That was a focal point. And very much needed,” said Pezzo.

Recommendations to the legislature include conducting a resiliency analysis to determine if parks have other needs, adding mobile home knowledge to construction education programs, and considering financial support from firms that manage nonprofit mobile home parks.

The report also focused on making mobile home parks more energy efficient. Pezzo says she feels it’s a little too soon to consider those ideas with so much existing stock that needs help.

### **VT House advances 10-year investment to address housing crisis – The Eagle Times**

The Vermont House of Representatives has taken a significant step to combat the state’s housing crisis with the passage of H.829, which proposes to invest \$100 million a year over the next 10 years on a broad range of housing needs. The legislation, primarily supported by creating a new income tax bracket for the wealthiest Vermonters, represents the latest in a series of House-approved bills committed to building affordable housing and ensuring that rental and homeownership are accessible for all Vermonters.

The bill outlines a ten-year plan to expand affordable housing options and essential housing services. It makes strategic investments in an updated Middle-Income Homeownership Program, bringing units online quickly through the successful Vermont Housing Improvement Program (VHIP), a new eviction protection program, increased permanent housing options for older Vermonters and Vermonters with developmental disabilities, refugee housing, and other housing needs. By taking a comprehensive approach, it tackles the immediate need for housing, and puts the state on a long-term trajectory to make affordable housing more attainable for all Vermonters.

"This is not just about building homes; it's about building communities and ensuring that every Vermonter has a place to call home," said Speaker Jill Krowinski. "When we commit to long-term strategic investments, families and working Vermonters are more stable, economies are stronger and communities more resilient. Vermont has seen a surge in income inequality since the pandemic. The rich are getting richer, and the middle class is disappearing. By asking our wealthiest Vermonters to pay a little more, we are able to invest in a historic affordable housing initiative to address the root causes of the housing crisis and provide lasting solutions for generations to come."

Key provisions of the bill include retaining and enhancing programs such as the Vermont Housing Improvement Program (VHIP), which has already rehabilitated over 500 units, and increasing investments in mobile and manufactured home parks. This long-term housing investment, coupled with the Act 250 modernization bill passed last week, is crucial in making sure that housing can become available rapidly and the cost of living can start to come down making Vermont more affordable.

"We're making a plan to invest in housing at a time when failing to invest is not an option," said Rep. Tom Stevens, chair of the House Committee on General and Housing. "This bill advances the policy and raises the revenue that's needed to get the work done. That's how we define leadership."

For more information on H.829, please visit <https://tinyurl.com/ym3u938n>.

### Housing series digs into state-level remedies – The Valley Reporter – Tracy Brannstrom

In the past month, a lecture series about the housing crisis organized by local design/build school Yestermorrow has explored various programs and remedies across scales. On April 24, Amy Tomasso, a project manager at the Vermont Department of Housing and Community Development, summarized what the state is doing – or hoping to do – to incentivize the development of 'missing middle' housing.

Previously, Tomasso was a community planner at the Mad River Valley Planning District. She said that while housing affordability is a big issue – with 50% of renters and 24% of homeowners spending over 30% of their income on housing costs – the state is facing a severe lack of available housing.

#### **40,000 BY 2030**

The state needs to see the construction of about 40,000 housing units by 2030, she said, citing a figure from the Vermont Housing Finance Agency (VHFA), while development growth – measured by the number of issued building permits – has been 0-1% in the past two decades.

Tomasso talked about the Vermont Housing Improvement Program, which awards grants of up to \$50,000 for property owners to rehab existing units or build new ones. In the past two years, these grants have funded over 500 units across the state. She also pointed to VHFA funding for pre-development costs like engineering and design work, and the passage of the Home Act (Act

47) last year. That legislation reduces parking minimums, allows for the development of duplexes and other housing types in any residential district, and increases “gentle density” – allowing five units per acre in areas served by water and sewer systems.

She said that land use regulations and legal codes should support a variety of housing types – especially ‘missing middle’ structures that are larger than single-family homes and smaller than big apartment complexes. About 70% of the state’s housing stock consists of detached single-family homes, she added, when most of these households are occupied by no more than two people.

## **LARGEST LOT SIZES**

Vermont has the largest lot sizes in the U.S. as well, at an average of 1.8 acres. Tomasso pulled up the Vermont Zoning Atlas – an online mapping tool that visualizes many aspects of zoning, created by a grassroots team working with students and regional planning commissions. It showed how most Vermont towns disappear from the map when a user selects for areas where single-family homes are allowed on lots less than one-quarter acre. The requirement for building on large lots, she said, increases sprawl and car dependency, and creates neighborhoods that are less welcoming for a diverse range of people.

Tomasso gave an update of current legislation – like a bill that proposes changes to the state’s land use and development law, or Act 250. Although it was intended to reduce the impacts of large-scale development on the environment when it was passed in 1970, it has created barriers to development by requiring extensive permitting processes. For example, if a developer seeks to build more than 10 units within 5 miles of each other in a five-year period, they must enter into a permitting process that can add months and around \$50,000 in extra costs, Tomasso said.

The new bill (H.687), if passed, would allow up to 50 units within a quarter-mile radius of village centers or along some transit corridors, among other reforms. “Act 250 is a hot topic,” Tomasso said. “There’s some who don’t think this goes far enough, in clearing the way for housing, and there’s some who think this goes too far.”

Tomasso’s department has been working to classify additional land across the state for development – from .03% to 6% of land, which would open up more funding that towns can apply toward housing and infrastructure. They also recently completed a ‘Design & Do’ Toolkit – a large booklet with design guides, case studies and a trove of other resources for home builders, investors, and others. A PDF of the book can be found online.

## **Legislature adjourns, and partisan battle spills from Statehouse to campaign trail – Vermont Public – Peter Hirschfeld**

On Friday evening, a few hours before the final gavel fell on the 2024 legislative session, Windsor County Sen. Dick McCormack took a seat in the same committee room spot that Phil Scott once occupied as a junior senator from Washington County.

“I was Phil Scott’s first committee chair,” McCormack said with a smile.

McCormack, a Democrat who's served in the Senate for most of the last 35 years and is not running for reelection, recalled his time with Scott during the early 2000s fondly.

"We negotiated with respect and fairness," he said. "I wouldn't go so far as to say affection, but mutual fondness."

Over the past eight years, as he's watched Scott veto more bills than any governor in Vermont's history, McCormack said he sees less and less of the colleague he grew to respect during their time together on the Senate Natural Resources Committee.

"The change that I'd like to see is the Phil Scott I once knew," he said. "He doesn't seem to be as interested in working together."

McCormack's sentiments reflect an intensifying friction between Democrats in the House and Senate, and a four-term Republican who [regularly polls](#) as the most popular governor in the United States.

Scott has, over the past two years, has vetoed some of Democrats' biggest legislative initiatives, including the [clean heat standard](#), the [child care bill](#), and a [fiscal year 2024 budget plan](#) that increased general fund spending by more than 13%.

Several more pieces of legislation passed in recent days, including a new renewable energy requirement for electric utilities, and an overdose prevention center proposed for Burlington, will also meet with his veto pen.

As the ideological distance between Scott and the Legislature widens, they seem equally baffled by the path the other would take.

"It's safe to say, I'm confused with the direction the Legislature is going," Scott said in late March.

He was referring then to [proposed income tax increases](#) on high-earning individuals and corporations, as well energy policies related to home heating fuel and electricity that will, by his estimate, increase the cost of living by hundreds of millions of dollars a year for homeowners, renters and ratepayers.

He was also referencing the \$100 million payroll tax, set to take effect July 1, that will fund new child care subsidies, and the more than \$200 million increase in statewide education property taxes forecast for next year.

"We hear from Vermonters, every single day, who are more than just concerned," Scott said. "Some are angry, and some are just plain scared."

Now that lawmakers have adjourned for the session, the battle of ideas spills from the Statehouse and onto the campaign trail, where Scott is hoping voter disaffection over new government spending will erode the supermajority that Democrats have relied on to override his vetoes.

St. Johnsbury Rep. Scott Beck said Friday that he thinks voters are ready for change.



“We are at least in the very early stages of a tax rebellion in this state. And some people would say we’re beyond the first stages, that people are fed up, they’re tapped out,” Beck said. “And for some people, it’s not even an issue of whether they think it’s good policy or not. It’s literally, ‘I don’t have enough money in my pockets to pay this stuff.’”

As Democrats have increased their numbers in the Statehouse in recent election cycles, Beck said, the Legislature has strayed from the centrist sensibilities that he thinks define the broader electorate.

“Where you have a supermajority and super-minority, the policies of the building strongly start to reflect the supermajority, and not necessarily Vermonters,” he said.

Barre City Rep. Peter Anthony, a three-term Democrat who’s not running for reelection, said Scott and Beck are misreading the room.

He said most Vermonters he speaks with have lost faith in an economy that people could once rely on to deliver a decent quality of life for working-class citizens. As the promise of a free-market system dissipates, he said, people want government to undertake the reforms, and related spending, needed to ensure that residents have access to basic necessities such as housing and health care.

“And for reasons I do not understand, [Scott] does not seem to hear the voices of people I hear, constituents ... saying, ‘We really want these services. We’re willing to pay. Please provide these services. The private market is not working,’” he said.

Fairfax Rep. Ashley Bartley, a Republican, said that for most Vermonters, the rise in government spending correlates with the implosion of their personal finances.

“Right now, our Vermonters are tapped out. Their gas is increasing. Their price of eggs is increasing,” she said. “And they’re really worried about how they’re going to pay their taxes.”

The affordability of life in Vermont, Bartley said, is what’s at stake when voters head to the ballot box in November.

“I have constituents who are afraid they won’t be able to live in Vermont,” she said. “I think we’re all hearing those kinds of stories. I’m just not sure how we kind of come back to the middle and bring solutions.”

Though Scott has yet to officially announce that he’s running for reelection, he’s widely expected to seek a fifth term. Former Democratic Gov. Howard Dean says he’s considering challenging Scott, and that he’ll announce his decision by the end of the month.

Scott, however, has his eyes not just on retaining the governor’s seat, but on altering the makeup of the legislative branch he might have to work with next year. House Republicans say they expect to field a more solid slate of candidates than they have in previous years; Scott said recently that he’s playing an active role in the candidate recruitment process.

Four-term Democratic Brattleboro Rep. Tristan Toleno said Friday that, so long as Vermont remains under divided government, with a Democratically controlled Legislature and a Republican governor, voters can expect “the status quo.”

“If people feel that the way things are right now, or have been, is the way they should be, then split government is a good tool for basically maintaining things at the status level,” he said.

Toleno, who is not running for reelection, said he hopes they won’t be satisfied with that status quo. Bills passed by the House this year, such as an income tax increase on high earners to fund a 10-year plan for affordable housing, he said, represent the kind of solutions that will likely remain at bay so long as Scott is at the helm of the executive branch.

“Do we actually want to do root causes? Or do we want to get through a two-year cycle and get reelected?” Toleno said. “That’s what this election cycle will in part be about, is, ‘are we willing to invest in changing some of the root causes that we’re dealing with?’”

### Logging business fined in Vermont – WCAX – Sophia Thomas

A logger most of his life, Matt McAllister has seen nearly everything that can go wrong on a logging site.

“I’ve had plenty of issues I’ve had to fix,” McAllister said. “It’s just the nature of the beast.”

But McAllister, a native Vermonter, never lets those issues fester. He says he’s diligent about [Acceptable Management Practices](#), or AMPs, regulations loggers must follow to maintain water quality on logging sites. “We’re not in it for two years. I mean, we’re in it for life. You wanna do a good job, you wanna keep the water clean, you wanna follow the AMPs. Most of it’s just common sense anyway,” McAllister explained.

Still, other loggers cut corners or fail to meet AMPs. Another logging company, Thomson Timber Harvesting and Trucking LLC, was just fined over \$32,000 for violating AMPs. Between 2017 and 2020, the agency says Thomson Timber caused water quality and wetland issues on sites in Bridgewater and Thetford. Thomson Timber didn’t respond to our request for comment.

Watershed Forester David Wilcox with the Agency of Natural Resources says the state works hard to educate loggers about AMPs. “It’s a little frustrating. We try to make the rules as easy to follow as possible,” Wilcox explained. He says AMPs are there to preserve the environment: soil runoff can strip wetlands of nutrients, erode water banks and harm wildlife habitats. “We have a responsibility to follow the rules and implement good water quality practices so that we can show that we can harvest in Vermont and protect the environment.”

But even the most responsible loggers can struggle to meet AMPs. McAllister says they’re not only pricey but hard to maintain through increasingly unpredictable weather conditions like this winter. He recently met with Governor Scott to ask for support. “We really do need some help, especially when Mother Nature is at her worst.”

Wilcox says the state is working to offer loggers financial support so they're better able to meet regulations.

**Homeless advocates: Hotel voucher plan will put vulnerable people in danger – Times Argus – Keith Whitcomb, Jr.**

Advocates for the unhoused say the final version of the hotel program found in the state budget has some good points, but room caps and other restrictions will leave some vulnerable people sleeping outdoors.

On Wednesday, Gov. Phil Scott said the state budget bill spends a bit too much for his liking, but he can live with it. That budget contains \$54 million for the General Assistance Emergency Housing program, which in one form or another has been sheltering thousands of Vermonters experiencing homelessness since the pandemic started in March 2020.

Brenda Siegel, of End Homelessness Vermont, said Friday there are two good things about the program in the bill: It uses an expanded definition of disabled more in line with the Americans with Disabilities Act, and it creates a task force that will meet during summer to make recommendations for a better General Assistance Emergency Housing program.

The General Assistance Emergency Housing program provides vouchers for people to stay in hotel rooms under certain circumstances.

According to the bill, to be eligible for the program one must be either 65 or older, disabled, younger than 19, pregnant, have experienced the death of a spouse, domestic partner or minor child that resulted in them losing their housing, have experienced a natural disaster, under a court-ordered eviction or a constructive eviction over which the household had no control, or are experiencing domestic violence or some other kind of violence such as stalking that's led to the household losing its housing.

The program is capped at 1,100 rooms Sept. 15-Nov. 30, and April 1-June 30. There is no cap during the winter months, nor will stays during winter count toward one's annual limit of 80 days.

Siegel said this leaves five months of the year when people won't be able to use the program.

"That's not a good outcome for vulnerable people in our state," she said.

For those who don't meet the eligibility requirements for a hotel voucher, the bill sets aside \$10 million for the expansion of shelters.

Siegel said the bill doesn't hold these shelters to high standards, and she's concerned that people will be left outside in freezing conditions.

"Freezing to death is not discriminatory to people who the Legislature has determined are deserving, anyone can freeze to death," said Siegel.

Rick DeAngelis, co-executive director of Good Samaritan Haven in Barre, said workers like him are struggling to find vulnerable people places to stay overnight.

“I don’t even follow the legislation other than hoping and praying not too many people lose their housing because it’s a mess right now,” said DeAngelis. “I think it’s going to be really, really difficult. We’re having so many problems right now and those restrictions aren’t even in place.”

People with complex needs are falling through the cracks in the system, he said. It’s hard to find hotel rooms for people, even those eligible under the newest criteria.

“We had a gentleman in a wheelchair who is incontinent, and he spent one night sitting in the emergency room, they allowed him to sit there in his wheelchair, and then, the second night, he spent in front of Walmart just in the cold sitting out there. It was one of the warmer nights, fortunately,” said DeAngelis. “So, that’s what we’ve come to.”

If a person loses their hotel room, it’s hard to get them another one, said DeAngelis. Hotel owners have to be willing to accept the voucher, and not all owners are willing to let rooms to people with certain medical needs.

“I had some level of confidence that the system hung together in these extreme cases with vulnerable people, but in a lot of instances it does not,” he said. “I’m just seeing again and again where there is no solution for people.”

Frank Knaack, executive director at Housing and Homelessness Alliance of Vermont, said his organization is also pleased the 1,100 cap doesn’t apply in the winter months but is worried people will be left out.

The Housing and Homelessness Alliance of Vermont is part of the task force established by the budget bill. Knaack said he’s looking forward to working with it to find more long term and comprehensive solutions to the needs of people experiencing homelessness.

The task force will also feature two people who have been homeless, one appointed by the speaker of the House, another by the president pro tempore of the Senate, and ones appointed by the Vermont Housing and Conservation Board, Vermont Care Partners, Long-Term Care Crisis Coalition, Vermont 2-1-1, Vermont League of Cities and Towns, Vermont Center for Independent Living, someone with experience operating a shelter to be jointly appointed by the speaker and president pro tempore, the commissioner of the Department for Children and Families, the Deputy Commissioner of the Department for Children and Families’ Division of Economic Services; and the Commissioner of the Department of Housing and Community Development.

### **VTrans eyes changes for problematic St. Albans intersection – WCAX – Hailey Morgan**

A busy -- and some say dangerous -- intersection in St. Albans could see improvements in the coming years, according to state transportation officials.

