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H.126

Introduced by Representatives Sheldon of Middlebury, Anthony of Barre City,
Arrison of Weathersfield, Austin of Colchester, Bartholomew of
Hartland, Bluemle of Burlington, Bongartz of Manchester, Bos-
Lun of Westminster, Brown of Richmond, Brumsted of
Shelburne, Burrows of West Windsor, Campbell of St.
Johnsbury, Chapin of East Montpelier, Chase of Colchester,
Chesnut-Tangerman of Middletown Springs, Christie of
Hartford, Cina of Burlington, Coffey of Guilford, Cole of
Hartford, Demrow of Corinth, Dolan of Essex Junction, Dolan
of Waitsfield, Donahue of Northfield, Durfee of Shaftsbury,
Goldman of Rockingham, Headrick of Burlington, Holcombe of
Norwich, Houghton of Essex Junction, Howard of Rutland City,
Hyman of South Burlington, James of Manchester, Kornheiser
of Brattleboro, Krasnow of South Burlington, LaLonde of South
Burlington, Masland of Thetford, McCarthy of St. Albans City,
Minier of South Burlington, Morris of Springfield, Mrowicki of
Putney, Nicoll of Ludlow, Ode of Burlington, Priestley of
Bradford, Rice of Dorset, Satcowitz of Randolph, Scheu of
Middlebury, Squirrel of Underhill, Stebbins of Burlington,

1 Torre of Moretown, Troiano of Stannard, White of Bethel,
2 Whitman of Bennington, and Wood of Waterbury

3 Referred to Committee on

4 Date:

5 Subject: Conservation and development; land use; land conservation;
6 biodiversity; community resilience

7 Statement of purpose of bill as introduced: This bill proposes to establish State
8 goals of conserving 30 percent of the land of the State by 2030 and 50 percent
9 by 2050.

10 An act relating to community resilience and biodiversity protection

11 It is hereby enacted by the General Assembly of the State of Vermont:

12 Sec. 1. SHORT TITLE

13 This act may be cited as the “Community Resilience and Biodiversity
14 Protection Act” or “CRBPA.”

15 Sec. 2. FINDINGS

16 The General Assembly finds:

17 (1) Nature is facing a catastrophic loss of biodiversity, both globally and
18 locally.

19 (2) In addition to its intrinsic value, biodiversity is essential to human
20 survival.

1 (3) According to the United Nations:

2 (A) one million species of plants and animals are threatened with
3 extinction;

4 (B) human activity has altered almost 75 percent of the Earth's
5 surface, squeezing wildlife and nature into ever-smaller natural areas of the
6 planet;

7 (C) the health of ecosystems on which humans and all other species
8 depend is deteriorating more rapidly than ever, affecting the very foundations
9 of economies, livelihoods, food security, health, and quality of life worldwide;
10 and

11 (D) the causes of the drivers of changes in nature rank as follows: (1)
12 changes in land and sea use, (2) direct exploitation of organisms, (3) climate
13 change, (4) pollution, and (5) invasive species.

14 (4) The 2017 Vermont Forest Action Plan found that fragmentation and
15 parcelization represent major threats to forest health and productivity and
16 exacerbate the impacts of climate change.

17 (5) The 2021 Vermont Climate Assessment highlights an increase in
18 extreme weather events such as droughts and floods as a significant impact of
19 climate change in Vermont and recommends nature-based solutions as a
20 proven, low-cost strategy for climate adaptation and resilience.

1 (6) The initial Vermont Climate Action Plan calls for investing in
2 strategic conservation to increase the pace of permanent conservation towards
3 30 by 30 targets, with Vermont Conservation Design guiding prioritization of
4 efforts.

5 (7) The Nature Conservancy has developed the Resilient and Connected
6 Landscapes project and found that Vermont plays a key role in the
7 conservation of biodiversity regionally.

