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Representative David Durfee
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**Rural Vermont written testimonial on the
Report v. 4.3 of the Agricultural Lands Working Group For the Vermont Conservation
Strategy Initiative
and additional Statement Against Carbon Markets**

Dear Chair Durfee and Committee Members of the House Committee on Agriculture, Food Resiliency and Forestry,

I appreciate your committee's quick turnaround in inviting members of the ALWG for this hearing today. It was your committee that took the initiative in 2023 to make sure that Act 59 includes enhanced support for the working lands in its vision and conservation plan. It is my hope that we can start working together towards legislation that would conserve the working landscape and facilitate farmland access for farmers while also setting important incentives and reforms towards more sustainable land management. It is my desire to start building alliances with champions in the legislature towards these goals parallel to the 30x30 process which may or may not offer equitable solutions on those issues by the end of 2026.

During the inventory phase of the Vermont Conservation Strategy Initiative (VCSI) process, I represented Rural Vermont in the Agricultural Lands Working Group (ALWG). Altogether VHCB and VAAF staff have done a lot to accommodate and reflect substantial input myself and other

stakeholders offered to find shared recommendations for how agriculture should be counted towards a conserved land inventory and for a to be developed Conservation Plan. I regret that this process didn't allow for formal review of the draft report for staff and board of organizations represented as it undermines our ability to receive credit and co-decide for the good work we had been contributing to the ALWG. Due to the lack of review and approval of the Rural Vermont board I found myself forced to **withhold my signature** from the final report of the ALWG last week.

In my testimonial today, I want to share my personal experiences and perspectives as a representative of a stakeholder in the VCSI process. Please know that I speak for myself and that not all of my talking points have been approved by the Rural Vermont staff or board. To balance these different hats I will aim to make specific references to Rural Vermont as applicable. The focus of my presentation raises a series of red flags about the VCSI process. Addressing shortfalls of the VCSI process is in the public interest - the Community Resilience and Biodiversity Protection Act should be implemented with decision making processes that satisfy Vermont's open meeting laws and Environmental Justice Policy with regards to its standards for meaningful participation of stakeholders.

Rural Vermont does have multiple board members actively engaged in the 30x30 process, with at times differentiating views, but the ALWG process did not provide any formal opportunity to share, gather feedback and recommend edits from the board before a final approval of revised edits by the authoring agencies. During the report drafting process, four distinct drafts have been shared. The last two drafts have been much more sophisticated versions that mostly Ryan Patch (VAAF) had authored. Both of these drafts have been **shared with a 24 hour timeline for review**. First on March 28, the day prior to the last ALWG meeting on March 29. At that meeting the deadline for feedback was extended for two more days. Then a redraft was shared by VHCB on 4/2 at 4.31pm for review and final approval by 4/3 COB.

Overnight review and approval creates a **sense of urgency** that is not reasoned in Act 59 which sets a July 1, 2024 deadline for the inventory report - three months out from the release of v. 4.3 ALWG report on April 2.

Rural Vermont adopted an anti-racism policy in 2020 that encourages staff to engage in internal training about topics related to racism and discrimination. During a racial equity challenge I learned about white supremacy culture and one characteristic of that culture is the sense of urgency. In a white paper from [Tema Okun](#) the sense of urgency is described as:

“sense of urgency

- continued sense of urgency that makes it difficult to take time to be inclusive, encourage democratic and/or thoughtful decision-making, to think long-term, to consider consequences
- frequently results in sacrificing potential allies for quick or highly visible results, for example sacrificing interests of communities of color in order to win victories for white people (seen as default or norm community)
- reinforced by funding proposals which promise too much work for too little

money and by funders who expect too much for too little
antidotes: realistic workplans; leadership which understands that things take longer than anyone expects; discuss and plan for what it means to set goals of inclusivity and diversity, particularly in terms of time; learn from past experience how long things take; write realistic funding proposals with realistic time frames; be clear about how you will make good decisions in an atmosphere of urgency; realize that rushing decisions takes more time in the long run because inevitably people who didn't get a chance to voice their thoughts and feelings will at best resent and at worst undermine the decision because they were left unheard"

A recommendation I shared with VHCB by email before the release of v. 4.3 was to **clearly state in the report that it has not been formally approved by the stakeholders** in the group. This point of transparency could have avoided my formal withdrawal from signing-on to the report. While the process section of the ALWG report mentions that the drafts were authored primarily by staff at VHCB and VAAF, Version 4.3 of the report does not indicate if and how the final version got reviewed and approved or rejected by the group. It simply states: "Drafts were reviewed at publicly recorded meetings of the ALWG." In fact, the last draft (4.3) was not reviewed at all at a publicly recorded meeting.