Jennifer Torres says the intersection off of I-89 Exit 19 in St. Albans has always been a bit hectic.

“There’s not a lot of area for people to cross, you know, to have safe crossing. My son actually goes to school here. They use the sports complex, and it kind of makes me a little weary,” said the Milton mom. “There needs to be adjusted times for the lights. Maybe that might help with congestion in the morning.”

VTrans is currently looking for feedback as they start a new study on how to improve the intersection. Officials say around 30,000 cars drive through it everyday, with two off-ramps going to the same light.

“So, probably another, a better opening at the end of the ramps coming off the interstate. Going on I haven’t had any problems,” said Jeff Clements of Burlington, who uses the exit.

VTrans’ Michael LaCroix says it’s been an area of concern since 2002. “It will either be some sort of traffic signal modernization upgrade or it will be some roundabout in some shape or form. Particularly in the morning, in the p.m. commute time, there is safety issues, some high speeds there,” he said.

LaCroix says planning is still in the very early stages and any changes likely won’t happen for around five years.

[A meeting on the topic is set for May 15th at the St. Albans Town Education Center.](#)

### **From outsider to Senate chair, what Sanders' incumbency means for Vermonters – Vermont Public – Jenn Jarecki & Nathaniel Wilson**

Last week, [Bernie Sanders announced he’ll run for a fourth term in the U.S. Senate as an Independent.](#)

The two-time presidential candidate started his political career as mayor of Burlington in 1981. He began an eight term run in the U.S. House of Representatives in 1990. Then, in 2006, Vermonters elected him to the Senate.

Now, the 82 year old wants another six years in Washington.

*Matthew Dickinson is an author and professor of Political Science at Middlebury College. He joined Vermont Public's Jenn Jarecki to discuss the significance of this announcement, Sanders' legacy, and why Vermonters have a real penchant for reelecting incumbents. This interview was produced for the ear. We highly recommend listening to the audio. We've also provided a transcript, which has been edited for length and clarity.*

**Jenn Jarecki:** I'll admit it, Matt, when I heard that Bernie Sanders was running again, I was not surprised. I know incumbency is an advantage wherever you go in the U.S., but it seems like Vermont voters really favor incumbents. Is that actually the case?

**Matthew Dickinson:** Well, recent history suggests that is. The reason why, I think, has a lot to do with the makeup of our voting public. We are a state that — at least when it comes to

legislators — generally leans left, we're a Democratic or blue state. And so over time, there's been this really self-selection process. The legislators we elect to the House and to the Senate are individuals whose views, whose policy preferences, align pretty well with the majority of Vermont voters. And so, I think the reason why we've had such long-tenured legislators — our Leahys, Bernie Sanders, Peter Welch, and it may be that Becca Balint will be the next one — is because they're more or less in line in terms of what they want done with what I think the majority of Vermonters want done.

**Jenn Jarecki:** Matt, do those incumbency perks matter more in a small state like Vermont, which doesn't have as many lawmakers advocating for it in Congress?

**Matthew Dickinson:** It does. Our research says that small state senators are actually a little bit better at extracting benefits. Think about subsidies to our dairy farmers, for instance, or grants to clean up Lake Champlain. Then our senators from larger states who have a much more heterogeneous population that often has a lot of competing interests. We have a few big interests in this state, and our senators, our congressional representatives are really sensitive to serving those big interests. And they're in a position to do it, particularly somebody who has accrued the seniority that our congressional delegation has.

**Jenn Jarecki:** Well, since arriving in Washington as a self-styled outsider in the house, Sanders has actually served longer than any congressional independent in U.S. history. How has voter perception of him changed since he was first elected to Congress?

**Matthew Dickinson:** Well, I think for a long time, he was viewed as our cranky uncle who would roll out at the picnic, but we wouldn't want to really get into engage in a conversation with him too long. But as he's accrued seniority, and particularly since his views have now become the views of a substantial portion of the Democratic Party, I think our perception of him has changed to somebody who's really a mover and shaker as an independent within the Democratic Party, somebody who has moved that party left through, in no small part, his two very effective runs for the presidency. Effective in the sense that he didn't win but his views, in some sense, have become mainstream views in the Democratic Party.

**Jenn Jarecki:** And how has Sanders' political identity shifted while in Congress?

**Matthew Dickinson:** Well, I think he is, despite still being an independent — and remember, he'll run as a Democrat and then switch over after he's cleared the Democratic field — he's in a position of leadership now. He's not just a cranky outsider who would hold forth on the floor or filibuster with no real chance of getting what he wanted. Now, he chairs the Senate health, education, labor and pension committee.

And as chair, he has a lot of influence on what issues get considered by that committee. He shapes that legislation so that when it reaches the floor of the Senate, it does so in a way that the legislation is likely to pass in a form that's amenable to Sanders. So, with seniority has come greater responsibility. With that responsibility has come a greater recognition of the need to be more than a gadfly, but instead to be an effective chair whose legislative priorities actually become law.

**Jenn Jarecki:** Well, I'm going to press on that a little bit, Matt. If Democrats hold on to the Senate, Sanders could then remain chair, as you say, of the health, education, labor and pensions committee, which dovetails with a lot of his longtime causes, like expanding access to affordable health care. What impact could he have if elected to a fourth term? Again, presuming Democrats hold on to the Senate.

**Matthew Dickinson:** Yeah, well, that's a big presumption. Right now, there's a lot more Democrats who are up for reelection than there are Republicans. But to go with your hypothetical, it depends on the size of the majority. The Senate is a super-majority institution in most areas, outside of, for instance, nominating to the court, in which you can just pass with a simple majority, but a lot of legislation needs 60 votes. And that's most of the legislation that Sanders wants to get through unless he can do it under something called reconciliation, which means the budgetary implications have to be really important in order to get passed on to reconciliation, which allows a simple majority vote.

It's a long way of saying, he is going to be in a position to propose a lot. How much he has to compromise to get through, things like a public option for health care, higher minimum wage, the shorter work week, all the staples of the Sanders agenda. It depends a lot on the size of the Democratic majority and how much of that majority shares his preferences.

### Capitol Beat: Delegation goes to bat for flood victims – Times Argus

Nearly 10 months after floodwaters devastated communities around the state, the congressional delegation has called on FEMA to address the needs of Vermont's flood victims.

U.S. Sens. Bernie Sanders and Peter Welch, along with U.S. Rep. Becca Balint, called on Deanne Criswell, administrator of the Federal Emergency Management Agency, to improve disaster response ahead of future emergencies and address the serious challenges Vermonters have faced in accessing FEMA Individual Assistance.

In their letter to Administrator Criswell, the delegation expressed their appreciation for the role FEMA played in Vermont flood recovery, including providing over \$25 million in individual and household assistance to more than 3,600 households.

However, Sanders, Welch and Balint highlighted areas where FEMA assistance has fallen short for Vermonters, including inadequate direct housing assistance, an unclear application process and insufficient technical assistance for impacted Vermonters seeking aid, according to a news release announcing the letter.

The congressional delegation gave Criswell until May 29 to answer their concerns.

### **Sanders' run**

In the wake of Sanders' announcement he is seeking another term in the U.S. Senate, both Balint and Welch offered their colleague an endorsement.

Balint noted, “Bernie is a proven, battle-tested legislator who has secured the progressive movement a seat at the table here in Washington.”

She called him “a tireless advocate for Vermonters and for working people across this country.” She said, “Bernie has never wavered in his commitment to justice and equality for all, even when he was a lone voice. From fighting for Medicare for All, to fiercely defending our planet against big polluters, Bernie leads with courage in the fight for justice.”

Welch noted, “His fight against climate change has led the movement globally, and his work to reform the VA health care system and lower prescription drug prices has been transformative. He’s been a leader in bringing federal resources back to Vermont and relief to communities impacted by natural disasters — including last summer’s catastrophic flooding. His focus, always, is on Vermont’s working families, first and foremost.”

VTGOP Chair Paul Dame had a starkly different response: “Over and over he identifies several issues he’s been talking about for 30 years, and he has admitted defeat in virtually all of them. Despite Vermont taking a close and serious look at single-payer health care, and coming to the conclusion that it would not be in the best interest of Vermonters, Sanders is continuing to push for it.”

Dame went on to say, “His solution for every problem is to raise taxes and raise spending. But Vermonters have had enough, and it’s time that Vermont elect a senator who will make affordability a central theme of their campaign. ... Bernie Sanders has become a part of the same Washington Establishment that he once used to rail against.”

## **GA housing**

Frank Knaack, executive director of the Housing and Homelessness Alliance of Vermont, issued a statement this week following the issuance of the Committee of Conference Report on the FY25 Budget:

“We remain deeply concerned that the language maintains caps that will result in the loss of emergency shelter for these same vulnerable Vermonters, including seniors, families with children, disabled people, pregnant people, and Vermonters fleeing domestic violence, during the non-winter months. Vermont has one of the highest rates of unhoused people in the country, and this language will only magnify this crisis,” Knaack said in the statement. “The human and economic costs of failing to provide shelter are greater than the costs of shelter. Homelessness is linked with a broad range of negative health conditions, including premature death. And, the economic costs associated with the failure to provide shelter — including on health systems, schools, criminal legal systems, and other public services — will fall on municipalities and local institutions to cover. Vermont can and must do better.”

## **State mushroom**

In case you were wondering, Vermont finally has a state mushroom.

This week, Gov. Phil Scott signed into law H.664, an act relating to designating a state mushroom.



It is *Hericium Americanum*, or more commonly known as the bear's head tooth mushroom.

According to the act, "Learning about, identifying, and foraging for mushrooms is a hobby that thousands of young and old Vermonters enjoy and allows Vermonters to spend time in the State's natural environment. ... Designating a State Mushroom recognizes the unique and delightful treasures that exist in our State woods."

### **Leahy Law**

This week, Welch and Sanders led seven of their colleagues in calling on U.S. Secretary of State Antony Blinken and U.S. Secretary of Defense Lloyd Austin to address concerns regarding the U.S. government's failure to apply the Leahy Law consistently to all recipients of U.S. security assistance, and to specifically outline the steps the Departments of State and Defense are taking to address these concerns.

The senators highlighted this administration and previous administrations' failure to implement the Leahy Law in Israel and requested answers from the Biden administration regarding future consistent application of the Leahy Law in view of reports over many years of gross violations of human rights by certain units within the Israeli Defense Forces, according to a news release.

"According to these investigative reports and other reports by U.S. and Israeli human rights organizations, despite credible information of gross violations of human rights (GVHR) of Palestinian civilians, including children, and of abuses of prisoners by the Israeli Defense Forces (IDF), over many years, not a single incident resulted in the denial of assistance to any unit of the IDF. In order for the United States to protect our own national security interests and maintain credibility as a global leader of human rights, we must apply the law equally," wrote the senators. "The Leahy Law applies to all security forces that receive U.S. training, equipment or other assistance. Its purpose is two-fold: to shield the United States from complicity in the most serious human rights violations and to encourage foreign governments to hold perpetrators accountable and by doing so deter future violations."

### **Environmental agenda**

As the legislative session grinds to a close, lawmakers and environmental groups were celebrating achievements through the session.

Paul Burns, executive director of Vermont Public Interest Research Group called it "a remarkable list of accomplishments that will benefit the state's people and environment."

"For too long, giant fossil fuel companies have knowingly lit the match of climate disruption without being required to do a thing to put out the fire," said Burns. "Vermont's citizen legislators deserve tremendous credit for standing up for their constituents and communities by holding Big Oil to account. This is an issue of accountability and affordability. By requiring the fossil fuel industry to pay its fair share, we will be making Vermont more affordable for the people who live here."

Bills winning broad support by the Democratic supermajority in recent days "would promote clean energy development (H.289), reduce flood risks and build climate resilience (S.213),

eliminate PFAS and other toxic chemicals from commonly used products (S.25), and protect pollinators and public health from harmful neonic pesticides (H.706).”

The governor and his some members of his administration have been critical of the bills.

Burns boldly suggested that if the Republican governor vetoed any or all of the bills, lawmakers should vote to override.

### **Gun legislation**

This week, GIFFORDS, the national gun violence prevention organization founded by former Congresswoman Gabrielle Giffords, celebrated Vermont’s passage of S.209, legislation that regulates “ghost guns,” which are untraceable guns that can be purchased and built without a background check.

The legislation also creates critical protections for polling locations from armed intimidation.

Billy Clark, senior litigation attorney and Second Amendment issues manager at the law center, said, “Today, my home state has made me proud. Vermont passed critical gun safety measures to tackle the increasing public safety threat of ghost guns and keeps polling places free of armed intimidation. As other states look to improve their gun safety laws, Vermont serves as a shining example of what can be achieved through dedication and collaboration. GIFFORDS remains committed to supporting similar initiatives across the country to build a safer future.”

Vermont is the 22nd state, plus the District of Columbia, to address guns at polling places. It is the 14th state to address “ghost guns.”

### **Duke appointed**

The governor this week appointed Abbey Duke, of Burlington, to fill the vacant Chittenden-17 seat in the Vermont House of Representatives.

Duke replaces Emma Mulvaney-Stanak, who resigned last month after being elected mayor of Burlington.

Duke is the founder and CEO of Sugarsnap, a leading catering company in the greater Burlington area. She also serves as the chair of the Burlington Department of Parks, Recreation and Waterfront Commission.

Duke’s appointment was effective May 6. She was selected from a list of several candidates forwarded by the Democratic and Progressive parties of Burlington.

### **First VTSU grads**

Next week, students will cross the stage to receive a diploma inscribed with Vermont State University.

The first class of grads includes students who initially began studies at then-named Castleton University, Northern Vermont University and Vermont Technical College.

Commencement will occur on the Castleton and Johnson campuses May 18 and at the Lyndon and Randolph campuses May 19. Williston campus students will graduate in Randolph.

“The energy and excitement among students around the future of VTSU is incredibly inspiring,” said David Bergh, interim president of VTSU. “The uptick in the number of applications we have received from students who will be the first to do all their undergraduate years at VTSU is another great indicator that students respect the unified system and what it can now offer.”

This year, VTSU will give an honorary degree to historian Howard Coffin.

Coffin, born and raised in Woodstock, attended Lyndon State College from 1960 to 1962 before leaving for Vietnam in service to the U.S. Army. He returned to Vermont where he worked as a reporter for the Rutland Herald; public information staff member at Dartmouth College; news director at the University of Vermont; and press secretary to U.S. Sen. James Jeffords. Coffin has written many books, served on boards, lectured and led bus tours to Civil War battlefields and sites.

### **Active Vermonters**

The governor this week declared May 2024 as Physical Fitness and Sports Month in Vermont, encouraging Vermonters to be active this spring.

The proclamation was requested by the Governor’s Council on Physical Fitness and Sports, a physical activity promotion and advocacy group composed of volunteers appointed by the Governor and representing a broad spectrum of Vermonters.

The proclamation aligns with the national designation of May as Physical Fitness and Sports Month, an effort by the President’s Council on Fitness, Sports and Nutrition to raise awareness about the benefits of physical activity. The Vermont Governor’s Council on Physical Fitness and Sports encourages families to be active outdoors through a variety of programs, including Vermont Parks pass exercise “prescriptions,” Vermont Senior Games, community wellness grants and the Corporate Cup Challenge, and State Agency Race in Montpelier on May 16.

The Vermont Department of Health recommends that adults aim for 30 minutes of moderate physical activity at least five days a week, or 2 hours and 30 minutes weekly. Moderate activity includes walking briskly, bicycling, dancing, hiking, paddling and swimming.

Children and adolescents should participate in at least 60 minutes of physical activity every day, including walking to school, playing and recreating outdoors, riding bicycles and participating in sports.

### **Jenna’s Promise**

The Vermont Department of Corrections has awarded a Justice Reinvestment grant totaling \$240,952 to Jenna’s Promise, a nonprofit recovery organization based in Johnson.

The funding will expand reentry services and community supports for formerly incarcerated women recovering from addiction.

“We are deeply grateful to have the support of the DOC and everyone who made this possible for entrusting us with the resources to further enhance our Recovery Village Model, a paradigm-shifting approach that addresses substance use but also mental health, physical health, trauma, and other barriers and basic needs to facilitate better long-term outcomes,” said Daniel Franklin, co-executive director of Jenna’s Promise. “We strive to help people, families and our communities to heal and recover in part by helping to nurture meaningful connections, purpose, dignity, and hope in the lives of the people we serve. This funding will help us in our work to support people who have much to offer our communities if given the opportunity to live healthier, happier, and more prosperous lives.”

### **Cell settlement**

Attorney General Charity Clark has announced Vermont’s participation in a multistate settlement with a coalition of wireless carriers AT&T Mobility, Cricket Wireless, T-Mobile, Verizon Wireless and TracFone Wireless Inc.

The settlement resolves investigations into deceptive and misleading advertising practices. Vermont will receive \$67,237 through this settlement and, nationwide, 50 jurisdictions will receive a total of \$10.25 million.