8 (8) The Staying Connected Initiative is an international partnership of
9 public and private organizations. Its goal is to maintain, enhance, and restore
10 landscape connectivity for wide-ranging mammals across the Northern
11 Appalachians-Acadian region, from the Adirondack Mountains to the Maritime
12 Provinces. The Staying Connected Initiative has identified nine linkages
13 across this vast region that are extremely important to wildlife. Six of these
14 linkages lie within Vermont.

15 (9) The Vermont Department of Fish and Wildlife, working within the
16 Agency of Natural Resources and with Vermont conservation organizations,
17 has developed Vermont Conservation Design, a vision to sustain the State's
18 ecologically functional landscape into the future.

19 (10) Intact and connected ecosystems support Vermont's biodiversity,
20 reduce flood risks, mitigate drought, and sequester and store carbon.

1 (11) Vermont’s most effective and efficient contribution to conserving
2 biological diversity and maintaining a landscape resilient to climate change is
3 to conserve an intact and connected landscape.

4 (12) In order to conserve ecological functions in intact and connected
5 ecosystems, the full range of conservation approaches is needed, including
6 supporting private landowner education, technical assistance, and programs;
7 conservation easements that promote sustainable forest management; and
8 conservation easements and fee acquisitions focused on passive management.

9 Sec. 3. 10 V.S.A. chapter 89 is added to read:

10 CHAPTER 89. COMMUNITY RESILIENCY AND BIODIVERSITY

11 PROTECTION

12 § 2801. DEFINITIONS

13 As used in this section:

14 (1) “Ecological reserve area” means an area having permanent
15 protection from conversion of natural land cover and that is managed to
16 maintain a natural state within which natural ecological processes and
17 disturbance events are allowed to proceed with minimal interference.

18 (2) “Biodiversity conservation area” means an area having permanent
19 protection from conversion of natural land cover for the majority of the area
20 and that is managed for the primary goal of sustaining species or habitats.

1 These areas may include regular, active interventions to address the needs of
2 particular species or to maintain or restore habitats.

3 (3) “Natural resource management area” means an area having
4 permanent protection from conversion of natural land cover for the majority of
5 the area but that is subject to long-term sustainable forest management.

6 (4) “Sustainable forest management” means the stewardship and use of
7 forests and forestlands in a way, and at a rate, that maintains their biodiversity,
8 productivity, regeneration capacity, vitality and their potential to fulfill, now
9 and in the future, relevant ecological, economic, and social functions at local,
10 State, and regional levels, and that does not cause damage to other ecosystems.

11 (5) “Conserved” means protected and primarily by meeting the definition of
12 ecological reserve area, biodiversity conservation area, or natural resource
13 management area as defined in this section, or protected by other conservation tools
14 deemed necessary and appropriate by the Secretary of Natural Resources (Secretary) in
15 the Conservation Plan.

16 § 2802. CONSERVATION GOALS

17 ~~(a) Thirty percent of Vermont’s total land area and waters shall be~~
18 ~~conserved by 2030, and 50 percent of the State’s total land area and waters~~
19 ~~shall be conserved by 2050. The Secretary of Natural Resources shall assist~~
20 ~~the State in achieving these goals. The land conserved shall include State,~~
21 ~~federal, municipal, and private land.~~

22

23 (a) It shall be the goal of the State of Vermont to maintain an ecologically functional landscape that:

- i. sustains biodiversity;
- ii. maintains landscape connectivity;
- iii. promotes climate resilience;
- iv. supports working farms and forests;
- v. and provides opportunities for recreation and appreciation of the natural world.

24 ~~(b) Reaching 30 percent by 2030 and 50 percent by 2050 shall include a~~

25 ~~mix of ecological reserve areas, biodiversity conservation areas, and natural~~

1 ~~resource management areas, in addition to other areas deemed appropriate and~~

2 ~~necessary by the Secretary in the Conservation Plan.~~

3 (b) to help achieve this goal, the Secretary of the Agency of Natural Resources shall develop a plan to guide land conservation and other conservation programs with a vision for conserving 30 percent of Vermont's land area and waters by 2030 and 50 percent of Vermont's land area and waters by 2050. The land conserved shall include State; federal; municipal; and private land. In order to support an

4 ecologically functional landscape with sustainable production of natural resources and recreational

5 opportunities, the approximate percentages of each type of conservation

6 category shall be guided by the conservation elements within Vermont

7 Conservation Design, including the use of ecological reserve areas to protect

8 highest priority natural communities and maintain or restore old forests.

