

April 11, 2024

Testimony of Jennifer Byrne Regarding the 30 by 30 Conservation Strategy Initiative

Honorable Members of the House Committee on Agriculture and Forestry,

My name is Jennifer Byrne, I am the Manager of the White River Natural Resources Conservation District, a subdivision of state government covering watersheds in 4 counties in Vermont. We were founded by the 1939 Soil Conservation Act as decentralized infrastructure for locally-led decision making relating to soil, water, air, plants, animals, humans, and energy. At our District, our staff include Certified Conservation Planners, Grazing Specialists, Community Engagement Specialists, Farm Team Facilitators, Agroforestry Specialists, a Risk Management Advisor, a Certified Forester, and an Agronomist. Conservation Districts chair their Local Working Group, an ongoing community engagement mechanism that exists in federal law, regulation, and guidance to convene local farmers and land stewards, conduct Conservation Needs Assessments, and develop local Conservation Action Plans.

I am here today to voice significant concerns about the process and implications of the current 30 x 30 and 50 x 50 Conservation Strategy Initiative established by Act 59. I appreciate the opportunity to present my perspective, hoping it will shed light on some key oversights and potential misdirection within this initiative. Over the past few months I have participated in meetings led by VHCB on what is being referred to as the Agriculture Working Group of the Conservation Strategy Initiative. Since January, we have met every other week for two hours. Unlike the other working groups in this process, all the agriculture working group meetings were recorded and posted online. You can witness for yourself the confusion and circular conversation we spent most of the initial meetings engaged in. We understand that agriculture was not originally intended to be included in this act, and that the agricultural committees rightfully wanted to recognize farms for the positive biodiversity benefits they can provide to their community. Unfortunately, there is a swath of the conservation minded community that seem to be in a drivers seat for 30x30 that do not share that belief.

First and foremost, I want to be clear that the concepts of 30x30 and 50x50 are derived from a global initiative with a terrible track record of “green colonialism”, violence, and forced eviction of indigenous peoples from their land in the name of conservation. There is an underlying force for commodifying nature baked into the very core of global 30x30 initiatives. To quote Fiore Longo, head of Survival’s Decolonize Conservation campaign, “The idea that 30x30 is an effective means of protecting biodiversity has no basis in science. The only reason it’s still being discussed in the negotiations is because it’s being pushed hard by the conservation industry, which sees an opportunity to double

April 11, 2024

the amount of land under its control. Should it go ahead, it will constitute the biggest land grab in history, and rob millions of people of their livelihoods. If governments are really meaningful about protecting biodiversity, the answer is simple: recognize the land rights of Indigenous peoples.” Indigenous people of Vermont have been notably absent from this conversation, save for one recent focus group.

The overemphasis on the term “permanent protection” is hubris at its peak, and makes it nearly impossible to fit most forms of conservation agriculture within the definitions of the act. What or who are we protecting land for or from? By excluding human beings and food production from 50% of the landscape, our children will face a future of famine and scarcity. These permanent protections will inevitably fail as the climate changes and our societal boundaries shift. The ones hit hardest will be unwealthy, non land holding people. This process is not planning for the future, it is preserving a relic of the past. We must move beyond the concept that carbon markets, conservation easements, and public parks will save our planet or provide for future famine protection. While this conversation takes place in certain conservation circles, in agricultural circles, there is more and more emphasis on the need for integration of agroforestry, agroecology, and de-siloing of conservation and working lands. This initiative has been a major distraction from the on-the-ground solutions our agricultural community has identified and are asking for.

I believe that the leadership and execution of this conservation planning process should have been entrusted at least in part to our state’s Natural Resources Conservation Council and the Conservation Districts. These districts embody the spirit of local governance and environmental stewardship, rooted in community-based decision-making and intimate knowledge of our lands and local needs. Our Conservation District’s federal guidance documents clearly define this role, stating “Locally-led Conservation consists of a series of phases that involve community stakeholders in natural resource planning, implementation of solutions, and evaluation of results. Locally led conservation begins with the community itself, working through the local conservation district. It is based on the principle that community stakeholders are best suited to deal with local resource problems.”¹ Our enabling statute, the 1939 Vermont Soil Conservation Act, also directs us to “develop comprehensive plans for the conservation of soil resources and for the control and prevention of soil erosion and the protection and conservation of natural resources within the district.” These duties are, for the most part, unfunded mandates.

¹ USDA 440 Programs Manual, Section 500, Subpart A: Locally Led Conservation Defined
<https://directives.sc.egov.usda.gov/landingpage/14606>

April 11, 2024

Unfortunately, Act 59 bypasses the invaluable expertise and democratic ethos of the Conservation Districts, undermining the principle of locally led conservation. To quote directly from Act 59:

“Stakeholders shall include private owners of forestlands and agricultural lands, land trusts, conservation organizations, environmental organizations, working lands enterprises, outdoor recreation groups and businesses, Indigenous groups and representatives from historically marginalized and disadvantaged communities, watershed groups, municipalities, regional planning commissions, conservation commissions, and relevant State and federal agencies.”

Please notice the failure to explicitly name the Natural Resources Conservation Districts in this long list of stakeholders, but the explicit inclusion of similar entities such as RPCs and Conservation Commissions. We have had to go to great lengths to be consulted or included at all in discussions to date. Working groups were formed without any representation from our publicly elected Conservation District Supervisors, and it took a lot of personal effort to have any District representation invited to the table.

It was evident from the very beginning of this process that large nature organizations are playing a disproportionately influential role in this initiative. The Nature Conservancy and Vermont Land Trust are disturbingly facilitating the transfer of Vermont's precious lands into the hands of hedge funds and other financial interests. This trend is not only alarming but runs counter to the ethos of conservation and public trust. Furthermore, the contractor hired to facilitate the overall public engagement process, though staffed with good hearted people, are an organization that specializes in facilitating access to carbon markets globally. We must scrutinize these relationships and ensure that our natural world is preserved for the public good, not commodified for private profit or sold off to third party companies.