“Deceptive and misleading offers to incentivize customers to switch carriers will not be tolerated. Deception like this harms not only consumers, but the whole marketplace,” said Clark. The settlement addresses common misleading advertising practices of the wireless carriers, including misrepresentations concerning: “unlimited” data advertisements; “free” phone offers; monetary incentives to “switch” wireless networks; and wireless carrier plan comparisons.

### **Bright Futures**

Building Bright Futures recently announced a new round of grant recipients for the Vermont Early Childhood Fund, totaling \$1.6 million for projects focused on Vermont children and families.

Awardees in every region of Vermont will be able to pursue important and innovative projects, including:

- Creating more than 75 early childhood care and education slots across multiple counties.
- Increasing access to supports for educators, caregivers and parents through behavioral interventionists, family support workers, speech and language pathologists and wraparound services.
- Removing barriers to child sexual abuse prevention education by providing free training and materials.
- Expanding early childhood education workforce recruitment and training.

- Providing free, facilitated playgroups and parental engagement opportunities, including piloting an affinity group for BIPOC families.
- Hiring a bilingual Community Health Worker to ensure immigrant and migrant families have equal access to health, social and educational opportunities.
- Growing the community doula workforce to increase access to prenatal, birth and postpartum supports, with special focus on the unique needs of marginalized families.
- Encouraging families to complete developmental screenings by providing free museum memberships, and providing follow-up supports and resources

The Innovation Grant (\$100,000 to \$200,000) has the goal of creating innovative, replicable solutions to address some of Vermont's most persistent barriers to serving children and families. The Innovation Grant recipients are: Kingdom East Unified Union School District in Caledonia and Essex counties; Myers Prouty Children's Campuses in Bennington County; Seed & Sew in Caledonia, Essex and Orleans counties.

The Opportunity Grant (\$10,000 to \$80,000) has the goal of supporting easy-to-achieve solutions with direct results. The Opportunity Grant recipients include Good Beginnings of Central VT in Washington County; Montessori School of Central Vermont in Washington County; Prevent Child Abuse Vermont; Rutland County Parent Child Center in Rutland County; Washington County Mental Health Services; Wonderfeet Kids' Museum in Rutland County.

Visit [buildingbrightfutures.org/vecf](https://buildingbrightfutures.org/vecf) for more information.

### **Two major health care access bills meet different fates in Vermont Statehouse – VT Digger – Peter D'Auria**

This January, lawmakers introduced two major pieces of legislation, both of which aimed to improve Vermonters' ability to access health care.

One bill, [H.721](#), proposed expanding the publicly-funded Medicaid program to cover thousands more Vermonters. The other, [H.766](#), sought to diminish private insurers' influence over practitioners' care decisions — a move that lawmakers hoped would reduce paperwork and free up clinicians to see more patients.

Now, at the end of the legislative session, the two bills have met divergent fates.

H.766, which [supporters have nicknamed the “provider burden bill,”](#) has drawn broad legislative approval and is soon headed to the governor.

Meanwhile, H.721, the Medicaid expansion bill, has been slowly [whittled down](#) to a small section of language in the state's budget bill.

Rep. Lori Houghton, D-Essex Junction, the chair of the House Health Care Committee, where both bills originated, said the trimming of H.721 was “unfortunate.” But she called the passage of H.766 “a huge win for patients and providers in Vermont.”

If signed by the governor, H.766 will reform the ways commercial insurance companies can handle orders for procedures, tests, drugs and claims from medical practitioners. The goal is to relieve practitioners of some of the bureaucracy and paperwork of dealing with insurers — ultimately freeing them up to see more patients.

The bill would impose prohibitions and limits on when insurance companies can reject orders and claims from clinicians, and would restrict insurers’ ability to impose their own requirements on what practitioners are able to do.

[Insurers say](#) those practices actually save money, and that eliminating them will hike Vermonters’ health insurance premiums.

“This bill still has a significant impact on health premiums for members,” said Sara Teachout, a spokesperson for Blue Cross Blue Shield of Vermont, which insures roughly a third of Vermonters. “Our concerns remain extremely high.”

But the bill has received approval from both chambers of the Legislature, [surviving a last-minute effort to postpone its provisions](#). Its next stop is the governor’s desk.

Jason Maulucci, a spokesperson for Gov. Phil Scott, said the governor had not yet decided if he would sign the bill.

“He has some concerns about the uncertainties around cost, but also understands there could be benefits, creating efficiencies and improving patient experiences,” Maulucci said. “So, he will weigh those out once it reaches his desk.”

H.721, [the Medicaid expansion bill](#), has taken a much different path. Democrats announced the introduction of the bill with a Jan.12 press release.

As [originally written](#), the bill would have significantly increased the income thresholds required for Medicaid coverage, allowing thousands more Vermonters to access publicly-funded health insurance.

But over the past four months, amid widespread concern about state finances, lawmakers whittled the legislation down to an expansion of just one program, tucked into the state’s budget.

The still-extant section would expand eligibility for Medicare Savings Programs, which provide subsidies to help low-income Vermonters who are 65 and older pay for Medicare.

That provision works by expanding the income threshold for the state’s Medicare Savings Programs. Currently, the most comprehensive program only covers Vermonters at 100% of the federal poverty limit, meaning their income can’t exceed \$1,255 a month for an individual in 2024. The language in Vermont’s budget would increase that limit to 145% of the poverty level, or \$1,819 a month for an individual in 2024.

That language will make a material difference in the cost of health care for thousands of Vermonters, according to Mike Fisher, the state's health care advocate.

"The step that the Legislature took this year is a significant improvement for close to 12,000 Vermonters," Fisher said, "who are going to gain access to real improvements to their ability to afford premiums in Medicare and out of pocket costs."

But [previous provisions](#) — such as allowing more young people and pregnant Vermonters to get covered by Medicaid, and studying a broader expansion of the program for all ages — fell by the wayside.

The original bill had "a lot of good stuff in there that would help us get to a new vision for health care in Vermont," Houghton, the chair of the House Health Care Committee, said Thursday.

Nevertheless, "We're going to keep on looking at access and affordability," she said. "We still have work to do and we'll keep doing it."

### **Vermont lawmakers reach late-night property tax deal, but bill looks destined for a veto – VT Digger – Ethan Weinstein**

The Vermont House and Senate reached an agreement late Friday night on the Legislature's annual property tax bill to fund school districts' budgets. It cleared both chambers around midnight, in the final hours of the 2024 legislative session, though it faces a likely veto by Gov. Phil Scott.

The compromise followed a week of back-and-forth between the two bodies as lawmakers tinkered with a bill now set to raise the average education property tax bill by 13.8%.

But ultimately, the bill would defer making big changes to Vermont's education finance system to a summer study committee, which is charged with proposing cost-saving ideas later this year.

"I am really scared, really scared about what is going to happen the following year," Rep. Pattie McCoy, R-Poultney, said on the House floor, deriding the bill's lack of structural reform to education funding.

The legislation, referred to as the annual "yield bill," bounced between chambers this week as lawmakers worked to find middle ground.

Legislators plan to buy down property tax rates with about \$25 million from a one-time state budget surplus and to add revenue from two new taxes to the education fund, projected to bring in approximately \$27 million next year. That \$52 million is relatively small compared to the current projected education spending increase of \$181 million.

The new taxes in the bill include a 3% surcharge tax on short-term rentals, which is projected to raise around \$12 million in its first year, and the repeal of a tax exemption on software accessed over the internet, expected to raise about \$15 million.

Met with [changes proposed by the Senate](#) this week, the House Ways and Means Committee further amended the bill twice on Friday.

Rather than concur with the Senate's excess spending threshold, which would have penalized school districts that spend more than 16% above the statewide per pupil average, the House changed the figure to more than 18%.

The Senate had voted to postpone the bill's "commission on the future of public education," instead tasking an education finance committee to hash out cost-containment ideas in the short term. In response, the House decided on Friday to embed the finance work within the bigger commission, allowing both to work simultaneously.

In perhaps Friday's most substantive change, the House brought back a one-time increase in the tax credit for Vermonters who pay property taxes based on income. The Senate had previously stripped it from the bill.

Because the property tax credit works on a lag, income-based taxpayers would have experienced a larger-than-average increase this year before next year's tax credit made up for the spike. About two-thirds of property owners pay the tax at least in part based on income.

In the House Ways and Means Committee's earlier version of the bill Friday, the state would have spent more than \$20 million to subsidize income-sensitized tax bills, bringing up the average education property tax increase from 12.5% to 14.1%.

That change ruffled the feathers of some committee members, including Rep. Katherine Sims, D-Craftsbury, who said she was uncomfortable with amending the bill in such a way that it increased the average bill.

The Ways and Means Committee voted 8-4 on the bill Friday morning, with Democrats in support and Republicans opposing.

Yet despite the morning amendment, nothing happened publicly throughout the day, and the House never took up the amendment.

Around 4 p.m., the Senate Finance Committee met to discuss the House's work before it had reached the House floor.

"It's what we have, and I think it's what we're gonna get," said Sen. Ann Cummings, D-Washington, chair of the committee.

Senators seemed ready to accept the House's new version in order to head home Friday night.

But rather than move forward with the morning's draft, Ways and Means reconvened after 7 p.m., almost 10 hours after the day began. While not substantially revising the morning's version, the committee considered a new draft that reflected updated school budget data. As a result, the average property tax increase ticked downward, from 14.1% to 13.8%.



The final version of the yield bill also tweaks how the Common Level of Appraisal, or CLA, is applied to individual towns, with the goal of decreasing the impact of applying the CLA to the local tax rate.

The CLA is used to adjust local tax rates so that property owners pay taxes on the fair market value of their properties. As reimagined in the bill, the CLA would be used in such a way that “cut(s) down some of that big wide (tax rate) swings that people get so upset about,” Cummings said on the Senate floor.

Around 11:30 p.m. the House voted 93-44 to approve the bill, with a handful of Democrats joining Republicans in opposition.

And just after midnight, the Senate did the same, voting 18-8.

Lawmakers plan to return to the Statehouse in June, at which point they may confront a gubernatorial veto of the yield bill. To override such a veto, two-thirds of both chambers would need to support the bill.

### Vermont Legislature adjourns after a contentious 2024 session – VT Digger – Sarah Mearhoff & Shaun Robinson

After a tumultuous day of dealmaking on housing, land use and property tax measures, the Vermont Legislature adjourned its 2024 session in the early hours of Saturday morning. The Senate gavelled out at 1:18 a.m. and the House at 2:07 a.m.

The session was shaped by existential debates over the future of the state. Lawmakers grappled with projected double-digit property tax increases, a persistent housing shortage, the aftermath of a catastrophic summer flood, an outcry over public safety and more.

The relationship between the Legislature and Republican Gov. Phil Scott at times grew contentious — shaped by Democrats’ theoretically veto-proof supermajority and Scott’s willingness to spurn the bills they passed.

As they adjourned early Saturday morning, legislative leaders said they were proud of how they rose to the occasion.

“This has been a dark year,” Senate President Pro Tempore Phil Baruth, D/P-Chittenden Central, said in a closing speech on the Senate floor. “But it has been an amazing biennium.”

In their final actions of the session, lawmakers signed off on an [\\$8.6 billion state budget](#), which would take effect July 1. Unlike the intense budget debates of recent years, this year’s negotiations — completed earlier this week — were relatively quiet. Republican Gov. Phil Scott has even signaled a willingness to sign the bill into law.

When they convened in January, legislators were staring down a projected [statewide property tax increase](#) of nearly 20%. By March, pressure to overhaul the state’s education funding framework

— or, at the very least, soften the blow of this year’s hikes — reached a fever pitch when [one-third of the state’s school budgets failed on Town Meeting Day](#).

Lawmakers [ultimately approved](#) a yield bill — which sets property tax rates for the following year — establishing an average statewide property tax increase of 13.8%, thanks in part to a \$25 million buy-down. [H.887](#) also establishes a committee to study options for a long-term solution to Vermont’s K-12 funding woes.

Though the House and Senate reached a deal in the final hours of the session, the bill is almost certain to be vetoed by Scott, who insisted that the Legislature do more to protect Vermonters from property tax increases. Legislators will have a chance to override any gubernatorial vetoes when they return to Montpelier for a veto session on June 17. To override a veto requires a two-thirds vote in both chambers.

Lawmakers spent much of the session reckoning with the state’s persistent housing shortage. At a January press conference, a number of legislators joined Scott in [pledging to work together to overhaul Act 250](#), the state’s 50-year-old land conservation law, in hopes of easing strict zoning rules governing new housing development.

Over the following months, lawmakers debated how to strike a balance between the state’s dire housing needs and a desire to conserve Vermont’s landscape and natural resources. Late Friday night, they settled on [H.687](#), which they touted as [a grand bargain](#) — though some Republicans opposed it.

In a sarcastic speech delivered to his colleagues early Saturday, Senate Minority Leader Randy Brock, R-Franklin, quipped that constituents were sure to appreciate “how we’ve created fast, easy-to-use solutions to the housing crisis.”

At the start of this year’s session, many Vermonters were still reeling from last summer’s devastating floods and called on lawmakers for a helping hand — not only to help them emerge from crisis, but to think big and reimagine how the state prepares for future natural disasters.

“We listen when a Vermonter in Barre shares their story of watching their child’s college fund wash away with the flooding that destroyed their home,” House Speaker Jill Krowinski, D-Burlington, said in closing remarks to the House early Saturday morning. “Our members showed up at their door — muck boots on, sleeves rolled up, shovels in hand — because that’s how we do it in Vermont.”

“And once those waters receded and the roads were repaired, we focused on our legislative action,” she said.

The Legislature’s most tangible response to last summer’s floods was in the form of state dollars. It allocated \$40 million to help communities rebuild, close gaps in municipal budgets, offer interest-free aid to businesses and raise homes likely to flood in the future.

Lawmakers also passed [S.310](#), a bill outlining the role of state government in responding to future natural disasters, as well as [S.213](#), which would establish a new state permitting system for building in river corridors. Vermont not only needs to rebuild from last year’s floods,

lawmakers have said, but think ahead to prepare for those sure to come as natural disasters become more frequent and severe.

From the outset of the session, Scott urged the Legislature to address widespread concerns over crime and safety. Members responded by passing [S.58](#), a bill that would increase the number of crimes for which juvenile offenders can be charged in court as adults and — at the request of the Scott administration — again delay the next phase of an initiative to increase the age at which nonviolent offenders are referred to family court. The bill would also create harsher penalties for drug-related offenses.

Both chambers also approved [S.195](#), a bill that would increase supervision of people who are accused of crimes before their day in court; [H.534](#), a bill that would create new retail theft penalties; and [H.563](#), which would make it a crime to “trespass” in someone’s vehicle.

“I don’t think it’s a tough-on-crime session,” Sen. Dick Sears, D-Bennington, who chairs the Senate Judiciary Committee, told his colleagues on Friday. “It’s a smart-on-crime session.”

Those bills did not have universal support. Legislative leaders came under criticism from Progressive lawmakers and criminal justice reformers for passing measures that could result in more people being sent to prison.

Simultaneously, lawmakers took a new approach to addressing a stubborn and deadly opioid crisis. [H.72](#) would pave the way for the state to establish an overdose prevention site, to be located in Burlington. At the site, Vermonters with substance use disorder could use drugs and would be offered clean supplies, medical supervision and emergency medication in case of overdose. Visitors would also be referred to recovery services.

Proponents of the measure say such a facility would save lives by offering a safe, sheltered location for Vermonters struggling with dependence, where they are less likely to fatally overdose. Scott remains opposed to the bill, but it appears to have the two-thirds support from legislators required to override a veto.

Throughout all of the heady policy debates, the 2024 legislative session was punctuated by bitter disagreement between the Legislature and governor’s office. Scott frequently pointed a finger at the Democratic supermajority for plowing ahead with legislation despite his opposition — and that, he has said, of the [71% of Vermont voters](#) who elected him.

Meanwhile, lawmakers repeatedly accused the governor of overstepping his executive authority, impeding on the Legislature’s role as a co-equal branch of government. That critique was especially pronounced last month, when [the Senate voted 19-9 to reject Scott’s pick for secretary of education](#), Zoie Saunders. Within minutes of her defeat, Scott appointed Saunders to serve as interim secretary, circumventing senators’ opposition.

In his final address to lawmakers early Saturday, Scott softened his tone, telling them, “I think most of us want the same thing.”

“Vibrant neighborhoods full of families, breathing life back into communities; healthy and safe kids filling classrooms and reaching their fullest potential; great jobs with solid employers; entrepreneurs from all walks of life in a thriving, growing economy,” Scott said.

“We just have a different vision of how to get there.”

### **Vermont Legislature passes bill to create uniform ethical standards in local government – VT Digger – Shaun Robinson**

Vermont lawmakers have passed a bill that would create new uniform ethical standards for many local government officials — a change that proponents said is long overdue.

[H.875](#) would establish a “municipal code of ethics” that’s similar to [one for state officials](#) that went into effect two years ago. The new code would apply to local officials such as selectboard members, clerks and planning commissioners, among others.

