

1 TO THE HONORABLE SENATE:

2 The Committee on Natural Resources and Energy to which was referred
3 House Bill No. 126 entitled “An act relating to community resilience and
4 biodiversity protection” respectfully reports that it has considered the same and
5 recommends that the Senate propose to the House that the bill be amended by
6 striking out all after the enacting clause and inserting in lieu thereof the
7 following:

8 Sec. 1. SHORT TITLE

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

11 Sec. 2. FINDINGS

12 The General Assembly finds:

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

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

17 (3) According to the United Nations:

18 (A) one million species of plants and animals are threatened with
19 extinction;

1 (B) human activity has altered almost 75 percent of the Earth’s
2 surface, squeezing wildlife and nature into ever-smaller natural areas of the
3 planet;

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

8 (D) the causes of the drivers of changes in nature rank as follows:

- 9 (i) changes in land, water, and sea use;
10 (ii) direct exploitation of organisms;
11 (iii) climate change;
12 (iv) pollution; and
13 (v) 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) In 2022 Acts and Resolves No. 183, the Department of Forests,
18 Parks and Recreation was tasked with developing the Vermont Forest Future
19 Strategic Roadmap to strengthen, modernize, promote, and protect the forest
20 products sector and the greater forest economy and promote the importance of

1 healthy, resilient, and sustainably managed working forests that provide a
2 diverse array of high-quality products now and in the future.

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

7 (7) The initial Vermont Climate Action Plan calls for investing in
8 strategic conservation to increase the pace of permanent conservation towards
9 30 by 30 targets, with Vermont Conservation Design guiding prioritization of
10 efforts.

11 (8) Freshwater vertebrate populations have declined by 84 percent
12 globally since 1970, twice the rate of decline of biodiversity in terrestrial and
13 marine biomes. Almost one in three freshwater species are threatened with
14 extinction.

15 (9) Approximately 75 percent of all river miles assessed in Vermont are
16 disconnected from their floodplains, indicating degradation and exacerbating
17 flood-related damages.

18 (10) The Nature Conservancy has developed the Resilient and
19 Connected Landscapes project and found that Vermont plays a key role in the
20 conservation of biodiversity regionally.

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

8 (12) The Vermont Department of Fish and Wildlife, working within the
9 Agency of Natural Resources and with Vermont conservation organizations,
10 has developed Vermont Conservation Design, a framework to sustain the
11 State’s ecologically functional landscape into the future.

12 (13) Intact and connected ecosystems support Vermont’s biodiversity,
13 reduce flood risks, mitigate drought, and sequester and store carbon.

14 (14) Vermont’s most effective and efficient contribution to conserving
15 biological diversity and maintaining a landscape resilient to climate change is
16 to conserve an intact and connected landscape.

17 (15) In order to maintain ecological functions in intact and connected
18 ecosystems, the full range of conservation approaches is needed, including
19 supporting private landowner education, technical assistance, and programs;
20 conservation easements that promote sustainable forest management; and
21 conservation easements and fee acquisitions focused on passive management.

1 maintain a natural state within which natural ecological processes and
2 disturbance events are allowed to proceed with minimal interference.

3 (2) “Biodiversity conservation area” means an area having permanent
4 protection from conversion of natural land cover for the majority of the area
5 and that is managed for the primary goal of sustaining species or habitats.
6 These areas may include regular, active interventions to address the needs of
7 particular species or to maintain or restore habitats.

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

11 (4) “Conversion” means a fundamental change in natural ecosystem
12 type or habitat, natural or undeveloped land cover type, or natural form and
13 function of aquatic systems.

14 (5) “Sustainable land management” means the stewardship and use of
15 forests and forestlands, grasslands, wetlands, riparian areas, and other lands,
16 including the types of agricultural lands that support biodiversity, in a way, and
17 at a rate, that maintains or restores their biodiversity, productivity, regeneration
18 capacity, vitality, and their potential to fulfill, now and in the future, relevant
19 ecological, economic, and social functions at local, State, and regional levels,
20 and that does not degrade ecosystem function.

1 (6) “Conserved” means permanently protected and meeting the
2 definition of ecological reserve area, biodiversity conservation area, or natural
3 resource management area as defined in this section for purposes of meeting
4 the 30 percent goal in subsection 2802(b) of this title. For purposes of meeting
5 the 50 percent goal of subsection 2802(b) of this title, “conserved” primarily
6 means permanently protected and meeting the definition of ecological reserve
7 area, biodiversity conservation area, or natural resource management area as
8 defined in this section, although other long-term land protection mechanisms
9 and measures that achieve the goals of Vermont Conservation Design that are
10 enforceable and accountable and that support an ecologically functional and
11 connected landscape may be considered.

12 § 2802. CONSERVATION VISION AND GOALS

13 (a) The vision of the State of Vermont is to maintain an ecologically
14 functional landscape that sustains biodiversity, maintains landscape
15 connectivity, supports watershed health, promotes climate resilience, supports
16 working farms and forests, provides opportunities for recreation and
17 appreciation of the natural world, and supports the historic settlement pattern
18 of compact villages surrounded by rural lands and natural areas.

19 (b) It is the goal of the State that 30 percent of Vermont’s total land area
20 shall be conserved by 2030, and 50 percent of the State’s total land area shall
21 be conserved by 2050. The Secretary of Natural Resources shall lead the effort

1 in achieving these goals. The land conserved shall include State, federal,
2 municipal, and private land.

3 (c) Reaching 30 percent by 2030 and 50 percent by 2050 shall include a
4 mix of ecological reserve areas, biodiversity conservation areas, and natural
5 resource management areas. In order to support an ecologically functional and
6 connected landscape with sustainable production of natural resources and
7 recreational opportunities, the approximate percentages of each type of
8 conservation category shall be guided by the principles of conservation science
9 and the conservation targets within Vermont Conservation Design, prioritizing
10 ecological reserve areas to protect highest priority natural communities and
11 maintain or restore old forests.