The procedural integrity of the 30 x 30 initiative is also a matter of grave concern. We on the agriculture working group were reminded repeatedly that this was never meant to be a public process, does not have to abide by open meeting laws, and that VHCB has the final say of what is recommended to ANR. I'll point out here that if this process instead sat with the NRCC and the Conservation Districts, it would have inherently been a public process. The initiative's implementation has seemed hurried, with deadlines prioritized over meaningful dialogue and consensus-building. Such an approach not only undermines the democratic fabric of our environmental policy-making but also jeopardizes the initiative's legitimacy and efficacy. Due to the hurried conclusion of the agriculture working group, most of the participating organizations did not formally

April 11, 2024

approve of the final report due to the fact that they were not given more than 24 hours for final approval.

Throughout the agriculture working group's process, when we would question the urgency or even the need for this initiative, we were simply told it is the law and we had deadlines to meet in the Act, giving the perception that for some reason, this law was more important than any other priorities or policies identified by our communities, and far more important than building trust or taking time to do due diligence to understand the similarities and overlap in the work of the recently concluded Soil Health and Payment for Ecosystem Services Working Group, which met for over 3 years discussing similar topics. Our requests to begin our conversation where the PES working group left off and to resolutely put to rest the idea that carbon markets and nature based solutions are a viable path forward in the conservation plan for Vermont were ignored or shelved for the next phase of the process.

Here is a quote directly from the final report of the PES working group: **“Over the course of its meetings, the Working Group became aware that the language and concepts of “payment for ecosystem services” and “natural capital” are tied to the much larger developments related to the “financialization of nature” and the “privatization of the commons”. During the period in which the Working Group has operated, “natural asset companies” have emerged as a new class of publicly traded assets on global financial markets. This new asset class was designed to create a new market whose assets “generate trillions of dollars in ecosystem services annually”. This development represents an alignment of banking and corporate interests around the potential to profit from putting a price on ecosystem functions.”**

Since the conclusion of the PES working group, the world's largest carbon market verifiers, including the very companies promoted and used by TNC here in Vermont, have been exposed as frauds in the pages of Time, the Guardian, Bloomberg, and many other reputable publications. Financialization of nature disregards the intrinsic value of nature and fails to address the root causes of environmental degradation. What is being created is a financial bubble the size of which we have never seen before. Vermont can and should make a statement to the world by making these nature based market schemes illegal within the boundaries of our state.

I also call into question the amount of money spent on this process to date, and urge you to dig deeper into the budget for this initiative relative to the public good it will serve. In the past six months, our state agencies have spent countless hours in meetings discussing how to conserve 30% of our already 80% forested state. What public good does this serve? I have heard first hand stories about catered lunches and

April 11, 2024

day long meetings of the core oversight team, circling the drain on the same questions for hours on end. Meeting minutes or recordings were not posted publicly. This is not an initiative anyone I know in the community I represent deems a priority for state or federal spending of this magnitude.

Furthermore, the sidelining of our essential environmental justice legislation raises questions about the alignment of this initiative with broader societal values and legal frameworks. If we are to pursue a truly sustainable and equitable future, our conservation efforts must be rooted in justice, ensuring that all voices are heard, respected, and meaningfully incorporated into decision making. Just two years ago, Vermont passed its first ever Environmental Justice Act which set deadlines for state agencies to come into compliance with Title VI of the Civil Rights Act by creating meaningful community engagement plans, established an Environmental Justice Advisory Council and Interagency Committee, established the policy of the state that no person in Vermont bear an unequal share of environmental burdens and environmental benefits, and directs ANR to create an environmental justice mapping tool. As a representative member of the EJ Advisory Council, I will say that despite a lot of good intentions, not a single deadline in the act has been met. Where is the urgency and emphasis to meet those deadlines? If similar emphasis was put on meaningful involvement of impacted community members in environmental decision making, we would likely not even have Act 59 in its current form.

The community engagement that has been conducted during this process has undermined our existing community engagement mechanisms within the agricultural community. VAAF and the Conservation Districts have been hosting listening sessions and local working groups around the state during the winter months, on barely any budget, and then around the same timeframe, VHC decided to tap similar constituents on an even tighter timeline to ask confusing and unresearched questions like "what land will count?" and "what conservation practices help with biodiversity?" However, they have the budget to provide stipends for each participant. If this emphasis and funding was instead put toward the Conservation District's Local Working Group process, as defined in Section 500 and 501 of the USDA Programs Manual provided with this testimony, we could leverage the community's data to directly inform state and federal conservation policies more broadly and leverage many millions of dollars of federal funds into local funding pools for direct payments to farmers and land stewards in fiscal year 2025.

In conclusion, I urge you to reconsider the direction of or completely repeal the 30 x 30 Conservation Strategy Initiative. This initiative is fundamentally flawed: based on

April 11, 2024

concepts not supported by science or on-the-ground practitioners, but rather by big banks, corporate polluters, and “big green” organizations that stand to profit from corporate land grabs. Instead, build upon the consensus decisions of the Soil Health and Payment for Ecosystem Services Working Group, put Conservation Planning back into the hands of Conservation Planners, fund Conservation Districts’ unfunded mandates, and uplift our underutilized, decentralized, democratic conservation district infrastructure that lies nearly dormant in our state. Empower our Conservation Districts to lead in a way that is democratic, equitable, and truly reflective of our shared values, ensure genuine transparency and inclusivity, and reaffirm our collective commitment to environmental justice and the public interest.

Thank you for your attention and for the opportunity to testify on this critical matter.