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Vermont House Committee on Environment and Energy
H.126 - An act relating to community resilience and biodiversity protection

Introduction

Good morning. I am Eric Sorenson, an ecologist from East Calais. Before retiring in 2021, I was an ecologist with the Vermont Fish and Wildlife Department for about 25 years.

I appreciate the opportunity to speak with you this morning again about H.126. I would first like to provide some general comments and encouragement about this important bill, and second, I would like to offer specific suggestions on the language in the bill. I am here in full support of H.126.

Over the past few weeks, I have followed your work on H.126 closely. I am very impressed by two things: the quality of the testimony that you have heard covering a range of opinions, and the Committee members' quick learning on the complex issues of biological diversity, forest management, and landscape conservation. And H.126 is just one of your bills.

I would be happy to discuss any of my comments as I raise them or at the end of my testimony, whichever you prefer. I also hope that I can answer any other specific questions that you might have about Vermont Conservation Design and how it could be used to develop the conservation plan called for in H.126.

General Comments

I believe this is a very timely and extremely important bill, as it aims to improve conservation and increase attention on Vermont's ecologically functional landscape, which supports biological diversity, climate change adaptation, recreation and economy, and our well-being.

I also think that the focus of H.126 on permanent conservation of lands in ways that maintain natural forest and land cover and do not allow for conversion to other land uses is entirely appropriate. The three categories in the bill – ecological reserve areas, biological conservation areas, and natural resource management areas – cover well the range of management that is appropriate in permanently non-conversion conservation and are largely consistent with GAP status categories defined by the U.S. Geological Survey.

Although the bill's focus on these types of permanent land conservation is entirely appropriate, it is important to recognize that many other types of conservation, regulations, and just good land stewardship are in play and will continue to be critical to keep our forests as forests, and to conserve biological diversity, provide landscape adaptation to climate change, and maintain the rural character of Vermont. First among these other types of conservation is Use Value Appraisal (Current Use), which in my mind, is one of the most successful conservation tools we have in

Vermont. The bill does not in any way take away from the importance of these other types of conservation. There is excellent conservation work occurring using many tools in Vermont, as you have heard from Mr. Austin and Ms. Washburn, as well as others.

The conservation plan identified in H.126 is focused on biodiversity and the elements of biodiversity that need permanent, non-conversion conservation. I was concerned to hear testimony by Mr. Martin of the Vermont Housing and Conservation Board about initiation of what sounds like a very comprehensive conservation plan that is much broader than what is identified in H.126. I do not believe that is necessary for this bill or for advancing conservation in Vermont at this time. I suggest keeping to the clear focus spelled out in H.126.

I would like to take a few minutes to review the landscape and natural community features identified in Vermont Conservation Design. Mr. Zaino presented these in detail last week and Mr. Hilke reviewed them yesterday. (See PowerPoint slides)

Together these landscape and natural community features are the building blocks that create the ecologically functional landscape that is the vision of Vermont Conservation Design. Conserving the ecological function of all the features is what provides us with high confidence that we can maintain biological diversity as climate change and land use changes alter the Vermont landscape.

A key question that Representative Sibilio brought up and was discussed with Mr. Zaino on February 9 and that was discussed in more detail with Mr. Hilke yesterday, is: How do these features of Vermont Conservation Design and the conservation targets for each relate to the Conservation Goal in Section 2802 (b) of H.126, specifically, "In order to support an ecologically functional landscape with sustainable production of natural resources and recreational opportunities, the approximate percentages of each type of conservation category shall be guided by the conservation targets within Vermont Conservation Design, including the use of ecological reserve areas to protect highest priority natural communities and maintain or restore old forests."

First, the maps of each feature and the acreages of old and young forest and grasslands are the conservation targets of Vermont Conservation Design. These highest priority conservation targets can be viewed for each feature or combined to show the entire ecologically functional landscape. This represents about 69 percent of Vermont's lands and waters.

Second, with the goal of maintaining the ecological function of each of these features, it is important to consider what type of conservation is most appropriate for each feature. The most appropriate type of conservation varies with the ecological condition that needs to be maintained or managed, the irreplaceability of a feature or its function, and what other uses are compatible with maintaining that function. And this assessment is really at the heart of what H.126 calls for and what will need to be done to develop the focused conservation plan.

I would like to share a very draft version of what this assessment could look like. I mean this to be illustrative only, as this assessment should be conducted by a group of conservation scientists and land conservation specialists familiar with both the ecological functions of the Vermont Conservation Design features and the available broad set of conservation tools, including the three categories identified in H.126. (See VERY DRAFT matrix slide.)

Questions and discussion about Vermont Conservation Design targets, biological diversity, the white space on the maps, or other.

Specific Comments on H.126

Following are some comments about language in the bill, with suggestions for specific language changes shown in “track changes.”

Section 2802 (a): There are many uncertainties in land conservation, especially relating to the three categories in this bill, including landowner interest, opportunities, conservation funding, and staffing. I suggest stating this as a goal.

“It is the goal that tThirty percent of Vermont’s total land area and waters ~~shall~~ be conserved by 2030, and 50 percent of the State’s total land area and waters ~~shall~~ be conserved by 2050.”

Section 2802 (b): I think Vermont Conservation Design is the appropriate tool for this work, but there are other conservation tools and there is always new information becoming available. I suggest a little flexibility to acknowledge principles of conservation science.

“In order to support an ecologically functional landscape with sustainable production of natural resources and recreational opportunities, the approximate percentages of each type of conservation category shall be guided by the principles of conservation science and by the conservation targets within Vermont Conservation Design, including the use of ecological reserve areas to protect highest priority natural communities and maintain or restore old forests.”

Section 2803 (a): I believe it is very important that the ANR Secretary remain the lead for developing this conservation plan. The conservation plan outlined in this bill is a conservation science project and the expertise for developing the plan lies primarily within the Departments of Fish and Wildlife, in cooperation with other conservation organizations.

“On or before December 31, 2024, the Secretary, in consultation with VHCB, conservation organizations, and Other partners, shall develop a plan to implement the conservation goals of Vermont Conservation Design to meet the goals established in section 2802 of this title.”

Section 2803 (b) (1): This seems to create a difficulty in the timing to review the three categories and, modify them, and complete the conservation plan. I would suggest adding some flexibility to the three categories.

“a review of the three conservation categories defined in section 2801 of this title and suggestions for developing any modifications or additions to these categories that maintain the core concepts in order to complete the conservation plan;”

Section 2803 (b) (2): Consider the possibility for VHCB to lead on developing and maintaining an inventory of conserved lands in Vermont.

Section 2803 (b) (5): There is currently not a land classification category or a legal process to designate ecological reserves on state lands. I suggest making it clear that these ecological reserves shall be permanently protected.

“an assessment of how State lands will be used to increase permanently protected ecological reserve areas;”

Section 2803 (b) (9): Regarding an assessment of existing and new funding sources, I just have a comment. In my experience, ANR leadership is typically reluctant to ask for funding from the legislature, in deference to the Scott Administration’s fiscal concerns. Fiscal responsibility is commendable, but this is an issue of great importance and urgency. Maintaining an ecologically functional landscape that conserves biological diversity, provides climate change adaptation, secures wildlife habitat, and provides a host of environmental, social, and economic benefits that Vermonters enjoy is a gift we can protect now for future generations.

Thank you. I would be happy to answer any questions.