Specifically, the code would set baseline standards for cities, towns and villages to adopt around conflicts of interest, preferential treatment, gifts and other potential issues. Some municipalities already have robust ethics policies in place, lawmakers said, but others don’t — and the bill would create more consistency.

Other measures in H.875 would require county officers, such as sheriffs, to file financial disclosures both while campaigning for and holding office. The bill would also require state-level officials to disclose some additional information, such as stock holdings.

Reporting the bill on the Senate floor Thursday, Sen. Ruth Hardy, D-Addison, said Vermont [ranks in the bottom 10 states nationwide](#) for the strength of its government ethics laws and is last among its New England neighbors. She said passage of H.875 would bump the state’s national rank up to 23rd.

“Members of the public that we heard from were very adamant, and very concerned, to make sure that we had a strong ethics code at the municipal level,” Hardy said, adding that the bill would help ensure communities “have accountability for local officials.”

In addition to creating a new ethics code, H.875 would authorize the Vermont State Ethics Commission to issue guidance to municipal officials on handling local ethics complaints.

Right now, the commission has no authority to even take on these complaints, said Christina Sivret, its executive director, in an interview Friday. She supported the bill.

Hardy told her colleagues that the ethics commission and the Vermont Secretary of State’s Office get more than 80 complaints a year alleging local ethics violations — more than the number of complaints they receive about state-level officials.

Notably, though, H.875 would require municipalities — not the state commission — to investigate complaints lodged under the new local ethics code and develop possible “remedies”

to them. That's in part because the commission doesn't have the resources to take on the additional work stemming from the local level, Sivret said.

The bill would also require municipalities to store records on those complaints and report back to the state commission, as well as require local leaders, such as city and town managers, to take occasional training on the new local ethics standards.

One key stakeholder — the Vermont League of Cities and Towns — has testified to lawmakers that the requirements in the bill would create too much of a burden on already slammed public servants. Ted Brady, the organization's executive director, said he supported the spirit of the new ethics standards but believed the bill doesn't give municipalities enough resources to enforce them.

"It's a bunch of unfunded mandates," Brady said in an interview Friday, adding that the bill "doesn't give towns or cities any recourse to deal with unethical behavior."

H.875 would also give the state commission new powers. For alleged violations under the existing code of ethics for state officials, the panel would be able to investigate cases, hold hearings and issue warnings and reprimands, according to the bill. The panel can now only issue advisory opinions regarding state officials' conduct.

Another measure, meanwhile, would create penalties for candidates for state and county offices who are late in filing their financial disclosure forms.

The new municipal code of ethics would go into effect on Jan. 1, 2025, which Hardy said should give towns time to prepare for the new requirements. Some other provisions in the bill would go into effect later that year or in 2026.

Both the Senate and House agreed to a final version of the legislation on Friday. In the Senate, the vote was 18 to 10; in the House, it was 93 to 33.

### **Final Reading: The clock is ticking down on Vermont Legislature's biennial session – VT Digger**

I write to you, Dear Final Reader, in what are — God willing — the waning hours of this year's legislative session. As of 6:30 p.m. Friday, legislators are sticking to the script that they will have all their work wrapped tonight, no matter how late they need to stay.

That's despite the House and Senate still being, it would seem, *quite* far apart on some of their biggest ticket bills of the year. But you know how it is: Time, at the end of the legislative session, is fluid and weird. Days-long impasses can magically dissolve over the course of one backroom convo. Or ... not! Some bills may very well die. Pour one out for 'em!

Before we Get Into It, a very important disclaimer: The information in this newsletter is current as of the time of its writing, but things can and will change in the ensuing hours. I would apologize, but I have a deadline to meet, people!

Here's the sitch: After a turbulent few days of negotiations and back-and-forth amendments, the House and Senate seem to be nearing a tentative deal on [H.687](#), lawmakers' headliner housing and land use reform bill. It's not set in stone, but there appears to be light at the end of the tunnel.

Meanwhile, the two chambers are still haggling over [H.887](#), this year's yield bill, which sets property tax rates to fund the state's education system for the year. It's a must-pass bill, and with Republican Gov. Phil Scott signaling a likely veto, it's key for lawmakers to secure a two-thirds, veto-proof majority on the measure ... unless they want to go back to the drawing board.

The fate of some bills, it seems, is deeply uncertain. After a glint of hope earlier on Friday, a path forward for [H.121](#), this year's landmark data privacy bill, is questionable. And [H.81](#), the House's "right to repair" bill, appears dead — the House is simply running out of time to overhaul a slew of Senate amendments it does not support. That's despite two years of work on the bill, which has garnered near unanimous support during previous votes in both chambers.

It's not all doom and gloom: After a series of epic committee room debates this year, lawmakers on Friday did push through [H.875](#), a bill that would establish a municipal code of ethics for local office holders and employees.

And of all things, this year's \$8.6 billion budget is quite noncontroversial. Lawmakers' compromise version rings in just one quarter of a percentage point higher than what Scott proposed back in January. The governor signaled this week a willingness to sign the budget into law — rather than veto it or allow it to go into law without his signature — for the first time in years. How refreshing! By tradition, the budget is expected to be the final bill to pass both chambers tonight.

Whether or not we're released from the clutches of the 2024 session tonight, one thing is for certain: We're coming back, baby! Mark your calendars for June 17, when the Legislature will gavel back in for an opportunity to override any of Scott's vetoes (which are most assuredly coming), and tie up any loose ends.

For the most insatiable of Statehouse rats who want minute-by-minute coverage of these bills, I would direct you to [VTDigger.org](https://www.vtdigger.org) tonight (or tomorrow — le sigh) for continued news on when — and if — these bills make it across the finish line. We'll also have a story when lawmakers decide to adjourn for good.

In the meantime, I invite you to keep reading for a special treat... Power Lunch with Sen. Jane Kitchel, anyone?

— *Sarah Mearhoff*

### **Power lunch**

You know her, and you love her — or maybe you actually don't know her, because she wields her power quietly in these marble halls. **Sen. Jane Kitchel, D-Caledonia, chairs the Senate Appropriations Committee**, taking a lead role in writing the state's annual multi-billion dollar budget.

Kitchel also recently became the so-called third member of the Senate's hilariously named Committee on Committees, a three-member group — composed of the lieutenant governor, Senate president pro tempore and a third member — who work together to choose which senators serve on which committees. It sounds like inside baseball (because it is), but the coveted role is very influential in the 30-member chamber.

But Kitchel contains multitudes. Once the gavel falls for the final time this legislative session, she will head back to her Danville home to tend to her lush, sprawling garden.

Welcome to Power Lunch, a semi-regular series where I sit down with Statehouse movers and groovers to talk anything but politics. For today's installment, I chatted with Kitchel about her half-acre garden, where she grows a vast array of fruits and vegetables: potatoes, carrots, onions, garlic, leeks, eggplants, peppers, berries, beans — the list goes on.

"There's something about working the soil. It's kind of a spiritual connection in its own way," she told me, before adding, "Except when you've been out there for six or eight hours, and you still haven't caught up."

Asked for her favorite crop to grow, Kitchel describes in detail her famous Otis beans. That's not their technical name; she doesn't know what they are, actually. They're big, like a lima bean. She calls them Otis beans after the man (Otis) who gave her the heirloom seeds 50 years ago. She's been propagating them since.

"Last year, I had over 20 pounds of dried beans," she told me, to which I replied with the obvious response, "Oh, my god."

"I've saved the seeds for over 50 years, and they're very, very prolific, and the germination is wonderful," she said. "And obviously, because they've been grown in this climate for — well, a century — they're just very robust."

I asked Kitchel what she does with all the beans. She bakes them, even though "I don't even like baked beans."

I told Kitchel how I make my beans: On the stove top, kinda soupy, with lots of garlic, onion and lemon, spooned over toast with sautéed kale and a boiled egg on top.

"That's dinner like, five nights a week during the winter," I told her.

"That's a little too much," she replied.

Anyway! Here's Kitchel's recipe for baked beans, "the classic way," even though she doesn't really like them. All quantities are to taste.

- Beans, soaked (obviously)
- Salt pork
- Maple syrup (NOT molasses)

- Brown sugar
- A little ginger
- An onion
- Dried mustard seed
- French's yellow mustard

— *Sarah Mearhoff*

### **In the know**

This January, lawmakers introduced two major pieces of legislation, both of which aimed to **improve Vermonters' ability to access health care**.

One bill, [H.721](#), proposed expanding the publicly-funded Medicaid program to cover thousands more Vermonters. The other, [H.766](#), sought to diminish private insurers' influence over practitioners' care decisions — a move that lawmakers hoped would reduce paperwork and free up clinicians to see more patients.

Now, at the end of the legislative session, the two bills have met divergent fates.

[Read more here.](#)

— *Peter D'Auria*

### **On the move**

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[Read more here.](#)

— *Shaun Robinson*



Visit our [2024 Bill tracker](#) for the latest updates on major legislation we are following.

**From:** Kramer, Nicolas  
**Sent:** Monday, May 13, 2024 11:40 AM  
**To:** Gendron, Maggie; Gomez, Steve  
**Cc:** Moore, Julie  
**Subject:** Bill Pipeline

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- S.259 – Climate Superfund
- S.254 – Rechargeable Battery EPR

Each which have with implications to ANR. I think I have a pretty good sense of the Agency's position on most of these, but anything you're able to pass along by way of official positions / draft reviews that will help make sure I'm not unwittingly cross-purposes with the Agency's stance would be helpful.

Thanks,  
-N

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Nick Kramer  
Budget & Management Analyst  
Department of Finance & Management  
109 State Street, Montpelier, VT  
802.505.5190

**From:** Hughes, Kelly  
**Sent:** Monday, May 13, 2024 12:02 PM  
**To:** Gendron, Maggie; Moore, Julie; Gjessing, Catherine  
**Cc:** Ramirez-Richer, Emma  
**Subject:** Public Records Request Re: Climate Superfund Correspondence DUE: 5/15/2024  
**Attachments:** 5.13.24 VT ANR climate superfund records Request.pdf

Hi all,

Please see the attached records request that we received today. The request is seeking all electronic correspondence and accompanying information, including attachments, that was sent to, from, or copying you between January 1, 2024 and May 13, 2024 and includes anywhere in the email the terms i) climate superfund, ii) climate change superfund, iii) Rothsfield, and/or iv) climate risk **AND** includes in the sent, to, from, cc, and/or bcc fields any other party whose email address ends with .com or .org.

Our response is due to the requestor on Thursday, May 16, 2024. To leave time for legal review, please place all your records in the filedrop folder, [\\vtanr\docs\\\_Filedrop Public Records Only \(deleted after 60 days\)\GAO - Climate Superfund](#), by **12:00 PM on May 15, 2024**. Please let me know if you need additional time or if you have any clarifying questions about the request!

Thank you,  
Kelly



**Kelly Hughes** | Legal and Planning Program Coordinator  
Vermont Agency of Natural Resources  
Office of General Counsel  
1 National Life Dr, Davis 2 | Montpelier, VT 05620-3901  
802-828-1295 office | 802-522-9774 cell  
[Kelly.Hughes@vermont.gov](mailto:Kelly.Hughes@vermont.gov)  
[anr.vermont.gov](http://anr.vermont.gov)

## **VERMONT PUBLIC RECORDS ACT REQUEST**

May 13, 2024

Kelly Hughes  
Records Officer  
Vermont Agency of Natural Resources  
Central Office

**By Electronic Mail: Kelly.Hughes@vermont.gov**

**Re:** Certain Correspondence — Climate Superfund

Dear Records Custodian:

On behalf of Government Accountability & Oversight (GAO) — a non-profit public policy organization dedicated to transparency in government and with an active public dissemination and media program — and pursuant to the Vermont Public Records Act, 1 V.S.A. §§315-320, please provide copies of all electronic correspondence, and any accompanying information (see discussion of SEC Data Delivery Standards, *infra*), including also any attachments, **a**) sent to or from or copying (whether as cc: or bcc:) i) Julie S. Moore, ii) Maggie Grendon, and/or iii) Catherine Gjessing, that **b**) includes, *anywhere*, whether in the party or subject fields, body of an email, in an email address or otherwise, including also in any attachments, i) Climate Superfund, ii) Climate Change Superfund, iii) Rothschild, and/or iv) climate risk, that is **c**) dated from January 1, 2024 through May 13, 2024, inclusive *and* **d**) includes in the sent, to, from, cc, and or bcc fields any other party whose email address ends with i) .com<sup>1</sup> and/or ii) .org. These terms are not

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<sup>1</sup> To narrow this request, *please consider as non-responsive* any electronic correspondence from the original source (Politico, InsideEPA etc) that merely receives newsletters, press releases, press summaries or news service ‘clippings’, and/or as news stories or opinion pieces.

case-sensitive.

We request entire “threads” of which any responsive correspondence is a part, regardless whether any portion falls outside of the above time parameter.

We understand that in some instances a public body may charge a fee for the cost of the search, examination, review, copying, separation of confidential from nonconfidential information, and mailing costs. If your Office expects to seek a charge associated with the searching, copying or production of these records, please provide estimated anticipated costs.

As noted earlier in this request, GAO is a non-profit public policy organization dedicated to informing the public of developments in the area of energy and environmental issues and relationships between governmental and non-governmental entities as they relate to those issues. GAO’s ability to obtain fee waivers is essential to this work. GAO intends to use any responsive information to continue its work highlighting the nexus between interested non-governmental entities and government agency decision-making. The public is both interested in and entitled to know how regulatory, policy and enforcement decisions are reached. GAO ensures the public is made aware of its work and findings via media, its websites [govoversight.org](http://govoversight.org) and [climatelitigationwatch.org](http://climatelitigationwatch.org) dedicated to broadly disseminating energy and environmental policy news and developments. The public information obtained by GAO have been relied upon by established media outlets, including the Washington Times and Wall Street Journal editorial page.

GAO requests records on your system, e.g., its backend logs, and does not seek only those records which survive on an employee’s own machine or account. We do not demand your office produce requested information in any particular form, instead **we request records in their native form**, with specific reference to the U.S. Securities and Exchange Commission Data Delivery Standard. The covered information we seek is electronic information, this

includes electronic *records*, and other public *information*.

GAO looks forward to your response. In the event you have any questions, please feel free contact me at the below email address. Thank you for your prompt attention, time and consideration to this matter.

Respectfully submitted,  
Joe Thomas  
Joe@govoversight.org

**From:** Gendron, Maggie  
**Sent:** Monday, May 13, 2024 1:09 PM  
**To:** Kramer, Nicolas; Gomez, Steve  
**Cc:** Moore, Julie  
**Subject:** RE: Bill Pipeline

Do you want them before we do the official version for Karen? We are typically instructed by Kendal to wait to do any bill review passing between agencies until the official PDF scan – but I can have emma get you a preliminary version.

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**From:** Kramer, Nicolas <Nicolas.Kramer@vermont.gov>  
**Sent:** Monday, May 13, 2024 11:40 AM  
**To:** Gendron, Maggie <Maggie.Gendron@vermont.gov>; Gomez, Steve <Steve.Gomez@vermont.gov>  
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Budget & Management Analyst  
Department of Finance & Management  
109 State Street, Montpelier, VT  
802.505.5190

**From:** Ramirez-Richer, Emma  
**Sent:** Wednesday, May 15, 2024 10:31 AM  
**To:** Moore, Julie; Gendron, Maggie  
**Subject:** Fw: May 22nd DEC Supervisor Meeting  
**Attachments:** FINAL\_5.22.2024\_Supervisor Meeting Agenda.docx

Hi Julie,

Below are the bills that Heather requests you give an update on at the DEC supervisors meeting next Wednesday. Are you ready to talk about these bills? Adding Maggie in case she has anything to add.

Thanks,  
Emma



**Emma Ramirez-Richer** | Executive Assistant (she/her)  
[Vermont Agency of Natural Resources](#) Secretary's Office  
1 National Life Drive, Davis 2, Montpelier, VT 05620  
802-828-0316 (o) | 802-261-5920 (c) | [emma.ramirez-richter@vermont.gov](mailto:emma.ramirez-richter@vermont.gov)

Help raise money for Vermonters impacted by flood damage and show your Vermont pride with *Vermont Strong* and *Tough Too* license plates and socks. [Click here to purchase your Vermont Strong gear](#) or visit [DMV.Vermont.gov/VermontStrong23](https://DMV.Vermont.gov/VermontStrong23). Impacted Vermonters can find resources and referrals by visiting [Vermont.Gov/Flood](https://Vermont.Gov/Flood).

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**Sent:** Wednesday, May 15, 2024 8:52 AM  
**To:** Ramirez-Richer, Emma <[Emma.Ramirez-Richer@vermont.gov](mailto:Emma.Ramirez-Richer@vermont.gov)>  
**Subject:** FW: May 22nd DEC Supervisor Meeting

Hi Emma- Wanted to pass along this updated agenda for the DEC Supervisors meeting.  
Matt can cover the PFAS, PCBs and Batteries just to mix it up--  
Program staff will also be in attendance to supplement info on the other bills.

