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Feedback on UVA bill draft 1.2

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Thanks for the opportunity to provide feedback on the draft bill. We greatly support attention to increasing incentives for promoting permanent land conservation, including allowing permanently conserved, privately owned wildlands or natural forestland to be enrolled in the Current Use Program. We are eager to help the Committee design a successful and supported approach.

In regards to the name for the new enrollment category, the bill contemplates adding to the Conservation Land category. Since conserved natural forestland can already be enrolled in the Program, such as under the ESTA categories in the forestland category, “conserved wildlands” may be a less confusing term to consider for this new category of enrollment in Conservation Land.

In regards to the Statement of Purpose section, if new terms are going to be added, there are others that may be appropriate, such as adding carbon storage along with carbon sequestration to the list.

In regards to the eligibility requirement under Managed Forestland, if the desire is to prioritize the types of areas that would qualify, utilizing Vermont Conservation Design (VCD) could be a valuable tool for maintaining and enhancing ecological function; however, if enrollment is limited to just the highest priority areas in VCD, other important or worthy areas may be left out. Perhaps there should be a catchall category that would allow other qualifying areas to be enrolled if they are certified as meeting certain criteria developed by the ANR.

As Representative Bongartz highlighted in Committee, to the degree there is any confusion in the bill, we believe it is important to clarify that this category would allow land that is privately owned to be enrolled if it is subject to a qualifying easement held by a qualifying organization. We understand that more work will be needed to define the terms of qualifying easements so that they are consistent with the standards for management defined by the Commissioner.

In regards to the requirements for the management plan, there are additional circumstances that should be considered where land management may be needed beyond preventing the spread of fires or disease, such as managing for invasives, etc. The bill language should offer more latitude to anticipate circumstances where some type of management may be needed, especially if the underlying easement allows these activities. In addition, the easement is the mechanism that would permanently prohibit subdivision or other types of activities; therefore, the language requiring these provisions to be part of the management plan may be more relevant as required terms of the easement.

UVA rates are set by the Current Use Advisory Board. There is existing precedent in the UVA Program for passively managed lands that are enrolled in the Conservation Land category to follow the forestland UVA rate; therefore, we recommend treating wildlands that are subject to an easement with the same forestland rate.

In regards to the question of whether lands enrolled in this category can be removed from the UVA Program, we believe they should have this option just like all other categories of enrollment, even though they are permanently conserved.