9

10 § 2803. CONSERVATION PLAN

- 11 (a) On or before July 15, 2023 ~~December 31, 2024~~, the Vermont Housing and
12 Conservation Board (VHCB), in partnership with the Secretary, shall convene a
13 stakeholder working group to develop a statewide conservation plan to
14 implement the conservation goals ~~of Vermont Conservation Design to meet the~~
15 goals established in section 2802 of this title. The plan shall be submitted for
16 review to the House Committees on Environment and Energy and on
17 Agriculture, Food Resiliency, and Forestry and the Senate Committee on
18 Natural Resources and Energy on or before December 1, 2024.
- 19 (b) The plan shall include:
- 20 (1) a review of the three conservation categories defined in section 2801
21 of this title and suggestions for modifications or additions to these categories;
- 22 (2) an initial inventory of areas in Vermont that are
23 permanently conserved areas that ~~and, to the extent practical, the amount of~~
24 ~~permanently conserved land that~~ generally falls into each of the three conservation
25 categories defined in section 2801 of this title, including public and private
 land;
- 1 ~~(3) an evaluation of the impact of intergenerational land transfer trends;~~
- 2 (4) a summary of the totality of conservation and land protection practices
 available for
3 reaching the goals of this chapter, including what they are, what they do, how
4 they contribute, and what metrics are available to quantify them;
- 5 (5) an assessment of how State lands ~~will be used to increase~~ can be managed
 to achieve the characteristics of ecological reserve areas;

6 ~~(6) the implementation methods for achieving the goals of this chapter using~~
7 ~~Vermont Conservation Design and other existing conservation planning tools as~~
8 ~~a guide. An assessment of each element in Vermont Conservation Design and~~
9 ~~the conservation tools and strategies best suited to maintaining the ecological~~
10 ~~functions of each element;~~

7 ~~;~~

8 (7) an inventory and assessment of how water is protected in the State
9 and how protection of aquatic systems may be addressed in the plan;

10 (8) an inventory and assessment of existing programs that will be used
11 to meet the ~~permanent, nonconversion~~ conservation goals of this chapter and
12 recommendations for new programs that will be needed to meet the goals; ~~and~~

13 (9) an equity assessment of existing land protection and conservation strategies
14 and programs and recommendations to increase equitable access to protected
15 and conserved lands and land-based enterprises; and
16

17 ~~(9) an assessment of existing funding and recommendations for new~~
18 ~~funding sources that will be needed for acquisition of land, staffing capacity,~~
19 ~~and long-term stewardship to meet the goals.~~

20 (10) In addition to conservation goals and priorities, the plan will identify costs of
21 implementation and stewardship needs, staffing capacity, as well as revenue options
22 and funding opportunities, necessary to meet the goals.

22 (c) In developing the plan, VHCB and the Secretary shall hold not less than three
23 public meetings on the plan and accept public comments. The Secretary shall
24 solicit input from various stakeholders, including private owners of forestlands
25 and agricultural lands, land trusts, conservation organizations, the Vermont

26 ~~Housing and Conservation Board~~, environmental organizations, working lands
1 enterprises, outdoor recreation groups, Indigenous groups and representatives from
2 historically marginalized and disadvantaged communities, municipalities, regional
3 planning
4 commissions, conservation commissions, and relevant State and federal
5 agencies.
6 (d) The conserved land inventory mandated in section 2803(2)(B) shall be
updated every five years by the Secretary annually to track
7 progress toward meeting the goals of this chapter and a report submitted to relevant
Committees by January 15 following each update.

8 Sec. 4. EFFECTIVE DATE

9 This act shall take effect on July 1, 2023.