**9:30 Legislative and Budget Updates (with Secretary Moore)**

(Did it pass, what initiated this legislation, what does it do, what does it mean for DEC)

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**From:** Hengstenberg, Carey (she/her) <[Carey.Hengstenberg@vermont.gov](mailto:Carey.Hengstenberg@vermont.gov)>  
**Sent:** Tuesday, May 14, 2024 3:26 PM  
**To:** Ashmankas, Cristin <[Cristin.Ashmankas@vermont.gov](mailto:Cristin.Ashmankas@vermont.gov)>; Bartlett, Sarah <[Sarah.Bartlett@vermont.gov](mailto:Sarah.Bartlett@vermont.gov)>; Batchelder, Jason <[Jason.Batchelder@vermont.gov](mailto:Jason.Batchelder@vermont.gov)>; Benoit, Thomas <[Thomas.Benoit@vermont.gov](mailto:Thomas.Benoit@vermont.gov)>; Bijur, Anne (she/her) <[Anne.Bijur@vermont.gov](mailto:Anne.Bijur@vermont.gov)>; Bird, Emily <[Emily.Bird@vermont.gov](mailto:Emily.Bird@vermont.gov)>; Bissell, Sharon <[Sharon.Bissell@vermont.gov](mailto:Sharon.Bissell@vermont.gov)>; Blatt, Eric <[Eric.Blatt@vermont.gov](mailto:Eric.Blatt@vermont.gov)>; Borg, Jaron <[Jaron.Borg@vermont.gov](mailto:Jaron.Borg@vermont.gov)>; Bourakovsky, Anna <[Anna.Bourakovsky@vermont.gov](mailto:Anna.Bourakovsky@vermont.gov)>; Burke, Kevin <[Kevin.Burke@vermont.gov](mailto:Kevin.Burke@vermont.gov)>; Burke-EXT, Kevin <[b1840house@aol.com](mailto:b1840house@aol.com)>; Carr, Helen <[Helen.Carr@vermont.gov](mailto:Helen.Carr@vermont.gov)>;

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**Cc:** Moore, Julie <Julie.Moore@vermont.gov>; O'Sullivan, Connor <Connor.OSullivan@vermont.gov>

**Subject:** May 22nd DEC Supervisor Meeting

Hello everyone,

Agenda is attached for our In-person DEC Supervisor Meeting next week. Lunch will be provided at the end of the meeting, if you haven't already make sure that you RSVP to the meeting invite from Heather so that we can get a head count for how many people to plan for. **The deadline for this is tomorrow – 5/14/2024** because I need to place the order on Thursday. If you aren't 100% sure, respond yes!

Also, if you have dietary restrictions such as gluten free or vegan, could you shoot me an email? I want to make sure we have enough options available to everyone.

Also, also, if you don't have the calendar invite on your calendar (I know this happens sometimes with new supervisors or people somehow not getting the invite), send me a note and I will forward to you.

Looking forward to seeing you all and fingers crossed for a sunny day!

Carey



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**Carey Hengstenberg** | Planning Manager (she/her)  
VT Department of Environmental Conservation  
Davis 1, 1 National Life Dr | Montpelier, VT 05620-3901  
802-595-1632 (cell)  
<https://dec.vermont.gov/commissioners-office/planning>

# DEC Supervisor's Meeting

May 22, 2024

9:00am – 12:00am

In PERSON @ St Leo's Hall, South Main St, Waterbury

## 9:00 Welcome

Coffee, snacks and Introductions

## 9:30 Legislative and Budget Updates (with Secretary Moore)

(Did it pass, what initiated this legislation, what does it do, what does it mean for DEC)

- [H.882](#) & [H.883](#) - Capital Bill & Budget Bill (Julie)
- [S.213](#) - Rivers, dams, wetlands (Julie)
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- [H.614](#) - Timber Trespass (Julie)
- [H.706](#) - Neonicotinoids (Julie)
- [S.25](#) & [H.873](#) & [S.254](#) - PFAS & PCBs, Batteries (Matt C.)
- [H.664](#) - State Mushroom Designation

## 10:15 Supervisor Slam – an assortment of updates and sharing

Time saving and efficiencies – follow up from November Meeting

TBD

DEC's Continuous Improvement Network (Carey)

Health and Safety - Report of First Injury & Safety Boots (TBD)

Leave Time Housekeeping- Prior year Comp-Time, Personal Time (TBD)

Future Roundtable Conversations Prep (if there is time) - Carey

- Performance Evaluations – Do we need workshops, or other? What would be helpful. Reminders from HR. Probationary Evals have a strict deadline (no grace period). (Heather P.)
- Training Resources for New Supervisors
- Civil Rights and Environmental Justice

## 10:45 BREAK

**11:00            Building Community and Connections at DEC (Heather P.)**

- Breakout Group Mingle (ex. join a group with some people outside your program or division)
- What examples have you experienced or heard or that worked well?
- Complete template for planning an event for a program, division or department wide (template will be provided)

**11:45            Wrap & and Group Photo**

**12:00            Lunch – Enjoy lunch provided by Park Row Café**

Games on the Green (weather permitting)

- Cornhole
- Frisbee
- Kickball

**From:** Moore, Julie  
**Sent:** Wednesday, May 15, 2024 11:41 AM  
**To:** Ramirez-Richer, Emma; Gendron, Maggie  
**Subject:** RE: May 22nd DEC Supervisor Meeting

Can you get some talking points on H.614 from Danny or Steve for me?



**Julia S. Moore, P.E.** | Secretary (she/her)  
Vermont Agency of Natural Resources  
1 National Life Dr, Davis 2 | Montpelier, VT 05620-3901  
802-828-1294 office  
[julie.moore@vermont.gov](mailto:julie.moore@vermont.gov)  
[anr.vermont.gov](http://anr.vermont.gov)

*The Agency of Natural Resources supports telework and there are times when I may be working from another location. I am generally available to connect by phone and email during business hours. I am also available to meet in-person upon request.*

Help raise money for Vermonters impacted by flood damage and show your Vermont pride with *Vermont Strong* and *Tough Too* license plates and socks. [Click here to purchase your Vermont Strong gear](#) or visit [DMV.Vermont.gov/VermontStrong23](http://DMV.Vermont.gov/VermontStrong23).

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**Emma Ramirez-Richer** | Executive Assistant (she/her)

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**From:** Ramirez-Richer, Emma  
**Sent:** Thursday, May 16, 2024 4:55 PM  
**To:** Fitzko, Danielle; Gomez, Steve; Gendron, Maggie  
**Subject:** Re: May 22nd DEC Supervisor Meeting

Thanks so much Steve, I shared these with Julie.



Emma Ramirez-Richer | Executive Assistant (she/her)  
[Vermont Agency of Natural Resources](#) Secretary's Office  
1 National Life Drive, Davis 2, Montpelier, VT 05620  
802-828-0316 (o) | 802-261-5920 (c) | [emma.ramirez-richter@vermont.gov](mailto:emma.ramirez-richter@vermont.gov)

Help raise money for Vermonters impacted by flood damage and show your Vermont pride with *Vermont Strong* and *Tough Too* license plates and socks. [Click here to purchase your Vermont Strong gear](#) or visit [DMV.Vermont.gov/VermontStrong23](https://DMV.Vermont.gov/VermontStrong23). Impacted Vermonters can find resources and referrals by visiting [Vermont.Gov/Flood](https://Vermont.Gov/Flood).

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**From:** Fitzko, Danielle <[Danielle.Fitzko@vermont.gov](mailto:Danielle.Fitzko@vermont.gov)>  
**Sent:** Wednesday, May 15, 2024 2:50 PM  
**To:** Gomez, Steve <[Steve.Gomez@vermont.gov](mailto:Steve.Gomez@vermont.gov)>; Gendron, Maggie <[Maggie.Gendron@vermont.gov](mailto:Maggie.Gendron@vermont.gov)>  
**Cc:** Ramirez-Richer, Emma <[Emma.Ramirez-Richer@vermont.gov](mailto:Emma.Ramirez-Richer@vermont.gov)>  
**Subject:** RE: May 22nd DEC Supervisor Meeting

Looks good. Thank you, Steve!



Danielle Fitzko | Commissioner (she/her)  
Vermont Agency of Natural Resources | Dept. of Forests, Parks and Recreation  
1 National Life Dr, Davis Bldg. | Montpelier, VT 05620-0501  
802-598-9992 cell  
[vtfpr.org](https://vtfpr.org)

---

**From:** Gomez, Steve <[Steve.Gomez@vermont.gov](mailto:Steve.Gomez@vermont.gov)>  
**Sent:** Wednesday, May 15, 2024 12:56 PM  
**To:** Gendron, Maggie <[Maggie.Gendron@vermont.gov](mailto:Maggie.Gendron@vermont.gov)>; Fitzko, Danielle <[Danielle.Fitzko@vermont.gov](mailto:Danielle.Fitzko@vermont.gov)>  
**Cc:** Ramirez-Richer, Emma <[Emma.Ramirez-Richer@vermont.gov](mailto:Emma.Ramirez-Richer@vermont.gov)>  
**Subject:** RE: May 22nd DEC Supervisor Meeting

Here is a start.

Danny, please fill in as needed.

- This bill expands the existing home improvement law to include land improvement fraud, including forestry operations (logging).
- It aims to go after contractors who are repeat offenders and use bad contracts to steal timber from vulnerable landowners.
- It provides State Attorneys and the Attorney General's Office with more tools to pursue contractors who steal timber from landowners, often leaving the land in need of repair that the landowner must address. Some of these tools are

listed below.

- If a person is convicted of home improvement or land improvement fraud the Attorney General places their name on the Fraud Registry, allowing FPR to raise awareness and caution against working with these logging contractors.
- If a person is sentenced or convicted of a second or subsequent violation under land improvement fraud, they may only engage in those activities again if they:
  - File a financial surety bond of \$250k with the Attorney General; or
  - Work for a company or person that does not have a land improvement fraud conviction. It disallows a person with at convictions from working for a company owned by a family member, household member, or previous business associate.
- It disallows a person convicted of land improvement fraud from applying or receiving State grants and contracts, directly or indirectly.
- It includes a study conducted by the Attorney General's office on the barriers to enforcement, recognizing that enforcement has been a problem. The study is due January 15, 2025.

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**From:** Gendron, Maggie <[Maggie.Gendron@vermont.gov](mailto:Maggie.Gendron@vermont.gov)>

**Sent:** Wednesday, May 15, 2024 12:13 PM

**To:** Fitzko, Danielle <[Danielle.Fitzko@vermont.gov](mailto:Danielle.Fitzko@vermont.gov)>; Gomez, Steve <[Steve.Gomez@vermont.gov](mailto:Steve.Gomez@vermont.gov)>

**Cc:** Ramirez-Richer, Emma <[Emma.Ramirez-Richer@vermont.gov](mailto:Emma.Ramirez-Richer@vermont.gov)>

**Subject:** FW: May 22nd DEC Supervisor Meeting

Can you all provide some TPs for Julie on Timber trespass? Maggie

---

**From:** Pembroke, Heather <[Heather.Pembroke@vermont.gov](mailto:Heather.Pembroke@vermont.gov)>

**Sent:** Wednesday, May 15, 2024 8:52 AM

**To:** Ramirez-Richer, Emma <[Emma.Ramirez-Richer@vermont.gov](mailto:Emma.Ramirez-Richer@vermont.gov)>

**Subject:** FW: May 22nd DEC Supervisor Meeting

Hi Emma- Wanted to pass along this updated agenda for the DEC Supervisors meeting.

Matt can cover the PFAS, PCBs and Batteries just to mix it up--

Program staff will also be in attendance to supplement info on the other bills.

**9:30**

**Legislative and Budget Updates (with Secretary Moore)**

(Did it pass, what initiated this legislation, what does it do, what does it mean for DEC)

- [H.882](#) & [H.883](#) - Capital Bill & Budget Bill (Julie)
- [S.213](#) - Rivers, dams, wetlands (Julie)
- [S.259](#) - Climate Superfund Bill (Julie)
- [H.687](#) - Act 250 Reform (Julie)
- [H.614](#) - Timber Trespass (Julie)
- [H.706](#) - Neonicotinoids (Julie)
- [S.25](#) & [H.873](#) & [S.254](#) - PFAS & PCBs, Batteries (Matt C.)
- [H.664](#) - State Mushroom Designation

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**From:** Hengstenberg, Carey (she/her) <[Carey.Hengstenberg@vermont.gov](mailto:Carey.Hengstenberg@vermont.gov)>

**Sent:** Tuesday, May 14, 2024 3:26 PM

**To:** Ashmankas, Cristin <[Cristin.Ashmankas@vermont.gov](mailto:Cristin.Ashmankas@vermont.gov)>; Bartlett, Sarah <[Sarah.Bartlett@vermont.gov](mailto:Sarah.Bartlett@vermont.gov)>; Batchelder, Jason <[Jason.Batchelder@vermont.gov](mailto:Jason.Batchelder@vermont.gov)>; Benoit, Thomas <[Thomas.Benoit@vermont.gov](mailto:Thomas.Benoit@vermont.gov)>; Bijur, Anne (she/her) <[Anne.Bijur@vermont.gov](mailto:Anne.Bijur@vermont.gov)>; Bird, Emily <[Emily.Bird@vermont.gov](mailto:Emily.Bird@vermont.gov)>; Bissell, Sharon <[Sharon.Bissell@vermont.gov](mailto:Sharon.Bissell@vermont.gov)>; Blatt, Eric <[Eric.Blatt@vermont.gov](mailto:Eric.Blatt@vermont.gov)>; Borg, Jaron <[Jaron.Borg@vermont.gov](mailto:Jaron.Borg@vermont.gov)>; Bourakovsky, Anna <[Anna.Bourakovsky@vermont.gov](mailto:Anna.Bourakovsky@vermont.gov)>;

Burke, Kevin <[Kevin.Burke@vermont.gov](mailto:Kevin.Burke@vermont.gov)>; Burke-EXT, Kevin <[b1840house@aol.com](mailto:b1840house@aol.com)>; Carr, Helen <[Helen.Carr@vermont.gov](mailto:Helen.Carr@vermont.gov)>; Cetner, Misha <[Misha.Cetner@vermont.gov](mailto:Misha.Cetner@vermont.gov)>; Chapman, Matt <[Matt.Chapman@vermont.gov](mailto:Matt.Chapman@vermont.gov)>; Clear, Tim <[Tim.Clear@vermont.gov](mailto:Tim.Clear@vermont.gov)>; Cohen, Stephanie (she/her) <[Stephanie.Cohen@vermont.gov](mailto:Stephanie.Cohen@vermont.gov)>; Coleman, Sarah <[Sarah.Coleman@vermont.gov](mailto:Sarah.Coleman@vermont.gov)>; Collins, Heather <[Heather.Collins@vermont.gov](mailto:Heather.Collins@vermont.gov)>; Copans, Ben <[Ben.Copans@vermont.gov](mailto:Ben.Copans@vermont.gov)>; Coppolino, Patricia <[Patricia.Coppolino@vermont.gov](mailto:Patricia.Coppolino@vermont.gov)>; Cousino, Megan (she/her) <[Megan.Cousino@vermont.gov](mailto:Megan.Cousino@vermont.gov)>; Crocker, Jeff <[Jeff.Crocker@vermont.gov](mailto:Jeff.Crocker@vermont.gov)>; 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Ritzer, Deirdra <[Deirdra.Ritzer@vermont.gov](mailto:Deirdra.Ritzer@vermont.gov)>; Rottler, Chris <[Chris.Rottler@vermont.gov](mailto:Chris.Rottler@vermont.gov)>; Ruby, David <[David.Ruby@vermont.gov](mailto:David.Ruby@vermont.gov)>; Rupe, Marli <[Marli.Rupe@vermont.gov](mailto:Marli.Rupe@vermont.gov)>; Sargent, Bethany <[Bethany.Sargent@vermont.gov](mailto:Bethany.Sargent@vermont.gov)>; Schwendtner, Barb <[Barb.Schwendtner@vermont.gov](mailto:Barb.Schwendtner@vermont.gov)>; Shearer, Terry <[Terry.Shearer@vermont.gov](mailto:Terry.Shearer@vermont.gov)>; Swift, Ethan <[Ethan.Swift@vermont.gov](mailto:Ethan.Swift@vermont.gov)>; Twohig, Eamon <[Eamon.Twohig@vermont.gov](mailto:Eamon.Twohig@vermont.gov)>; Wakefield, John <[John.Wakefield@vermont.gov](mailto:John.Wakefield@vermont.gov)>; Webb, David <[David.Webb@vermont.gov](mailto:David.Webb@vermont.gov)>; Wilbur, Janelle <[Janelle.Wilbur@vermont.gov](mailto:Janelle.Wilbur@vermont.gov)>; Witters, Christy <[Christy.Witters@vermont.gov](mailto:Christy.Witters@vermont.gov)>; Woods, Marylee <[Marylee.Woods@vermont.gov](mailto:Marylee.Woods@vermont.gov)>; Young, Megan <[Megan.Young@vermont.gov](mailto:Megan.Young@vermont.gov)>

**Cc:** Moore, Julie <[Julie.Moore@vermont.gov](mailto:Julie.Moore@vermont.gov)>; O'Sullivan, Connor <[Connor.OSullivan@vermont.gov](mailto:Connor.OSullivan@vermont.gov)>

**Subject:** May 22nd DEC Supervisor Meeting

Hello everyone,

Agenda is attached for our In-person DEC Supervisor Meeting next week. Lunch will be provided at the end of the meeting, if you haven't already make sure that you RSVP to the meeting invite from Heather so that we can get a head count for how many people to plan for. **The deadline for this is tomorrow – 5/14/2024** because I need to place the order on Thursday. If you aren't 100% sure, respond yes!

