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House Committee on Natural Resources, Fish, and Wildlife
H. 606 - Community Resilience and Biodiversity Protection Act

Introduction

Good morning. I am Eric Sorenson, an ecologist from East Calais. Formerly I was an ecologist with the Vermont Fish and Wildlife Department.

I appreciate the opportunity to speak with you this morning about H.606. I would first like to provide some general comments and encouragement about this important bill, and second I would like to suggest some specific comments on the language in the bill.

I would be happy to discuss any of my comments or suggestions as I raise them or at the end of my testimony, whichever you prefer. I have a written version of my testimony that I will send to Ms. Carroll directly after my testimony.

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 fully support the bill and I was very encouraged to watch and listen to the expert testimony you had on the bill last week that was overall very supportive.

Vermont Conservation Design is the appropriate reference for conservation guidance in this bill. Vermont Conservation Design is currently being refined by Vermont Fish and Wildlife Department and conservation partners. These refinements are very important to ensure that Vermont Conservation Design is as useful as possible and applies the most current data available, and I expect refinements and updates will continue. But, the conservation targets of Vermont Conservation Design are ready and in good form now for implementation.

To be clear, there are many aspects of Vermont Conservation Design that are currently being used across Vermont. Vermont Conservation Design is the underlying information that Jens Hilke of the Vermont Fish and Wildlife Department conveys to every town in Vermont for planning purposes. Vermont Conservation Design informs regulatory review, especially with respect to forest fragmentation and landscape connectivity. And Vermont Conservation Design provides guidance on land acquisitions by Vermont Fish and Wildlife Department, Vermont Forests Parks and Recreation, and many conservation organizations. There is excellent land conservation work occurring.

What is needed, and what this bill addresses, is greater support and a stronger focus on the level of conservation that is needed to conserve and protect all elements of the ecologically functional landscape – all elements identified as targets in Vermont Conservation Design.

Although the focus of this bill is appropriately on permanent conservation that precludes conversion of natural cover to development, it is very important that we think broadly about the full range of conservation options. Vermont has a proud history of landowners managing their forests and land well, and we should do all we can to support landowners continued private stewardship of their lands. Use Value Appraisal is sure the best tool I know. But there are also aspects of our ecologically functional landscape for which permanent conservation is needed to ensure their future ecological function. Management in these permanently conserved areas can range from passive management that allows natural processes to proceed to sustainable harvest of forest products.

Conservation in all of its forms is very important if we are to implement the targets of Vermont Conservation Design and maintain an ecologically functional landscape. However, conservation alone will not be enough. Again, support of private landowners is critical. Also important is the ability to review development projects in Act 250 and Section 248 that will result in forest fragmentation and landscape connectivity. I encourage you to continue that good work and I suggest that a simple inclusion of the Act 250 criteria regarding forest fragmentation and landscape/habitat connectivity would be very adequate.

I think the scale of this bill on conserving 30 percent of land and waters by 2030 is appropriate. There is plenty of work to be done in this regard.

I do not know what level of funding and staffing is needed to accomplish the goals of this bill. I expect that much of the work in developing a plan will fall to staff in Vermont Fish and Wildlife Department, including Mr. Zaino that you will hear from later this morning. Staff at the Department are extremely busy with ongoing conservation work, and so I encourage both your committee and the Agency of Natural resources to identify the funding and staffing needs to get this important work done.

I believe it is important to keep this bill from being overly prescriptive about conservation outcomes. Conservation planning efforts like Vermont Conservation Design and TNC's Resilient and Connected Lands are driven by the best science available and by deliberation among conservation planning experts. For example, 30 by 30 conservation of land and water is a useful slogan and direction, but 30 percent conservation is not a number driven by science. I have high confidence in Vermont Fish and Wildlife Department and its many conservation partners in developing a science-based outcome to the charges of this bill.

Regarding conservation of aquatic systems, I am glad that you will be hearing from Ms. Bergman this morning. My opinion is that Vermont's waters are all extremely important – there is no stream or lake that has less importance. I hope that we consider permanent conservation of all Vermont's waters to be the goal.

Specific Comments

Note: suggested additions are underlined and suggested deletions are marked with strike-through.

I suggest an additional finding to introduce Staying Connected Initiative, which seems like it would fit well near existing Finding 11: The goal of the Staying Connected Initiative is to maintain, enhance, and restore landscape connectivity for wide-ranging mammals across the Northern Appalachians/Acadian region (from the Adirondacks Mountains to the Maritime Provinces). Staying Connected Initiative has identified nine linkages across this vast region that are extremely important to wildlife – six of these linkages lie within Vermont.

I think Finding 12 is overly limited in its reference to passively managed systems. Intact and connected ecosystems that are management in many ways will provide the benefits listed. I suggest deleting a portion of this finding. “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.”

I suggest an additional finding to help explain that all types of conservation are needed. This might fit after current Finding 13. In order to conserve the full range of ecological functions in intact and connected ecosystems, the full range of conservation approaches is needed, including supporting private landowners, conservation easements that promote sustainable forest management, and conservation easements and fee acquisitions focused on passive management.

I think the definitions in §2801 would benefit from more description to separate them more clearly. This may help in categorizing existing conserved lands during the inventory process, but also help is clarifying and identifying what level of conservation that is needed for each target element of Vermont Conservation Design. I expect there are other people that have a good perspective on these categories and how to refine them so that they reflect the range of conservation easements and land protection categories in Vermont.

(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 within which natural ecological processes and disturbance events (of natural type, frequency, intensity, and legacy) are allowed to proceed with minimal interference.

(2) “Ecological conservation area” means an area having permanent protection from conversion of natural land cover and a mandated management plan in operation to maintain a primarily natural state, but allowing specific habitat improvements and low intensity forest management projects.

(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 using high ecological standards.

I suggest revisions to §2802 (b) to make it clear that Vermont Conservation Design is best used as a guide in developing a plan.

“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 approximate percentages of each type of conservation area shall be ~~determined~~ guided by the ~~goals~~ conservation targets 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.”

I suggest a revision to §2803 (1), the Conservation Plan, to make it clear that Vermont Conservation Design be used as a guide and that the focus be on ensuring conservation of the ecological functions. “On or before July 15, 2023, the Secretary shall develop a plan to implement the conservation goals of Vermont Conservation Design 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.”

I suggest an addition to Section 2803 (2)(A) to make sure the non-conversion conservation categories are separated from those that allow conversion of natural cover to agriculture or other uses, or that conserve important agricultural lands. “an initial inventory of the amount of land in Vermont that is permanently conserved and falls into each of the three conservation categories defined in Section 2801, including public and private land;”

I suggest adding a new paragraph after Section 2803 (2)(A) to further define the use of Vermont Conservation design as a guide.

The proportions of conservation categories in §2801, and additional conservation categories and landowner assistance programs, should be guided by the level of conservation needed to maintain the ecological function of each target element in Vermont Conservation Design.

I suggest an addition to Section 2803 (2)(E): “an inventory and assessment of existing programs that will be used to meet the permanent, non-conversion conservation goals of this chapter and recommendations for new programs and funding that will be needed to meet the goals.”

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