

Testimony on H.126 – Community Resilience and Biodiversity Protection Act
House Environment and Energy Committee
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I am here to testify in support of H.126. The Windham Region includes the 23 towns in Windham County; Readsboro, Searsburg, and Winhall in Bennington County; and Weston and Windsor County over an area of approximately 940 square miles. Our mission is to assist towns in southeastern Vermont to provide effective local governance and work collaboratively with them to address regional issues. I also serve as the Chair of the Vermont Connecticut River Watershed Advisory Commission, which is the Vermont half of the Connecticut River Joint Commissions, and I serve on the Vermont Urban and Community Forestry Council, the Vermont Forest Stewardship Committee, and the Friends of Conte Executive Committee.

While the Windham Regional Commission has neither deliberated upon nor taken a position on this bill, it is consistent with the goals and objectives of the Windham Connectivity Collaborative, through which the WRC is working with municipalities, the Agency of Natural Resources, and other stakeholders on the exploration of habitat protection and improvement policies and implementation strategies within the Windham Region as a whole, and a roughly 90 square mile area in the southeastern quadrant of our region of a significant habitat linkage referred to as the “Southeast Connector.” This effort was originally funded through a grant from the High Meadows Fund.

Vermont’s principal planning goal is to plan development so as to maintain the historic settlement pattern of compact village and urban centers separated by rural countryside (24 V.S.A. § 4302). Just as we need to create conditions necessary to make compact settlement possible, prioritizing lands and habitat for conservation and developing effective policy and tools to protect and conserve those lands are essential.

H.126 calls for the development of a Conservation Plan and notes that the Secretary of Natural Resources shall solicit input from various stakeholders, including RPCs. Because the state’s 11 regions are where many state policy initiatives and programs come together, and because many towns rely on us for support of their natural resource planning initiatives as well as town plan and zoning development, robust engagement with us would benefit the proposed Conservation Plan process and product. We plan for natural resources and water quality, land use, transportation, hazard mitigation, and energy, engage in Act 250 and Section 248 proceedings, serve as the GIS and mapping resource for our respective regions, and support municipal planning commission and conservation commission initiatives. Through our work we

have considerable knowledge of the landscapes and communities of our respective regions right down to nearly every town road stream crossing. Because of the breadth and scope of our work and responsibilities we are relatively unique among the other stakeholders cited in the bill. To that end I recommend the bill be amended to direct the Secretary to collaborate with Vermont's 11 regional planning commissions in the design of the Conservation Plan and its implementation.

A conserved land category that seems to be missing is habitat corridors, some of which may not be large in size but are nonetheless critical to connecting habitat blocks. Often these are stream and river corridors and associated wetlands, and may include bridges and culverts. These are areas in need of protection by policy and regulation and/or easements, by private and municipal land owner education and action, and may include improvements to bridges, culverts, and other built infrastructure to accommodate aquatic and terrestrial organism passage. RPCs have the potential to both provide and benefit from data related to these corridors, include these lands in our regional plans and policies, and use this information to the benefit of towns, planning commissions, and conservation commissions.

I suggest amending § 2801 Definitions to include habitat corridors and adding language to item 5 to include habitat corridors among the other cited areas to be conserved. A possible definition of habitat corridor is *connections across the landscape that link up areas of habitat*. I specifically suggest habitat corridors, as opposed to wildlife corridors, to reflect the movement of both flora and fauna through the landscape.

I'd like to make a few other points related to the subject of this bill.

- RPCs could be a more valuable resource for state land agencies than we are at present, and I'd recommend they more fully engage with us in the development of their plans and projects as we can provide valuable insight. This could also include more engagement of RPCs in the Land and Water Conservation Fund Program, similar to our engagement on the Urban and Community Forestry Council and the Forest Stewardship Committee. I'll note that we are a resource for land trusts because of our local knowledge and the ability to make connections with towns and facilitate engagement with them.
- RPCs maintain a database of municipal bridges and culverts and their condition that is quite comprehensive. With proper training of our staff, this database could be used to capture data and information about aquatic and terrestrial organism passage of these town structures and could be updated as we conduct bridge, culvert, and road erosion inventories.
- Farms and working forests have an important role in habitat conservation and connectivity. We need to understand how well federal and state programs are or are not working for them, and what can be done through current or new state programs. Furthermore, the economic viability of our farms and the economic well-being of those in the farm economy

are essential to keeping farms as farms. The health of the farm economy is essential to the ecosystem and carbon sequestration functions that farming provides.

- A related matter is the need to understand the extent to which farms and forests are being or will likely be converted to other uses. While farms do produce greenhouse gas emissions and need to manage for water quality, conversion to residential subdivisions or other development will arguably produce more emissions and compromise water quality and quantity. Sale of farmland is often a retirement strategy for farmers, even when passing the land down to the next generation. It may also be necessary to pay off debts. I am not aware that the Agency of Agriculture or any other agency tracks the subdivision of farmland or the conversion of its use to other purposes. It would be helpful for the state, regions, and municipalities to have this information to know both what is happening and what is likely to happen.
- Related to farm and forest land conversion are the 5 lot and 9 lot loopholes in Act 250. Act 250 is not triggered by the subdivision of 5 lots or fewer in 1-acre towns (towns without zoning), or 9 lots or fewer in 10-acre towns (towns with zoning), over a 5-year period. Farms and forests can be developed under the radar. Zoning is not a panacea either. Rural sprawl continues to be the default development pattern in our region and the state as a whole. Until municipalities and the state build the community wastewater and water infrastructure necessary to make compact settlement possible, rural sprawl will continue to be the default and the development of housing at a meaningful scale in these compact settlements will be precluded.
- While state law cannot direct federal land acquisition and management practices, we encourage federal land agencies such as the U.S. Forest Service, U.S. Army Corps of Engineers, and the Department of the Interior to engage with RPCs and municipalities in their planning, and as early in the process as possible – preferably before a draft is released for public comment. I joined the Friends of Conte and now serve on the leadership of that organization specifically for this purpose – to raise the issue of greater engagement with municipalities and regions. In our region there seems to be general support for the access to the public that federal lands provide, but there are always concerns about what the impacts will be of removing lands from the tax roll and the insufficiency of payments in lieu of taxes. Towns do still have costs associated with these lands, including maintenance of town roads that are used for public land access, and provision of emergency services.

Thank you for the opportunity to appear before you today. I'm happy to answer any questions you might have.