Also, if you have dietary restrictions such as gluten free or vegan, could you shoot me an email? I want to make sure we have enough options available to everyone.

Also, also, if you don't have the calendar invite on your calendar (I know this happens sometimes with new supervisors or people somehow note getting the invite), send me a note and I will forward to you.

Looking forward to seeing you all and fingers crossed for a sunny day!

Carey



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**Carey Hengstenberg** | Planning Manager (she/her)  
VT Department of Environmental Conservation  
Davis 1, 1 National Life Dr | Montpelier, VT 05620-3901  
802-595-1632 (cell)  
<https://dec.vermont.gov/commissioners-office/planning>

**From:** [Coster, Billy](#)  
**To:** [Moore, Julie](#)  
**Subject:** Accepted: Brainstorm climate superfund testimony

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**From:** [Chapman, Matt](#)  
**To:** [Moore, Julie](#)  
**Subject:** Accepted: Brainstorm climate superfund testimony

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**From:** Ramirez-Richer, Emma  
**Sent:** Friday, January 19, 2024 4:27 PM  
**To:** ANR  
**Subject:** Weekly news links 1.19.23

**This week in the Secretary's office:**

- Secretary Moore offered testimony in three committees this week: Senate Education, Senate Appropriations, and Senate Natural Resources and Energy.
  - In Senate Natural Resources and Energy, Secretary Moore and Commissioner Batchelder capped off a series of ANR testimonies (provided by DEC and FWD staff last week) on the Wetlands, Rivers and Dams legislation (S.213) that's been introduced in the wake of the flood.
  - In Senate Appropriations, Secretary Moore testified alongside Commissioners Herrick and Batchelder on the Budget Adjustment Act (BAA) in Senate Appropriations, just like they did last week in House Appropriations. The Governor will release proposal for the FY2025 budget next Tuesday at the Budget Address. Then, it will go to the Legislature for debate. However, the Budget Adjustment Act (BAA) shifts some money around in the FY2024 budget. ANR has some requests for reclassifications, some PCB money, and some brownfields money asks in the BAA this year.
  - In Senate Education, Secretary Moore testified on the plan to test schools for PCBs alongside DEC staff. She explained the importance of using all the available resources and funding mechanisms to test Vermont's schools for these unhealthy chemicals. Below, you'll see some press calling back to some of ANR's PCB testimonies.
- Secretary Moore met with the other New England natural resources State officials on Teams this past Thursday. This group intends to meet regularly to discuss similar issues faced by the six states and brainstorm and share solutions with one another.

**News:**

- Big woods deer tracking: An old tradition faces new threats ([VTDigger](#))
- Specialists and generalists both critical to forest health ([Charlotte News](#))
- Barre's 'cliffhangers' in limbo as city considers landslide buyouts ([VTDigger](#))
- Wildlife Watch: Even the pros need ice fishing safety reminders ([WCAX](#))
- Primitive biathlon returns to Lamoille fish, game club ([Stowe Today](#))
- Vermont's free ice fishing day Jan. 27 ([WCAX](#))
- Where you can get a free lesson on ice fishing fundamentals ([WCAX](#))
- Animal welfare groups sue state over new hunting and trapping rules ([VTDigger](#))
- Wildlife Watch: Efforts to protect spruce grouse ([WCAX](#))
- Logging versus old growth? Plan for Vermont state forest debated ([VTDigger](#))
- Ten years later: how 'low-energy' snow guns have changed Vermont's ski resorts ([Vermont Public](#))
- Vermont Huts Association looks to expand outdoor offerings, partners with Vermont Adaptive ([Mountain Times](#))

- Final Reading: Vermont lawmakers try again to rein in timber theft ([VTDigger](#))
- Scott administration proposes PCB testing slowdown as schools struggle to keep up ([VTDigger](#))
- Testing detects 'forever chemicals' in more Bennington water wells ([VTDigger](#))
- 'Just a Bill,' give or take several hundred. A quick look at what's up with proposed laws in Montpelier ([Chester Telegraph](#))
- Should fossil fuel companies pay for harms caused by climate change? ([WCAX](#))
- Final Reading: Vermont legislators pursue climate change 'superfund' ([VTDigger](#))
- Owners of flood-damaged homes see FEMA lease money as lifeline ([Times Argus](#))
- Vermont Flood Response & Recovery Fund commits \$12.3 million for flood recovery ([Vermont Business Magazine](#))
- Lawmakers consider requiring home sellers and landlords to disclose flood risks ([VTDigger](#))
- GMTCC forgoes forestry, agriculture programs merger ([News and Citizen](#))
- Burlington residents face steep increase in school budget, taxes ([WCAX](#))

#### Opinion:

- Julie Moore: The importance of a resilience implementation strategy ([Brattleboro Reformer](#))
- Emerson Lynn: Can we avoid being hit by the "big stick"? Let's hope so. ([St. Albans Messenger](#))
- Seth Bongartz: Climate resiliency starts at the mountaintop ([Manchester Journal](#))
- Sara Coffey: What does it mean to be fiscally responsible? ([Brattleboro Reformer](#))
- Duncan Kreps: Vermont: The Green(Washing) Mountain State ([The Middlebury Campus](#))

#### Press releases:

- Vermont's Free Ice Fishing Day is January 27 ([FWD](#))
- Green Mountain Conservation Camp Registration is Open ([FWD](#))

**Emma Ramirez-Richer** | Executive Assistant (she/her)  
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Help raise money for Vermonters impacted by flood damage and show your Vermont pride with *Vermont Strong* and *Tough Too* license plates and socks. [Click here to purchase your Vermont Strong gear](#) or visit [DMV.Vermont.gov/VermontStrong23](https://DMV.Vermont.gov/VermontStrong23). Impacted Vermonters can find resources and referrals by visiting [Vermont.Gov/Flood](https://Vermont.Gov/Flood).

**From:** Ramirez-Richer, Emma  
**Sent:** Monday, January 29, 2024 9:51 AM  
**To:** ANR  
**Subject:** Re: Weekly news links 1.26.24

Good morning everyone,

One more opinion piece to add to the below that FPR shared with me:

- Rep. Mike Rice: It's time to protect and invest in Vermont's outdoor recreation economy ([Manchester Journal](#))

Thank you!  
Emma

PS: you can usually open news articles that require a subscription a private browser.

**Emma Ramirez-Richer** | Executive Assistant (she/her)  
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Help raise money for Vermonters impacted by flood damage and show your Vermont pride with *Vermont Strong* and *Tough Too* license plates and socks. [Click here to purchase your Vermont Strong gear](#) or visit [DMV.Vermont.gov/VermontStrong23](https://DMV.Vermont.gov/VermontStrong23). Impacted Vermonters can find resources and referrals by visiting [Vermont.Gov/Flood](#).

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**From:** Ramirez-Richer, Emma <[Emma.Ramirez-Richer@vermont.gov](mailto:Emma.Ramirez-Richer@vermont.gov)>  
**Sent:** Friday, January 26, 2024 4:46 PM  
**To:** ANR <[ANR@vermont.gov](mailto:ANR@vermont.gov)>  
**Subject:** Weekly news links 1.26.24

**Notes:**

- Free Ice Fishing Day is on Saturday! This Saturday, you can go ice fishing wherever you'd like (after checking the ice is safe), no matter if you have a license or not. Fish & Wildlife will be at Lake Elmore to provide the public with rods and augers to use, and there will also be hot chocolate and a fish fry. Bring your friends and family!
- Ed McNamara, general counsel for the Agency, had his last day at ANR today. He will be starting at State of Vermont's Public Utility Commission on Monday. Read more below. Congrats Ed!

**This week in the Secretary's office:**

- Secretary Moore and Climate Action Office Manager Jane Lazorchak traveled to Augusta, Maine on Tuesday to discuss the December flooding event that hit Maine very hard. Maine's Governor, Janet Mills, and her Climate Council, invited ANR to share how Vermont has adapted with the goal to become more resilient. ANR shared what has been learned from the summer 2023 flood and discussed how to be better prepared in the face of intensifying storms.
- Governor Scott gave his annual budget address Tuesday. The speech lays out his FY2025 investments, which include ANR's budget asks. Deputy Secretary Gendron, and Commissioners Fitzko, Herrick and Batchelder were in the audience. The biggest themes that the Governor highlighted in his speech were the importance of investing in resilience post-flood, public safety, affordability, and housing. You'll see more about the Governor's budget in the news below.

**News:**

- Scott taps Ed McNamara to chair Public Utility Commission ([VTDigger](#))
- Protect Our Wildlife and others sue VT Fish & Wildlife over trapping and hounding rules ([Burlington Free Press](#))
- Wildlife advocates sue state over certain hunting and trapping practices ([WPTZ](#))
- Wildlife advocates sue Vermont Department of Fish and Wildlife over trapping, coyote hunting rules ([Vermont Public](#))
- Wildlife advocates sue Vt. Fish and Wildlife over trapping, hunting rules ([WCAX](#))
- Vt. lawmakers fail to override governor's veto of expanded bottle bill ([WCAX](#))
- Vermont Senate Fails to Override Veto of Bottle Bill Expansion ([Seven Days](#))
- Senate fails to override bottle bill veto by 3 votes ([VTDigger](#))
- Vt. reaches \$2.3M settlement over cleanup of former Hartford dry cleaning business ([WCAX](#))
- Turtles, frogs hanging around in warmer winter ([Addison Independent](#))
- Wildlife Watch: Unique adaptations of resident bird populations ([WCAX](#))
- Transportation Agency says landslide in Plainfield becoming more dangerous ([WCAX](#))
- State monitoring landslide near Route 2 in Plainfield ([Times Argus](#))
- 23 lost skiers and snowboarders rescued in frigid temperatures in Killington, Vermont ([AP](#))
- Critics Call a Logging Plan in the Worcester Range a Missed Conservation Opportunity ([Seven Days](#))
- Lawmakers look to protect you from home and land improvement fraud ([WPTZ](#))
- Nearly 5,000 acres permanently conserved in Vermont's northern Greens ([Vermont Public](#))
- Managing forests for birds ([Charlotte News](#))
- Senate fast-tracks approval of school tax relief for flooded municipalities ([VTDigger](#))
- House advances 'life raft' budget adjustment to help flood-affected municipalities ([VTDigger](#))
- Municipalities could be getting flood-related tax abatements reimbursed ([WPTZ](#))
- Hinesburg looks to state for landfill fixes ([The Citizen](#))
- Vt. lawmakers to consider ban on treated seeds toxic to pollinators ([WCAX](#))
- Vermont agency stands by honeybee report despite pushback from beekeepers ([Vermont Public](#))
- USDA grants \$3.7 million for clean energy projects in Vermont ([Vermont Public](#))
- Vermont lawmakers look to strengthen animal welfare laws ([WCAX](#))
- 'There's no rules or oversight': New bill seeks to ease Vermont's animal welfare 'crisis' ([VTDigger](#))
- Vermonters encouraged to donate to Nongame Wildlife Fund on taxes ([WCAX](#))
- Climate Superfund Act would make oil companies pay for climate damages in Vermont ([Vermont Public](#))

- Stowe holds off on beaver trapping, but for how long? ([VTDigger](#))
- Slate Ridge case now before the Vermont Supreme Court ([WPTZ](#))
- Gov. Scott pitches \$8.6B budget plan to Vt. lawmakers ([WCAX](#))
- Gov. Phil Scott reverts to pre-pandemic spending norms in proposed fiscal year 2025 budget ([Vermont Public](#))
- Scott Proposes State Budget With Modest Increases ([Seven Days](#))
- In budget address, Phil Scott beats familiar drum of maintaining — not raising — taxes and fees ([VTDigger](#))

#### Opinion:

- Zack Porter: Hanging in the balance — the uncertain future of the wild Worcester Range ([VTDigger](#))

#### Press Releases:

- Waterfowl Blinds Must Be Removed ([FWD](#))
- Vermonters Encouraged to Support Threatened and Endangered Species Recovery with Nongame Tax Checkoff ([FWD](#))
- Clean Water Conversation Series Launch ([DEC](#))
- \$12.4 Million in Funding Available to Help Property Owners Meet Water Quality Regulations ([DEC](#))
- Announcing the Vermont Clean Water Initiative 2023 Performance Report ([DEC](#))
- Opinion: The Importance of a Resilience Implementation Strategy ([ANR](#))

**Emma Ramirez-Richer** | Executive Assistant (she/her)  
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**From:** Ramirez-Richer, Emma  
**Sent:** Friday, February 23, 2024 3:51 PM  
**To:** ANR  
**Subject:** Weekly news links 2.23.24

**Notes:**

- The [Northern Forest Atlas project](#) produces graphic tools for naturalists and ecologists with photographic and digital images, diagrams, videos, and illustrated articles, including a digital and a photographic guide to woody plants of the northern forest. The project also has guides to grasses, sedges, and mosses. Books, Guides, Charts, and digital products are available for purchase or free(!) download in their [Products](#) section.
  - The Secretary is asking all staff to please take a moment to make sure your work phone number is accessible to all Agency staff. The easiest way to do this is to update your profile on Outlook so everyone can see your number. Please see [this recent Tip of the Week](#) to learn how to check your Outlook information and add your phone number. This makes it easier to collaborate, especially across departments and regional offices!

**This week in the Secretary's office:**

- Secretary Moore, Commissioner Fitzko, and FPR staff put on an event at the State House for the launch of the Forest Futures Strategy Roadmap. The Secretary and Commissioners' remarks spoke to the 10 year plan which outlines actions to combat the challenges that the forest-based economy here in Vermont currently faces. The roadmap's vision includes investing in climate resilience in our working forests, combatting the forest products sector workforce shortage, maintaining forest health through logging, growing an appreciation of local forest products like lumber, syrup and more, and engaging the communities around our forests.
- Secretary Moore, joined by department commissioners and business office staff, testified before Senate Appropriations this week. This is another step along the way of getting the ANR FY25 proposed budget approved by the Legislature so that the Agency can continue great work, specifically in flood recovery, ARPA programs, climate action, environmental justice, Act 59 (30% of VT conserved by 2030), PFAS monitoring in drinking water, testing schools for PCBs, forest health, endangered species recovery, and state owned land and recreation areas.