Please note that it is my privilege to address these shortfalls with you here today. Rural Vermont is grateful that we have been offered a seat upon request on the ALWG. Many key stakeholders have not had a facilitated working group they could engage with for half a year on what is at stake for them when 50% of Vermont's land mass will be conserved. There was no working group with foresters, specific to indigenous or BIPOC communities or citizens en large. Instead, the VCSI facilitated a series of **Q&A sessions that were called "Focus Groups"** which are one-off meetings that are 50% upfront input and about 50% discussion - all within an hour. I was able to participate in a Focus Group as well, but that meeting was with a group of stakeholders that has met almost bi-weekly since its formation in 2019 to inform two seats held on the Payments for Ecosystems Services and Soil Health Working Group representing small-scale, diversified farms in Vermont. In other words, I don't assume that many other stakeholders had a chance to follow complex topics like the market development for ecosystem services through measuring outcomes of agricultural practices as closely as our stakeholder group did over the past 5 years.

The final report of the Agricultural Lands Working Group (ALWG) has not been published yet but the meetings of our ALWG have been concluded for the inventory phase of the VCSI process. The ALWG is one of four working groups but is the only one that made meeting agendas, notes, slides and recordings of all of their meetings available online - upon request of Rural Vermont. The high degree of process fragmentation and **lack of transparency** made it impossible for stakeholders involved or members of the public to monitor proceedings of working groups other than the ALWG throughout the process. One-time public roundtable discussions took place for each working group after draft reports were already written. I question how far any one-off meeting is suitable to facilitate meaningful participation at all without previous input and time for consideration of the subject matter.

The facilitation of the Vermont Housing and Conservation Board and Agency of Natural Resources could **not promise to date if working groups will be a part of the upcoming two year planning phase**. An act that is called community resilience and biodiversity protection should facilitate meaningful participation in this decision-making process that has huge environmental and statewide land use relevance. It is in Rural Vermont's interest to stay engaged in decision making on recommendations for Vermont's Conservation Plan that's now under development until December 2026.

The ALWG was informed by VHCB staff that the VCSI is **not a public engagement process** as this was not part of the legislative charge in § 2803 of Act 59 (2023) but information gathering only. VHCB had explained this in a meeting to reason the lack of transparency of meeting recordings and notes of all other workgroups other than the ALWG. Regardless of a specific charge for public participation in Act 59 itself, the fact that ANR and VHCB choose to undertake the VCSI as a stakeholder engagement process means that this process needs to satisfy Vermont's Environmental Justice Policy that's in effect and that calls for meaningful participation in the development, implementation, or enforcement of any law, regulation, or policy - especially as they relate to climate and the environment. Furthermore, the intentions of the Environmental Justice Policy go hand in hand with Vermont's open meeting law in 1 V.S.A. § 312 which requires that all meetings of a public body are declared to be open to the public at all times and that the public shall have access to (electronic) records that need to be made.

I recommended prior to receiving v. 4.3 to VHCB to clarify in the report the position that the ALWG is a group utilized for **information gathering only**. The ALWG itself was not facilitated in a way that agreements about statements and recommendations were made in a formal way. In difference, **stakeholders that asked for straw polls had to facilitate them themselves**. The language in the report misses any reference to decision making autonomy of the agency leadership in the process and instead suggests through the language used that viewpoints represented in the report v. 4.3 would have been adopted by the group in some form (such as: The ALWG is hopeful, ...; The ALWG believes...; The ALWG draws heavily from ...; The ALWG puts forward this report...; The ALWG recommends..."). In comparing the version from 032824 to 4.3 I didn't see any changes to this sort of framing in the report.

