H.606

Introduced by Representative Sheldon of Middlebury

Referred to Committee on

Date:

Subject: Conservation and development; land use; land and water conservation; biodiversity; community resilience

Statement of purpose of bill as introduced: This bill proposes to establish State goals of conserving 30 percent of the land and aquatic systems of the State by 2030 and 50 percent by 2050.

Commented [BGB1]:
Blue text = suggested additions to the text as proposed.

Blue text with yellow highlight = suggested additions specific to aquatic conservation.

An act relating to community resilience and biodiversity protection

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. SHORT TITLE

This Act may be cited as the "Community Resilience and Biodiversity Protection Act" or "CRBPA".

Sec. 2. FINDINGS

The General Assembly finds that:

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

(2) According to the United Nations, a million species of plants and animals are threatened with extinction. (https://ipbes.net/global-assessment)

(3) In addition to its intrinsic value, biodiversity is essential to human survival.

(4) Human activity has altered almost 75 percent of the Earth's surface, squeezing wildlife and nature into ever-smaller natural areas of the planet, according to the United Nations.

(5) Further, the United Nations found that the health of ecosystems on which humans and all other species depend is deteriorating more rapidly than ever, affecting the very foundations of economies, livelihoods, food security, health, and quality of life worldwide.

(6) Freshwater vertebrate populations have declined by 84% globally since 1970; twice the rate of decline of biodiversity in terrestrial or marine biomes. Almost one in three freshwater species are threatened with extinction.
(https://files.worldwildlife.org/wwfcmsprod/files/Publication/file/279c656a32_ENGLISH_FULL.pdf)

(7) Approximately 75% of all river miles assessed in Vermont have lost connection with their floodplains, indicating degradation and exacerbating flood-related damages.

(https://floodready.vermont.gov/sites/floodready/files/documents/Protecting_River_Corridors_in_VT.pdf Page 4.)

(8) The United Nations ranks the causes of the drivers of changes in nature as: (1) changes in land and sea use, (2) direct exploitation of organisms, (3) climate change, (4) pollution, and (5) invasive alien species.

(9) Drivers of change in freshwater systems also include fragmentation and flow modification of rivers and streams. (https://files.worldwildlife.org/wwfcmsprod/files/Publication/file/279c656a32_ENGLISH_FULL.pdf)

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

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

(12) The Nature Conservancy has developed the Resilient and Connected Landscapes project and found that Vermont plays a key role in the conservation of biodiversity regionally, serving as an essential habitat

corridor for species migration in a changing climate. (https://www.conservationgateway.org/ConservationByGeography/NorthAmerica/UnitedStates/edc/reportsdata/terrestrial/resilience/Pages/default.aspx).

(13)The Vermont Fish and Wildlife Department, working within the Agency of Natural Resources and with Vermont conservation organizations, has developed the Vermont Conservation Design, a vision to sustain the State's ecologically functional landscapes into the future. (https://vtfishandwildlife.com/conserve/vermont-conservation-design)

(13) While Vermont Conservation Design is robust for terrestrial systems, an update of VCD for aquatic systems or a different set of guidelines are required to guide the effective conservation of 30% of Vermont's aquatic systems by 2030 and 50% by 2050.

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

(15)Intact and connected ecosystems that are permanently protected and passively managed to increase in age and complexity support

Vermont's native biodiversity, reduce flood risks, mitigate drought, and sequester and store carbon.

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

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

Chapter 89. COMMUNITY RESILIENCY AND BIODIVERSITY PROTECTION

§ 2801. DEFINITIONS

As used in this section:

(1) "Biodiversity reserve" means an area having permanent protection from conversion of natural land cover and a mandated management plan in operation to maintain a natural state.

(2) "Ecological conservation area" means an area having permanent protection from conversion of natural land cover and a mandated management plan in operation for specific habitat improvement projects to maintain a primarily natural state.

(3) "Sustainable resource management area" means an area having permanent protection from conversion of natural land cover for the majority of the area but subject to long-term forest management.

(4) "Aquatic system under conservation" means a watershed sized 12 or larger within the USGS Hydrologic Unit Code system which meets criteria indicating that conservation efforts are established and functional for essential aquatic attributes.

(5) "Essential aquatic attributes" are attributes essential to maintaining the resilience of freshwater systems and the ecosystem services they provide, including: community engagement, water quality, native species representation, river connectivity, river flow, wetlands, and lakes and ponds.

(6) §2802. CONSERVATION GOALS

(1) Thirty percent of Vermont's total land area and 30 percent of Vermont's aquatic systems shall be conserved by 2030, and 50 percent of the State's total land area and 50 percent of the state's aquatic systems by 2050. The Secretary of Natural Resources shall assist the State in achieving these goals. The lands and waters conserved shall include State, federal, municipal, and private lands and waters.

(2) For lands, reaching 30 percent by 2030 and 50 percent by 2050 shall include a mix of biodiversity reserves, ecological conservation areas, and sustainable resource management areas. In order to support an ecologically functional landscape with sustainable production of natural resources and recreational opportunities, the percentages of each type of conservation area

shall be determined by the goals within Vermont Conservation Design, including the use of biodiversity reserves to protect highest priority natural communities and maintain or restore old forests across at least nine percent of Vermont forestland.

(3) For waters, reaching 30 percent by 2030 and 50 percent by 2050 shall involve designating watersheds as "aquatic systems under conservation" based on criteria indicating that conservation efforts are established and functional for "essential aquatic attributes".

§2803. CONSERVATION PLAN

(1) On or before July 15, 2023, the Secretary shall develop a plan to meet the goals established in section 2802 of this title. The plan shall be submitted to the House Committees on Natural Resources, Fish, and Wildlife, Agriculture and Forestry, and Energy and Technology and the Senate Committee on Natural Resources and Energy.

(2) The plan shall include:

(A) an initial inventory of the amount of land and water in Vermont that is permanently conserved, including public and private land and water;

(B) an evaluation of the impact of intergenerational land transfer trends;

(C) an assessment of how the goals of this chapter can be achieved and how State lands will be used to increase biodiversity reserves;

(D) an actionable conservation plan establishing how the goals will be achieved,

i. For land conservation, using Vermont Conservation Design as a guide, and

ii. For aquatic conservation, meeting criteria that conservation efforts are established and functional for "essential aquatic attributes" within each watershed under conservation.

(2) an inventory and assessment of existing programs that will be used to meet the goals of this chapter and recommendations for new programs and funding that will be needed to meet the goals.

(3) In developing the plan, the Secretary shall hold not less than three public meetings on the plan and accept public comments. The Secretary shall receive input from various stakeholders, including land trusts, conservation organizations, the Vermont Housing and Conservation Board, and other State agencies.

(4) The conserved land and waters inventory shall be updated annually to track progress toward meeting the goals of this chapter.

Sec. 4. EFFECTIVE DATE

This act shall take effect on July 1, 2022.