**News:**

- Bill proposing changes to hunting and trapping rules spurs passionate testimony ([Vermont Public](#))
- Vt. bill would strip power from Fish and Wildlife Board ([WCAX](#))
- Critics call closure of Salisbury hatchery shortsighted ([WCAX](#))
- Some anglers worry about state proposal to close Salisbury fish hatchery ([VTDigger](#))
- Biden-Harris Administration announces nearly \$43 million for Vermont drinking water, wastewater and stormwater infrastructure upgrades as part of President Biden's Investing in America agenda ([EPA](#))
- Is Vermont moving too fast to create sweeping thermal energy bill? ([WCAX](#))
- How three unassuming plants link Vermont to its glacial past ([Vermont Public](#))
- Is Eurasian watermilfoil just another weed? ([Charlotte News](#))
- Wildlife Watch: Vt. Fish and Wildlife intern gathers game camera video ([WCAX](#))
- Bobcat found dead in Cornwall is first mammal to test positive for bird flu in Vermont ([WPTZ](#))
- Out There: When Lake Champlain was a sea ([Vermont Public](#))

- City Planning To Spend \$10.5 Million Over The Next 10 Years Replacing Failing Water Pipes ([Montpelier Bridge](#))
- Bill would create superfund for natural disaster recovery ([Vermont Community Newspaper](#))
- Hundreds of Vt. property owners failing to comply with 2015 water quality law ([WCAX](#))
- House representatives hearing expert testimony on bill banning pesticides ([WPTZ](#))
- Vt. Fish and Wildlife proposes moose hunt to reduce winter ticks ([WCAX](#))
- Vermont Fish and Wildlife proposes issuing moose hunting permits to improve moose health in the Northeast Kingdom ([WPTZ](#))
- Research suggests winter rain is impacting water quality in Vermont ([Vermont Public](#))
- Phil Scott directs Vermont Emergency Management to ease applications for state flood hazard mitigation dollars ([VTDigger](#))
- Vermont hires private contractors to help towns apply for FEMA aid for July floods ([Vermont Public](#))
- Scott seeks federal aid for December flood damage ([My Champlain Valley](#))
- State aims to expedite distribution of \$100M in flood mitigation funding ([WCAX](#))
- Vermont seeks federal major disaster declaration for December floods ([VTDigger](#))
- Gov. Scott requests federal disaster declaration for December flooding ([Vermont Public](#))
- Panelists offer insight on flood resiliency ([Valley Reporter](#))
- Millions flowing to Lake Champlain communities to improve water quality ([WCAX](#))
- Child hospitalized following Lake Memphremagog ice rescue ([WCAX](#))
- 3-year-old on ventilator after ice fishing tragedy on Lake Memphremagog ([Newport Dispatch](#))
- Climate change leading to thinner ice on lakes: Child hospitalized in northern Vermont ([Burlington Free Press](#))
- Colleges counteract a lack of public confidence in higher education with outreach ([NPR](#))

#### **Opinion:**

- Jeremy Ayotte: Don't close the Salisbury fish hatchery ([VTDigger](#))
- Alex Smith: A hunter's thoughts on coexistence and S.258 ([VTDigger](#))
- Sen. Chris Bray: A balanced board and scientific wildlife management, S.258 ([VTDigger](#))
- Brenna Galdenzi: Our voices matter ([Rutland Herald](#))
- Sarah Gorsline: Modernizing wildlife governance with Bill S.258 would benefit all Vermonters ([Bennington Banner](#))

#### **Press Releases:**

- Spring Construction Projects Must Take Measures to Protect Clean Water ([DEC](#))



- Bobcat Tests Positive for Highly Pathogenic Avian Influenza ([FWD](#))
- Moose Hunt Proposed to Improve Moose Health in NEK ([FWD](#))
- Waterfowl Season Public Hearings, March 12 & 14 ([FWD](#))
- The Vermont Forest Future Strategic Roadmap Released ([FPR](#))

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**From:** Ramirez-Richer, Emma  
**Sent:** Thursday, March 21, 2024 1:56 PM  
**To:** ANR  
**Subject:** ANR weekly news links 3.21.24  
**Attachments:** Shotgun Conservationist Event (1).pdf

**Notes:**

- One more reminder to look in your Outlook calendar for an invite to the Thursday, March 28 talk with Brant MacDuff, author of The Shotgun Conservationist. He's coming to speak to ANR about the role of hunting to conservation and all of our role in making sure we keep Vermont wild and beautiful for generations to come. Please see more details in the attached invitation! (The talk will take place in person in the Catamount room at National Life in Montpelier but you can also join remotely the day of at this link here: [Click here to join the meeting](#))

**This week in the Secretary's office:**

- It's crossover week for money bills in the State House. All bills with appropriations attached have to be voted off the floor of their respective chambers before the end of the day on Friday this week (March 22). Otherwise, they will have to wait to be taken up next year. You can read below about the progression of some ANR-related bills' status as we reach this important date.
- On Monday, Secretary Moore is traveled to the Essex Complex for the annual ANR Secretary's office visit. This was the fourth of six regional office visits she intends to make to ANR's outposts around Vermont. The goal is for the Secretary to answer any questions, hear concerns, as well as catch up and chat. Topics discussed could include priorities this legislative session, proposed FY2025 budget (including the Salisbury fish hatchery proposed closure), questions and concerns about budget constraints, and Department activity at the Essex campus post COVID.

**News:**

- Vermont Is the Latest State Where Animal-Rights Activists Could Upend Hunting and Trapping by Joining the Wildlife Board ([Outdoor Life](#))
- Mapping tool gives Vermont ecologists a high-resolution view of wildlife habitats ([My Champlain Valley](#))
- Looking to catch the eclipse from a Vermont state park? Here's where to go. ([Burlington Free Press](#))
- Vt. officials to bring in mobile cell towers for eclipse ([WCAX](#))
- Wildlife Watch: Animal behavior and the total solar eclipse ([WCAX](#))
- Poll shows strong support for bill protecting pollinators ([My Champlain Valley](#))
- Experts eye tick population ahead of spring ([WCAX](#))
- Vermont Fish and Wildlife rescue bear cub in Bristol ([WPTZ](#))
- Birding becomes an unexpected balm for the soul in UVM professor's new book ([Vermont Public](#))
- More sugar makers could soon manage their forests with birds in mind ([Vermont Public](#))
- Gov. Phil Scott kicks off maple season at Buck Family Maple Farm ([WPTZ](#))
- Gov. Phil Scott attends tree tapping event to symbolize the start of maple season ([My Champlain Valley](#))
- Vermont maple sugar-makers prepare for up-and-down season ([WCAX](#))

- With spring officially here, Vermonters reflect on mild and erratic winter ([Vermont Public](#))
- Vermont's backroads remain mired in mud ([WCAX](#))
- Housing projects get millions as Vermont congressional delegation announces earmarks ([Vermont Public](#))
- Bill that would make Vermont the first state to have a 'Climate Superfund' takes a key step forward ([Vermont Public](#))
- \$74 million in congressional earmarks headed to Vt. communities ([WCAX](#))
- Flood disclosure legislation meets support in Vermont House ([Vermont Public](#))
- Vermont Senate advances flood safety bill ([WCAX](#))
- Barre, Montpelier city leaders ask the legislature for millions to elevate flood prone homes ([WPTZ](#))
- Will lawmakers bail out Central Vermont flood victims? ([WCAX](#))
- Final Reading: Barre and Montpelier leaders ask Vermont lawmakers for funds for flood-damaged homes ([VTDigger](#))
- Vt. House gives preliminary approval to major renewable energy bill ([WCAX](#))
- Renewable Energy Standard update requires 100% renewable sources sooner ([WPTZ](#))
- New analysis suggests lower price tag for changes to Vermont's renewable energy law ([VTDigger](#))
- House Speaker pushes back on Gov. Scott's claim that Vermont lawmakers are stalling housing bills ([My Champlain Valley](#))
- Kids pitch bear's head tooth as Vermont's state mushroom ([Charlotte News](#))
- Mayor announces progress on Burlington net zero energy goals ([WCAX](#))
- Few people have made their way to state's last-minute temporary shelters ([Vermont Public](#))
- Nobody Stayed at State Emergency Shelter; Homeless Advocates Scramble to Extend Motel Stays ([Montpelier Bridge](#))
- Another Round of Motel Evictions Sparks Confusion, Frustration and a Rush to Erect Temporary Shelters ([Seven Days](#))
- Bloomer building shelter sees little use as shelter ([Rutland Herald](#))
- Neighbors take Putney project protest to Vt. Supreme Court ([The Commons](#))
- Slate Ridge owner arrested following scuffle with authorities ([WCAX](#))

#### Opinion:

- Paul F. Noel: Common sense and S.258 ([VTDigger](#))
- Barbie Alsop: A response to Paul F. Noel's commentary on S.258 ([VTDigger](#))
- Josie Daigle: Vermont should be a leader on conservation ([VTDigger](#))
- Linda Andrews: S.258 is a much-needed change to VF&W board ([Addison Independent](#))

#### Press Releases:

- Vermont County Forester Receives National Award ([FPR](#))
- Hammond Cove Shooting Range Will Open April 1 ([FWD](#))

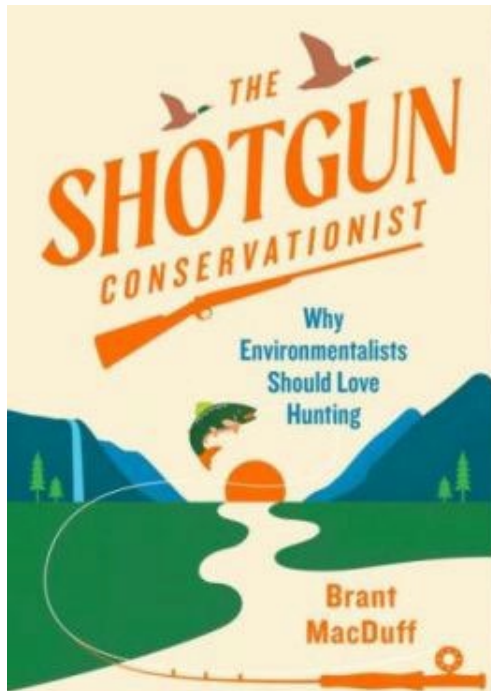
**Emma Ramirez-Richer** | Executive Assistant (she/her)

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**When:** Thursday, March 28 from 10am – 11:30am

**Who:** [Brant MacDuff](#), author, taxidermist, conservationist, historian, and self-taught new-adult hunter.

**Where:** The Catamount Room or virtually.

**Description:** Brant MacDuff, author of [The Shotgun Conservationist: Why Environmentalists Should Love Hunting](#) is coming to Vermont to speak to ANR about conservation and all of our role in making sure we keep Vermont wild and beautiful for generations to come. Brant will talk about the role of hunting to conservation, take questions, and facilitate a discussion about what we do and why our Departments need to work together on our shared mission to respect, protect, and enjoy. This discussion will be especially insightful for those of us who do not hunt.

If you would like a copy of the Shotgun Conservationist, copies may be available to borrow from the Hunter Education Program (contact [Nicole.Meier@vermont.gov](mailto:Nicole.Meier@vermont.gov) for more information)! Book summary:

**“At the intersection of hunting and conservation, a man shares his personal journey from staunch anti-hunter to compassionate, ethical hunter, weaving together a larger history of humans, animals, the environment, and our food systems.**

Picture a hunter. Who comes to mind? Millionaire playboys or big truck owning folks? Maybe so, but there’s more to it. Because if you love nature, value sustainability, abhor the pollution and inhumanity of factory farms, you could be a hunter in the making. And if you’ve never even considered hunting, The Shotgun Conservationist reveals all the reasons you should. Brant MacDuff makes us rethink who hunts and why. Growing up an animal lover with no hunting

background, MacDuff himself would seem an unlikely advocate. Yet a lifelong love of the outdoors and a restless curiosity compelled him to investigate a simple question: is hunting conservation? So convinced, he consistently holds a hunting license in multiple states and gives lectures on the positive impact hunting has on conservation efforts nationwide and around the world.

MacDuff tells the story of how he became a hunter and the colorful characters, big personalities, and firsthand research that helped change his mind. His journey led to a deeper understanding of how hunting protects public lands, supports sustainable ecosystems, encourages biodiversity, and can help bridge social and political divides. Along the way, he introduces us to a new generation of hunters, different from timeworn stereotypes and preconceptions. And who better than MacDuff? A trans man living in Brooklyn, he defies expectations of who hunts and invites people of all backgrounds into the field.

Whether or not you decide to take up hunting, *The Shotgun Conservationist* provides a new perspective and appreciation for those who do.”

**From:** Ramirez-Richer, Emma  
**Sent:** Friday, April 5, 2024 5:15 PM  
**To:** ANR  
**Subject:** Weekly news links 4.5.24  
**Attachments:** Vermont Conservation Design.pdf; 2024 Boston Globe The premature thawing of ice across New England's northern lakes is impacting not only the ecology but surrounding residents and their property.pdf

**Notes:**

- **Vermont Conservation Design (VCD)** and the BioFinder online map have been updated with better habitat blocks, a new prioritization and several new datasets. You're invited to attend a workshop to learn what's new and how you can use these data in your work. Registrations links and more details in the attached flyer!
- Staff across the Agency are invited to sign up for the **Climate Action Office's email updates**. While the primary audience is the general public, it's a helpful way for staff to stay in the loop about the Agency's climate change work. Sign up here: <https://lp.constantcontactpages.com/sl/LKntU76> . Read the latest email sent out here: <https://conta.cc/3PvHf7j>
- The State of Vermont is seeking **2024 Public Service Individual Recognition nominations**. Staff are encouraged to recognize their colleague's hard work by submitting a nomination here before April 12: <https://forms.office.com/Pages/ResponsePage.aspx?id=0500IK26PEOcAnDtzHVZxoaHkjBVID9InoFkL8rc2j9UM1NGT1dRUjQ1S1hSNktFU1VWSIFVNFA4WS4u>
- On Monday, Vermont will be experiencing a **solar eclipse** from about 2:15-4:30, with totality lasting from ~3:26-3:30 in some parts of the state!! Many will be taking time off to view the once-in-a-lifetime event so please coordinate with your supervisor (see Secretary Moore's recent email, or [www.vermont.gov/eclipse](http://www.vermont.gov/eclipse) , for more guidance).
- ANR has several offices across Vermont. If you're looking to **contact a regional office**, you'll find the regional office contact at this link: <https://vermontgov.sharepoint.com/sites/ANR/CO/ANRSTAFF/SitePages/Regional-Office-Contact.aspx>
- For those who work in the field often: **Inspector and Investigator Personal Safety virtual training** will be held via Microsoft Teams. This training is a multi-day course, focused on field safety. More info here: <https://vermontgov.sharepoint.com/sites/ANR/CO/ANRSTAFF/SitePages/TRAINING--Inspector-and-Investigator-Personal-Safety.aspx>

**This week in the Secretary's office:**

- In the State House, several ANR-related bills crossed over from the House to the Senate, and vice-versa. Secretary Moore and staff from all 3 departments have been testifying on some of the bills that have crossed over into the opposite chamber.
  - On Thursday, Secretary Moore testified in House Energy and Environment on S.213, *An act relating to the regulation of wetlands, river corridor development, and dam safety*, also known as the Flood Safety Act. She wants to make sure the initiatives are able to be funded so the important flood recovery work can be successful if the bill is passed.
  - Today, she testified before Senate Natural Resources on H.687, Bill Status H.687, *An act relating to community resilience and biodiversity protection through land use*. The bill would make changes to Act 250, with new provisions such as the "Road Rule" (2000' roads and driveways would trigger Act 250 review) and critical resource areas (areas of the state which would be classified as important ecosystems that would automatically trigger Act 250 review).

**News:**

- Gov. Scott: Think of Monday's eclipse as 'peak foliage weekend on steroids' ([WCAX](#))
- Gov. Scott says Vermont is prepared for Monday's total solar eclipse ([Vermont Public](#))
- Forecasters 'cautiously optimistic' Vermont will have sunny skies on eclipse day ([VTDigger](#))
- In Vermont, the Total Solar Eclipse Will Turn Work Life Briefly Upside Down ([Seven Days](#))
- For Vermont, Monday's solar eclipse will be like 'peak foliage season on steroids,' Scott says ([My Champlain Valley](#))
- Cities and towns work to direct eclipse viewers away from back country roads during mud season ([WPTZ](#))
- Wildlife Watch: Fish stocking season underway ([WCAX](#))
- Opening gates to financial assistance for Vt. State Parks visitors ([WCAX](#))
- Vermont utility wants to unload unprofitable hydro dam ([WCAX](#))
- Utility seeks to surrender license to operate Green River Reservoir hydroelectric facility ([VTDigger](#))
- Are record ice-outs an alarm? 'Our concern is for our Earth.' ([Boston Globe](#)) [See attached PDF]
- Vermont advances bill requiring fossil fuel companies pay for damage caused by climate change ([AP News](#))
- Vermont Senate moves to create disaster mitigation fund, but putting money in is another decision ([Vermont Public](#))
- Vermont Senate Advances Bill to Make Big Oil Pay for Climate Crisis ([Seven Days](#))
- Senate advances a bill that would establish a climate 'superfund' ([VTDigger](#))
- Vt. lawmakers highlight flood recovery bills ([WCAX](#))
- State senators recap flood recovery and resiliency bills passed in Montpelier ([WPTZ](#))
- \$3.5 Million to Elevate Flooded Buildings Added to House Budget Bill ([Montpelier Bridge](#))
- Grant money bolsters Vermont sewer systems ([WCAX](#))
- Fuel spill closes Fair Haven Union High/Middle School ([Rutland Herald](#))
- Thousands of Vermonters without power as snow continues to fall on the state ([VTDigger](#))
- Williamstown animal rescue under state investigation, owner says animals are safe and healthy ([WPTZ](#))
- Vermont farm family's outdated wood boiler fuels heated legal battle ([WCAX](#))
- Final Reading: Bill banning forever chemicals in consumer products comes back to life in the Vermont House ([VTDigger](#))
- Auditor's report details lack of state oversight in Vermont's EB-5 fraud ([VTDigger](#))
- Audit finds inadequate state oversight in Vermont's largest fraud case ([AP News](#))
- Morrisville-Stowe Airport ruling spotlights impact of Kingdom Con on other EB-5 efforts ([WCAX](#))
- Wary of future floods, Vermont's senators pitch extreme weather insurance for farms ([My Champlain Valley](#))
- Budget proposal approved in Vermont House reroutes some of Scott's spending priorities ([VTDigger](#))



- As Vermont House passes budget, Republicans pan spending plans ([VTDigger](#))
- Manure spreading ban lifted in Vermont ([WCAX](#))
- USPS announces new location for Montpelier post office displaced by summer flooding ([Vermont Public](#))

#### Opinion:

- Rep. Larry Satcowitz: Updating Act 250 to meet the changing times ([VTDigger](#))
- Sen. Becca White and Rep. Gabrielle Stebbins: Cost-saving, pollution-reducing, resilience-creating progress on climate ([VTDigger](#))

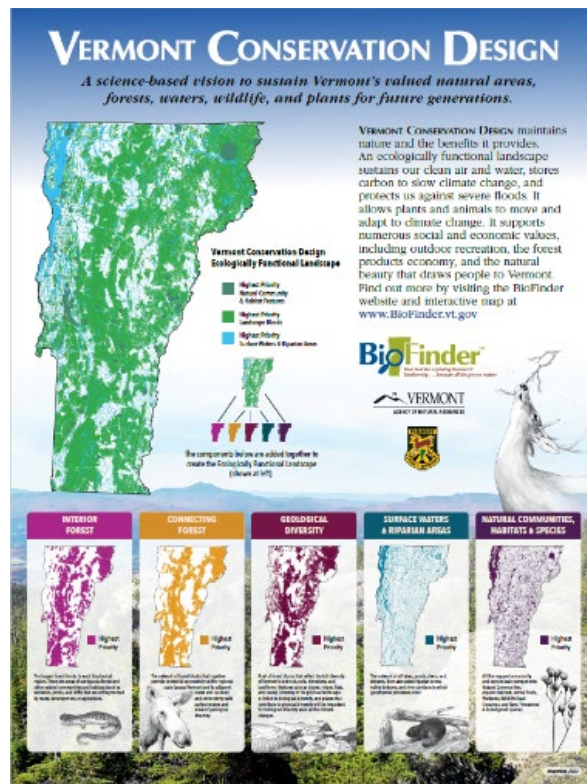
#### Press Releases:

- Governor Phil Scott Announces \$29.25 Million in Grants to Reduce Pollution From Combined Sewer Overflows ([DEC / Governor's office](#))
- Join ECO AmeriCorps to Explore a Career in Conservation ([DEC](#))
- Backyard Burning Reminders Released ([DEC](#))
- Vermont's Trophy Trout Stocking for 2024 ([FWD](#))
- Introduction to Bullhead Fishing Clinics ([FWD](#))

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## An Introduction to the Newly Updated Vermont Conservation Design



Vermont Conservation Design (VCD) and the [BioFinder online map](#) have been updated with better habitat blocks, a new prioritization and several new datasets. Join us to learn what's new and how you can use these data in your work.