The last two drafts had made significant changes and **included new framing** that the authoring agencies adopted from the UN and the PES & Soil Health Working Group **that the ALWG did not have much or any discourse about**. Specifically the language around soil health in context of the PES & Soil Health WG introduced framing diametrically opposed to the way that Rural Vermont, the White River NRCD and the Vermont Healthy Soils Coalition had requested to reference the work of that group. At the last meeting of the ALWG on March 29, Rural Vermont expressed confusion how the redraft didn't mention any discourse against carbon markets that occurred in various meetings of the group but instead inclusion of language around ecosystem services - a framework that has only been discussed by the group as something that a 3 year public engagement process already occurred on about with the consensus against the adoption of a new performance based program. I expressed appreciation for the new reference

in draft 4.3 to the final PES & Soil Health Working Group report in mentioning the decision for the Small Farmer Cohorts proposal (that Rural Vermont is part of) for advancing the Conservation Stewardship Program with the creation of the Vermont Farmer Ecosystem Stewardship Program (VFESP). Beyond that, version 4.3 still does not make any reference to the discourse the ALWG had with opposing stakeholders like Rural Vermont to finance large land acquisitions by land trusts and invested agencies through conservation easements in 30x30 through carbon markets. For that reason I made use of the opportunity to include a letter as an appendix to the final ALWG inventory report with the inclusion of excerpts from Rural Vermont's most recent statement against carbon markets from March 8th, 2024 (below).

Rural Vermont undertook great efforts to get ALWG buy-in for a statement against carbon markets which ultimately was not successful. It was our intention to ensure that this new public engagement process does not duplicate the 3-year PES & Soil Health WG effort and that the VCSI could take a unique Vermont approach to land conservation without falling in line with national and international methodologies for 30x30 that pair conservation easements with financing linked to carbon markets. We've been told several times, even in the last meeting, that only Rural Vermont would openly talk about carbon markets in the context of Act 59 (2023). I believe that's true; that those invested in carbon markets knowingly avoid any specific reference as carbon markets more commonly are believed to be fake in regards to their biodiversity measures. In January 2023 a report done by The Guardian researched that credits certified by Vera (a leading carbon standard) have been found to not represent real emission reduction to more than 90% ([CSIS, What's Plaguing Voluntary Carbon Markets, February 2, 2024](#)).

In closing I want to caution Representatives to ask themselves: could legislative authorization and approval of Vermont's Conservation Plan be irrelevant should the Conservation Plan create investment opportunities for voluntary carbon markets that are already legal and not regulated?

Respectfully submitted,

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Appendix

Rural Vermont statement against carbon markets as financing strategy for 30x30

Rural Vermont is opposed to financing conservation efforts, like conservation easements, through carbon markets. From the Rural Vermont [website](#):

The Vermont Conservation Strategy Initiative (VCSI) is underway - and it is important that we use our voice to influence it! Act 59 was passed in 2023 with a goal to conserve 30% of Vermont's total area by 2030 and 50% by 2050.

As Vermont is developing a new conservation plan - its policies and regulations more broadly - must protect and support food sovereignty, and the rights of people and communities articulated in the UN Declaration on the Rights of Peasants and Other People Working in Rural Areas:

“Peasants and other people living in rural areas have the right to land, individually and/or collectively (...), including the right to have access to, sustainably use and manage land and the water bodies, coastal seas, fisheries, pastures, and forests therein, to achieve an adequate standard of living, to have a place to live in security, peace and dignity and to develop their cultures.” - Article 17 UNDRIP (United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas, 2018)

[...]

Affirm the consensus of the PES and Soil Health Working Group against new programs based on measuring outcomes in agriculture.

The [PES and Soil Health Working Group](#) met from 2019-2023 to address questions from the VT legislature related to: ag standards and practices for better environmental outcomes, existing and potential incentives, and proposed changes and programs. Ultimately, the group opposed proposals grounded in measured outcome based models that could lead to the development of carbon and offsets markets in VT agriculture, and favored the CSP+ approach recommended by the Small Farm Cohort, which involves enhancing support for sustainable farming practices through [increasing access to](#), and improving, existing federal programs for Vermont farmers.

Protect 30x30 and land conservation efforts from being financed by carbon and / or other “off-set” markets.

Rural VT has long been in solidarity with the [National Family Farm Coalition](#), [La Via Campesina](#), the [Indigenous Environmental Network](#), the [Institute for Ag and Trade Policy](#), [Friends of the Earth](#) and others in opposing carbon and other “off-set” markets. Globally, the goal to conserve 30% of land and sea by 2030, and 50% by 2050 have been paired with the “net zero” ideology and offset markets, resulting in land grabs, and displacement of communities from working lands and waters (see recent [New York Times article](#) from Feb 20th, 2024). There is significant data around carbon markets’ ineffectiveness at actually lowering emissions, their impacts on corporate land ownership and displacement of communities, and more broadly as [false solutions](#) to the climate crisis.

