

1 TO THE HOUSE OF REPRESENTATIVES:

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

7 Sec. 1. SHORT TITLE

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

10 Sec. 2. FINDINGS

11 The General Assembly finds:

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

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

16 (3) According to the United Nations:

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

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

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

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

6 (i) changes in land and sea use;

7 (ii) direct exploitation of organisms;

8 (iii) climate change;

9 (iv) pollution, and

10 (v) invasive species.

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

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

18 (6) The initial Vermont Climate Action Plan calls for investing in
19 strategic conservation to increase the pace of permanent conservation towards
20 30 by 30 targets, with Vermont Conservation Design guiding prioritization of
21 efforts.

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

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

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

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

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

20 (12) In order to maintain ecological functions in intact and connected
21 ecosystems, the full range of conservation approaches is needed, including

1 supporting private landowner education, technical assistance, and programs;
2 conservation easements that promote sustainable forest management; and
3 conservation easements and fee acquisitions focused on passive management.

4 (13) The Vermont Housing Finance Agency’s 2020 Housing Needs
5 Assessment projected an urgent pre-pandemic need for new housing. In order
6 to meet this need for Vermonters while maintaining ecological function,
7 funding for building these new units must be prioritized using smart growth
8 principles.

9 (14) The land and waters, forests and farms, and ecosystems and natural
10 communities in Vermont are the traditional and unceded home of the Abenaki
11 people. Access to land and land-based enterprises has excluded Black,
12 Indigenous, and Persons of Color (BIPOC) Vermonters and others from
13 historically marginalized and disadvantaged communities in the centuries of
14 European settlement. Efforts to increase the rate of conservation and restore
15 ecological function and connectivity must also include opportunities to
16 increase access to land and land-based enterprise for Indigenous People and all
17 who come from historically marginalized and disadvantaged communities.

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

2 CHAPTER 89. COMMUNITY RESILIENCY AND BIODIVERSITY

3 PROTECTION

4 § 2801. DEFINITIONS

5 As used in this section:

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

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

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

18 (4) “Sustainable forest management” means the stewardship and use of
19 forests and forestlands in a way, and at a rate, that maintains their biodiversity,
20 productivity, regeneration capacity, vitality, and their potential to fulfill, now

1 and in the future, relevant ecological, economic, and social functions at local,
2 State, and regional levels, and that does not degrade ecosystem function.

3 (5) “Conserved” means permanently protected and meeting the
4 definition of ecological reserve area, biodiversity conservation area, or natural
5 resource management area as defined in this section.

6 § 2802. CONSERVATION **VISION AND GOALS**

7 (a) The vision of the State of Vermont is to maintain an ecologically
8 functional landscape that sustains biodiversity, maintains landscape
9 connectivity, promotes climate resilience, supports working farms and forests,
10 provides opportunities for recreation and appreciation of the natural world, and
11 supports the historic settlement pattern of compact villages surrounded by rural
12 lands and natural areas.

13 (b) It is the goal of the State that 30 percent of Vermont’s total land area
14 shall be conserved by 2030, and 50 percent of the State’s total land area shall
15 be conserved by 2050. The Secretary of Natural Resources shall lead the effort
16 in achieving these goals. The land conserved shall include State, federal,
17 municipal, and private land.

18 (c) Reaching 30 percent by 2030 and 50 percent by 2050 shall include a
19 mix of ecological reserve areas, biodiversity conservation areas, and natural
20 resource management areas. In order to support an ecologically functional and
21 connected landscape with sustainable production of natural resources and

1 recreational opportunities, the approximate percentages of each type of
2 conservation category shall be guided by the principles of conservation science
3 and the conservation targets within Vermont Conservation Design, prioritizing
4 ecological reserve areas to protect highest priority natural communities and
5 maintain or restore old forests.

6 § 2803. CONSERVED LAND INVENTORY

7 (a) On or before July 1, 2024, the Secretary, with assistance from the
8 Vermont Housing and Conservation Board, shall create an inventory of
9 Vermont’s conserved land and conservation policies to serve as the basis of
10 meeting the conservation goals of Vermont Conservation Design and to meet
11 the goals established in section 2802 of this title. The inventory shall be
12 submitted for review to the House Committees on Environment and Energy
13 and on Agriculture, Food Resiliency, and Forestry and the Senate Committee
14 on Natural Resources and Energy.

15 (b) The inventory shall include:

16 (1) a review of the three conservation categories defined in section 2801
17 of this title and suggestions for developing any modifications or additions to
18 these categories that maintain the core concepts of ecological reserve areas,
19 biodiversity conservation areas, and natural resource management areas in
20 order to complete the conserved land inventory;

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

6 (3) a summary of the totality of conservation practices, both permanent
7 and intermediate, available for reaching the goals of this chapter, including
8 what they are, what they do, how they contribute, and what metrics are
9 available to quantify them;

10 (4) an assessment of how State lands will be used to increase conserved
11 ecological reserve areas;

12 (5) the implementation methods that could be utilized for achieving the
13 goals of this chapter using Vermont Conservation Design as a guide;

14 (6) an assessment of how water is protected in the State and how
15 protection of aquatic systems may be addressed in the plan;

16 (7) how existing programs will be used to meet the permanent,
17 nonconversion conservation goals of this chapter and recommendations for
18 new programs that will be needed to meet the goals;

19 (8) an assessment of existing funding and recommendations for new
20 funding sources that will be needed for acquisition of land, purchase or

1 donation of conservation easements, staffing capacity, and long-term
2 stewardship to meet the goals;

3 (9) an equity assessment of existing land protection and conservation
4 strategies and programs; and

5 (10) an evaluation of the opportunities related to intergenerational land
6 transfer trends and how the State could proactively direct resources to achieve
7 conservation at the time of transfer.

8 § 2804. CONSERVATION PLAN

9 (a) On or before December 31, 2025, the Secretary, with assistance from
10 the Vermont Housing and Conservation Board, shall develop a plan to
11 implement the conservation goals of Vermont Conservation Design and to
12 meet the goals established in section 2802 of this title. The plan shall be
13 submitted for review to the House Committees on Environment and Energy
14 and on Agriculture, Food Resiliency, and Forestry and the Senate Committee
15 on Natural Resources and Energy.

16 (b) The plan shall include:

17 (1) a comprehensive strategy for achieving the goals of section 2802 of
18 this title;

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

1 (3) recommendations to increase equitable access to protected and
2 conserved lands and land-based enterprises.

3 (c) In developing the plan, the Secretary, with assistance from the Vermont
4 Housing and Conservation Board, shall hold 12 or more public meetings on the
5 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, municipalities, regional
11 planning commissions, conservation commissions, and relevant State and
12 federal agencies. At least three of the meetings shall be designed to solicit
13 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 goals of this chapter,
16 which shall be publicly available, and the Secretary shall submit a report to the
17 relevant committees on or before January 15 following each update.

18 Sec. 4. APPROPRIATION

19 The sum of \$75,000.00 is appropriated from the General Fund to the
20 Vermont Housing and Conservation Board in fiscal year 2024 to support
21 public education and outreach to inform the development of the statewide

1 conservation plan. The funds shall be available for use for two years and shall
2 support equitable engagement with community members from historically
3 marginalized and disadvantaged communities, including costs for travel
4 vouchers, food, and childcare where necessary to accommodate participation,
5 as well as compensation for community members who might be asked to serve
6 on more formal subcommittees and who would otherwise not be able to
7 participate.

8 Sec. 5. EFFECTIVE DATE

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

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13 (Committee vote: _____)

14

15

Representative _____

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FOR THE COMMITTEE