12 § 2803. CONSERVED LAND INVENTORY

13 (a) On or before July 1, 2024, the Vermont Housing and Conservation
14 Board, in consultation with the Secretary, shall create an inventory of
15 Vermont's conserved land and conservation policies to serve as the basis of
16 meeting the conservation goals of Vermont Conservation Design and to meet
17 the goals established in section 2802 of this title. The inventory shall be
18 submitted for review to the House Committees on Environment and Energy
19 and on Agriculture, Food Resiliency, and Forestry and the Senate Committee
20 on Natural Resources and Energy.

21 (b) The inventory shall include:

1 (1) A review of the three conservation categories defined in section
2 2801 of this title and suggestions for developing any modifications or additions
3 to these categories that maintain or complement the core concepts of ecological
4 reserve areas, biodiversity conservation areas, and natural resource
5 management areas in order to complete the conserved land inventory and
6 inform the comprehensive strategy in the conservation plan. As part of this
7 review, criteria shall be developed to determine the types of agricultural lands
8 that will qualify as supporting and restoring biodiversity and therefore count
9 towards the natural resource management area category.

10 (2) The amount of conserved land in Vermont that fits into each of the
11 three conservation categories defined in section 2801 of this title, including
12 public and private land. The inventory shall also include other lands
13 permanently protected from development by fee ownership or subject to
14 conservation easements.

15 (3) A summary of the totality of conservation practices, both permanent
16 and intermediate, available for reaching the goals of this chapter, including
17 what they are, what they do, how they contribute, and what metrics are
18 available to quantify them.

19 (4) An assessment of how State lands will be used to increase conserved
20 ecological reserve areas.

1 (5) The implementation methods that could be utilized for achieving the
2 goals of this chapter using Vermont Conservation Design as a guide.

3 (6) A review of how aquatic systems are currently conserved or
4 otherwise protected in the State, including a description of the benefits land
5 conservation provides for aquatic systems, whether this is sufficient to
6 maintain aquatic system functions and services, and how the implementation
7 methods for achieving the goals of this chapter using Vermont Conservation
8 Design as a guide would include specific strategies for protecting aquatic
9 system health.

10 (7) How existing programs will be used to meet the conservation goals
11 of this chapter and recommendations for new programs, if any, that will be
12 needed to meet the goals.

13 (8) An assessment of existing funding and recommendations for new
14 funding sources that will be needed for acquisition of land, purchase or
15 donation of conservation easements, staffing capacity, and long-term
16 stewardship to meet the goals.

17 (9) An equity assessment of existing land protection and conservation
18 strategies and programs.

19 (10) An evaluation of the opportunities related to intergenerational land
20 transfer trends and how the State could proactively direct resources to achieve
21 conservation at the time of transfer.

1 § 2804. CONSERVATION PLAN

2 (a) On or before December 31, 2025, the Vermont Housing and
3 Conservation Board, in consultation with the Secretary, shall develop a plan to
4 implement the conservation goals of Vermont Conservation Design and to
5 meet the vision and goals established in section 2802 of this title. The plan
6 shall be submitted for review to the House Committees on Environment and
7 Energy and on Agriculture, Food Resiliency, and Forestry and the Senate
8 Committee on Natural Resources and Energy.

9 (b) The plan shall include:

10 (1) a comprehensive strategy for achieving the vision and goals of
11 section 2802 of this title while continuing to conserve and protect Vermont’s
12 agricultural land, working forests, historic properties, recreational lands, and
13 surface waters;

14 (2) the implementation methods for achieving the vision and goals of
15 this chapter using Vermont Conservation Design as a guide;

16 (3) recommendations to increase equitable access to protected and
17 conserved lands and land-based enterprises; and

18 (4) recommendations to implement the vision and goals of this chapter
19 while also enhancing the State of Vermont’s current investments and
20 commitments to working lands enterprises, rural landowners, and the broad
21 conservation mission implemented by the Secretary and VHCB, including

1 conservation of agricultural land, working forests, historic properties,
2 recreational lands, and surface waters.

3 (c) In developing the plan, the Vermont Housing and Conservation Board,
4 in consultation with the Secretary, shall hold 12 or more public meetings on
5 the plan between July 1, 2023 and December 31, 2025 to solicit input from
6 stakeholders. Stakeholders shall include private owners of forestlands and
7 agricultural lands, land trusts, conservation organizations, environmental
8 organizations, working lands enterprises, outdoor recreation groups and
9 businesses, Indigenous groups and representatives from historically
10 marginalized and disadvantaged communities, watershed groups,
11 municipalities, regional planning commissions, conservation commissions, and
12 relevant State and federal agencies. At least three of the meetings shall be
13 designed to solicit comments from the general public.

14 (d) The conserved land inventory established in 2803 of this title shall be
15 updated biennially to track progress toward meeting the vision and goals of
16 this chapter, which shall be publicly available, and the Secretary shall submit a
17 report to the relevant committees on or before January 15 following each
18 update.

19 Sec. 4. APPROPRIATIONS

20 (a) The sum of \$75,000.00 is appropriated from the General Fund to the
21 Vermont Housing and Conservation Board in fiscal year 2024 to support

1 public education and outreach to inform the development of the statewide
2 conservation plan.

3 (b) The sum of \$150,000.00 is appropriated from the General Fund to the
4 Agency of Natural Resources in fiscal year 2024 to hire a limited-service
5 position to support the development of the statewide conservation plan.

6 Sec. 5. EFFECTIVE DATE

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

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12 (Committee vote: _____)

13

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Senator _____

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FOR THE COMMITTEE