Recommend policies that ensure conserved land is protected from corporate and consolidated ownership and which facilitate farmland access and ownership for farmers and farmworkers; maintaining community sovereignty over land use over time.

In VT, and around the world, we are seeing large “conservation” organizations, corporations, and governments working together towards conserving land and waters with a vision of conservation which: is largely absent of human presence; in which conserved land and agricultural land are seen as forms of wealth management, investment and a class of “natural asset”; which does not protect local communities’ democratic control of land and resources; which displaces indigenous peoples and farmers and fisherfolk; which does not take into account critical human needs such as food sovereignty and resiliency; and which positions and defers to markets and corporate actors as principle arbiters of access, control, equity, and the future of these places (check out our [glossary of terms here](#) and list of [resources here](#)). In our efforts to protect the integrity of our ecosystems and habitat, and to ensure we have farmland enough to feed the people living here - we must also protect our communities’ democratic control over, and access to, the land as one of our most critical resources.

Protect all farmland in VT from development in perpetuity, with flexibility for development of housing and essential infrastructure, and enable and support the conversion of land (including conserved land) into agriculture, and into the hands and control of the people working the land.

According to Hunger Free VT, two out of every five people in VT are food insecure. We rely upon importation for the vast majority of our food across the northeast, and New England Feeding New England reports that we need to

bring back into production 400,000 acres of land in underutilized production and an additional 590,000 of additional acres of new crop land to even meet 30% of our regional food needs by 2030. The American Farmland Trust (AFT) estimates that VT could lose another 41,000 acres by 2040 if current trends continue - or more if trends worsen. AFT also pointed to the imminent turnover of 40% of farmland within the next couple of decades as farm owners / operators age and move on from farming. Agricultural support programs have been underfunded 50% from what the administration requested in 2023. We need more independent farms, more farmers, more farmworkers, more farmland, more agroecological education and training to even meet 30% of our regional needs; and these considerations must be fundamental to the VCSI. The inventory report should outline land currently in agriculture, land in agriculture currently conserved, what land is potentially best positioned to be converted into farmland moving forward, and how much we will need to assure food security and sovereignty over time. Policies beyond conservation easements must be considered in the upcoming two year conservation planning phase.

Invite the meaningful inclusion of VT's indigenous community in the 30 x 30 process.

The enabling statute finds that “the land and waters, forests and farms, and ecosystems and natural communities in Vermont are the traditional and unceded home of the Abenaki people”, meaning that any effort to increase land conservation must include land access opportunities for Indigenous People and to all who come from historically marginalized and disadvantaged communities. President Biden’s executive order of 2021 on 30x30 explicitly honors Tribal Sovereignty and supports the priorities of Tribal Nations. Currently, neither of the State recognized Abenaki tribes are represented in any of the work groups that are part of the Vermont Conservation Strategy Initiative. We believe that the Indigenous people of Vermont have important knowledge to share about land care strategies and that their ideas for land use and conservation should be decisive for the Vermont Conservation Plan that’s projected for the end of 2025.

Recognize that the Vermont Agency of Agriculture, Food and Markets is the authority regulating VT agriculture.

Act 59 calls for enhanced support for the working lands through land conservation. It is positive that the state wants to better support the working lands and diversified farming in alignment with soil health principles. The 30x30 initiative and conservation easements specifically are not an appropriate place for regulating agricultural practices. Improving the Required Agricultural

Practices Rule is the appropriate path to addressing these concerns equitably amongst producers. The definition of sustainable land management as defined in Act 59 opens the door for linking measured outcomes of biodiversity with off-set trading schemes as a financing strategy because it can be interpreted as only including those parcels of agricultural land that enhance biodiversity at a measurable rate. Alternatively, "sustainable land management" can be interpreted to include all agricultural lands with good reason. Grasslands are specifically named - that's $\frac{3}{4}$ of all conserved agricultural lands - and the UVM State of Soil Health in Vermont initiative provides evidence that soil health across all types of farming in Vermont is presently preserving those soils' ability to support and restore biodiversity in the future. Even in those cases where current agricultural practices have the potential to negatively impact biodiversity, they are free from development and practices can be improved. All agricultural lands are important and all farms manage highly threatened natural resources that are crucial to Vermont's future food security and climate resilience.