VCD is the data and the vision that powers the BioFinder website. It is a prioritization tool that identifies the lands and waters most important for maintaining Vermont's ecologically functional landscape – one that conserves current biological diversity and allows species to move and shift in response to climate and land-use changes. Vermont Conservation Design allows users to see patterns in Vermont's forests and waterways and identify the places that connect both into a functional network. The Design was just updated with new landscape scale components and Wildlife Road Crossings. It now features more accurate edges of the habitat blocks, that allow for a better understanding of the pattern and network of connected forests.

Join us for these trainings for Agency of Natural Resources Staff

- 3/19/24 **An Intro to the NEW Vermont Conservation Design** IN-PERSON at National Life Catamount 1:00 – 2:00
- 3/28/24 **An Intro to the New Vermont Conservation Design** Webinar 10:00 – 11:00 [REGISTER](#)

- 4/3/24 **An Intro to the NEW Vermont Conservation Design** Webinar 2:00 – 3:00 [REGISTER](#)
- 4/18/24 **An Intro to the NEW Vermont Conservation Design** Webinar 10:00 – 11:00 a.m. [REGISTER](#)

Additional Webinars for the Public

- March 21st, **Understanding Vermont Conservation Design** Session 1: 1:00 – 2:00 p.m. [Register](#)
- March 25th, **Using BioFinder 4.0** Session 1: 2:00 – 3:00 p.m. [Register](#)
- April 4th, **Understanding Vermont Conservation Design** Session 2: 11:00 a.m. – 12:00 p.m. [Register](#)
- April 11th, **Using BioFinder 4.0** Session 2: 11:00 a.m. – 12:00 p.m. [Register](#)
- April 30th, **Understanding Vermont Conservation Design** Session 3: 11:00 a.m. – 12:00 p.m. [Register](#)
- May 14th, **Using BioFinder 4.0** Session 3: 11:00 a.m. – 12:00 p.m. [Register](#)

Questions? Please contact Jens Hilke or Bob Zaino. We are happy to meet directly with your program staff to discuss how VCD might apply to your specific work! Please let us know

Cheers

Jens & Bob

# Are record ice-outs an alarm? ‘Our concern is for our Earth.’

The premature thawing of ice across New England’s northern lakes is impacting not only the ecology but surrounding residents and their property

By [Carlos R. Muñoz](#) Globe Staff, Updated March 20, 2024, 11:41 a.m.



People ice fish on a still frozen Lake Elmore in Vermont on March 3, 2024, in Elmore, Vt. DAVID GOLDMAN/ASSOCIATED PRESS

The [warmest winter on record](#) has melted the spirits of ice-fishing and skating enthusiasts in Vermont and New Hampshire, shattering early ice-out records on lakes, some by a few days,

others by nearly a month. The most recent was Lake Winnepesaukee, New Hampshire's largest lake, which experienced its [earliest ice-out in history Sunday](#), beating the record set in 2016.

But a more pressing concern, officials say, is the detrimental effect this premature thawing of the ice cover is having under the surface.

Mark Mitchell, a freshwater scientist and partner for the Vermont Department of Environmental Conservation and the University of Vermont Lake Champlain Sea Grant, said early ice-out conditions — the period when lakes are free from ice — are “concerning” for the lakes’ ecosystem. Early melts and warmer water mean a longer period for plant growth and the proliferation of invasive species and cyanobacteria (blue-green algae) blooms.

“Warmer winters and warmer summers definitely raise alarms a little bit,” Mitchell said.

Normal ice-outs have typically occurred during the first half of April, according to experts. The Lake Morey Protective Association in Vermont reported that its lake in Vermont was clear of ice on March 14, the earliest ice-out on record since it started keeping data in 1977.

Bill Minard, a member of the association, said this winter's thinning ice led to the cancellation of the annual pond hockey tournament earlier this year and limited skating over the past few years.

“The early ice-out has shortened the ice fishing season as well,” Minard said. “Of course, these are all recreational endeavors. Our concern is for our Earth, the impact on the natural world, and those who are facing dire consequences, those living on islands and shorelines.”





Kishore Singh waits for a bite while ice fishing on Lake Morey in Fairlee, Vt., on Feb. 10, 2024. ERIN CLARK/GLOBE STAFF

Christopher Conant, president of the Lake Iroquois Association, said the lake in Hinesburg, Vt., had record-breaking ice-out on March 7, breaking the mark set on March 9, 2000.

Like others who have made life near the lake their home, Conant said he's equally concerned about effects early ice-outs have on lake ecology. A longer growing season can give aggressive invasive plants, such as the [Eurasian water milfoil](#), a chance to blanket bodies of water like Lake Iroquois from shore to shore, according to officials. EWM can form large mats of floating vegetation that shade out large plants and impede recreation. EWM can affect lakes regardless of the size of the water body.

“The greatest concern of this invasive species is on native aquatic plant diversity,” Conant said. “Besides the ecological impacts, infestations of milfoil have economic impacts through the reduction of property values and the high costs of various treatment options.”



The view of the water on Lake Winnepesaukee in New Hampshire on March 17, 2024, when ice-out was declared. EMERSON AVIATION

These shifts in our lakes emphasize the need for protection and preservation of our water bodies now, according to Bree Rossiter, the Lake Winnepesaukee Association’s conservation program manager.

“These changes in water temperatures can significantly impact the lake’s ecology, benefiting some species but negatively impacting others, such as cold-water species like landlocked salmon and trout,” Rossiter said.

## **Earlier than usual ice-outs this year**

- **Lake Winnepesaukee** – New Hampshire’s largest lake experienced its earliest ice-out in history Sunday, beating out by one day the record set in 2016.

- **Lake Willoughby** – Vermont’s deepest lake is free of ice for the first time in March (records date back to 2018).
- **Lake Iroquois in Vermont** – Ice-out was on March 7 this year, breaking the record set on March 9, 2000.
- **Lake Sunapee in New Hampshire** – Officials say ice-out is getting close.

David Neils, chief aquatic biologist for the New Hampshire Department of Environmental Services, said its staff typically begins [monitoring ice-outs](#) in mid-April but began sampling last week. He said ice-out dates over the past 80 years or so are “two-three weeks earlier than in the past.”

This past season, eight northern US states, including Vermont and New Hampshire, [recorded their warmest winter yet](#) – from Dec. 1 to Feb. 29 (meteorological winter) – in line with the warmest-ever average temperatures reached across the entire contiguous US this past winter.

According to Globe meteorologist Ken Mahan, New Hampshire smashed its temperature average for winter by 6 degrees with a 28-degree winter. Burlington, Vt., was 11 degrees above average this winter, and Concord, N.H., was 10 degrees above average. Massachusetts had a winter average of 33.5 degrees, just short of the 33.7-degree winter average record set in 2016.

Mitchell said more research is needed on the effects of early ice-outs.

“We just know that the ecosystem is used to these normal cycles with sun variation,” he said. “Climate change, in general, is changing the natural cycles of the ecosystem and different species are moving up north. Some species are pushed out and have to change behaviors in the lake environment. The warmer water temperatures mean longer and longer growing seasons for algae and plants.”

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Carlos Muñoz can be reached at [carlos.munoz@globe.com](mailto:carlos.munoz@globe.com). Follow him [@ReadCarlos](#) and on Instagram [@Carlosbrknews](#).



Show comments

**From:** Ramirez-Richer, Emma  
**Sent:** Friday, April 12, 2024 4:58 PM  
**To:** ANR  
**Subject:** Re: Weekly News Links 4.12.24  
**Attachments:** Resilience Implementation Strategy Kick-off Events.pdf

Hi ANR,

I have one more event to share, from the Climate Action Office:

- On April 22 & 25, Secretary Julie Moore, State Treasurer Mike Pieciak, and the Climate Action Office will be hosting a virtual event to kick off the development of Vermont's Resilience Implementation Strategy. The team will discuss what the Resilience Implementation Strategy is and why it is needed, gather ideas and input that will help craft a vision for a climate-resilient Vermont, and invite future participation in next steps. [Register for the event here](#), and see more info in the attached flyer.

Thank you, have a great weekend!  
Emma

**Emma Ramirez-Richer** | Executive Assistant (she/her)  
[Vermont Agency of Natural Resources](#) Secretary's Office  
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Help raise money for Vermonters impacted by flood damage and show your Vermont pride with *Vermont Strong* and *Tough Too* license plates and socks. [Click here to purchase your Vermont Strong gear](#) or visit [DMV.Vermont.gov/VermontStrong23](https://DMV.Vermont.gov/VermontStrong23). Impacted Vermonters can find resources and referrals by visiting [Vermont.Gov/Flood](https://Vermont.Gov/Flood).

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**From:** Ramirez-Richer, Emma <[Emma.Ramirez-Richer@vermont.gov](mailto:Emma.Ramirez-Richer@vermont.gov)>  
**Sent:** Friday, April 12, 2024 4:10 PM  
**To:** ANR <[ANR@vermont.gov](mailto:ANR@vermont.gov)>  
**Subject:** Weekly News Links 4.12.24

**Notes:**

- **Earth Day Celebration:** Next Friday, April 19, is ANR's Earth Day celebration at National Life! The meeting will last from 9:30-11:30 and there will be coffee, tea, baked goods, presentations from Secretary Moore and other colleagues, and the presentation of the Canute Dalmasse Award to this year's awardee. Everyone is invited, but if you're not able to make it to Montpelier you can view remotely via the Teams link in your calendar for that time.
- **Amphibians:** As amphibians migrate to their spring habitats, you may see them on the road or on your property. Submit your sighting to the [Vermont Reptile and Amphibian Atlas](#) to help our Agency's biologists understand their movement. (More details in the article below!)

**News:**

- Amphibians crossing: Slow down for frogs and salamanders ([Waterbury Roundabout](#))
- A deep dive on Vermont's climate superfund bill ([Vermont Public](#))
- Americans More Willing to Pay for Climate Action After Extreme Weather ([University of Vermont](#))
- Fossil fuel companies can be linked to climate damages, Dartmouth scientist tells Vermont lawmakers ([Vermont Public](#))

- New EPA rule will require more of Vermont's public drinking water systems to address PFAS ([VTDigger](#))
- Vermont House unanimously passes bill to ban PFAS, or 'forever chemicals' ([WPTZ](#))
- For the first time, the EPA is regulating PFAS in drinking water. Here's what that means for Vermont ([Vermont Public](#))
- Vermont officials reviewing new EPA PFAS standards ([Bennington Banner](#))
- New Jersey Earthquake Is Felt in Vermont ([Seven Days](#))
- Don't trap and dump wild animals elsewhere, Vermont wardens say ([WPTZ](#))
- Aqueduct Co. seeks to double rates, addressing flood damage and deficiencies ([Vermont Standard](#))
- Moretown updates town forest plan ([Valley Reporter](#))
- Morrisville Water & Light plans to surrender FERC license for Green River hydro ([Hydro Review](#))
- Deeming Slate Ridge now in compliance, court rescinds Daniel Banyai warrant ([VTDigger](#))
- Act 250 denies housing project ([The Citizen](#), Hinesburg)
- VAST reports bad winter for snowmobiling ([WCAX](#))
- Ski resorts are on pace for record season despite seemingly warm winter ([WPTZ](#))
- Vt. regulators approve lottery for 180 moose permits ([WCAX](#))
- Willoughby Steelhead Rainbow Trout Will Be Jumping ([North Star Monthly](#))
- Backyard bird safety tips from the Vt. Health Department ([WCAX](#))
- Recent Catastrophes Prompt New Thinking About Ways to Manage Vermont's Flood-Prone Landscape ([Seven Days](#))
- Vt. towns to receive \$15M in flood infrastructure funding ([WCAX](#))
- State denies Lake Bomoseen herbicide application ([Rutland Herald](#))
- South Burlington housing challenge headed to trial ([VTDigger](#))
- Vermont's senators pitch bill to create extreme weather insurance for farms ([Charlotte News](#))
- Totally Transfixed: A Rare Eclipse on a Bluebird Day Dazzled Crowds in Northern Vermont ([Seven Days](#))
- Vermont's total solar eclipse brings surreal beauty, joy and tears ([Vermont Public](#))
- Officials increase staffing in response to crowds coming to see eclipse ([Times Argus](#))
- CSWD to collect eclipse glasses for reuse ([WCAX](#))

#### Opinion:

- Robb Kidd: EPA's New Climate Pollution Reduction Rule for Vehicles and Its Benefits for Vermont ([Sierra Club Vermont Chapter](#))
- Tristan Roberts: This spot on Earth: Three women who changed my mind about mushrooms ([Brattleboro Reformer](#))

- Richard Hopkins: Climate Matters: While CO2 reduction effort progresses, more work is needed ([Addison Independent](#))
- Angelo Lynn: 'Cool enough to yell about' ([Addison Independent](#))
- Jeff Battaglini, Andrew Munkres and Jack Rath: How are the bees doing, really? ([VTDigger](#))

**Press releases:**

- New Law Requires Vermonters to Track and Report Surface Water Use ([DEC](#))
- Composting Summit Kicks off on April 29 to Celebrate Healthy Soil and Resilient Communities ([DEC](#))
- Vermont Allocates Moose Hunting Permits for 2024 ([FWD](#))
- Join the Conversation: Public Invited to Comment on Willoughby State Forest Equestrian Access Expansion ([FPR](#))

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# Resilience Implementation Strategy Kick-Off Events



Register for these virtual events at  
[climatechange.vermont.gov/calendar](https://climatechange.vermont.gov/calendar)

Over the past year, Vermont felt the effects of climate change acutely. Floods, heat waves, power outages and droughts are just some of the hardships climate change posed upon Vermonters.

The [Resilience Implementation Strategy](#) is an effort by the State of Vermont to plan for a climate-resilient future, where Vermonters can feel more resilient in their daily life and ultimately, withstand and recover from the harmful impacts of climate change. The Strategy will integrate and build upon significant work done to date including the [Climate Action Plan](#), the [State Hazard Mitigation Plan](#), the [VTrans Resilience Improvement Plan](#), and much more.

**Please join Secretary Julie Moore of the Agency of Natural Resources, State Treasurer Mike Pieciak, and the Climate Action Office for a virtual event to kick off the development of Vermont's Resilience Implementation Strategy. Together, we will:**

- understand what the Resilience Implementation Strategy is and why it is needed,
- gather ideas and input that will help craft a vision for a climate-resilient Vermont—and explore why a vision is important to the Strategy's success,
- and invite future participation in next steps.

Register here: <https://climatechange.vermont.gov/calendar>