

Senate Committee on Natural Resources & Energy

Re: **Request to amend H.606 to include Water Conservation Language**

Dear Chair Bray & Members of the Committee,

With deep appreciation for your work this session, the undersigned organizations request your attention to and consideration of an existing gap in H.606 (Community Resilience & Biodiversity Protection). The bill, which requires development of a comprehensive conservation plan and is modeled after the national “America the Beautiful” initiative (colloquially, “30 by 30”), currently only addresses land-based conservation. **We recommend that the Committee amend H.606 to include language to support conservation of our aquatic systems, alongside the land-based conservation goals.**

The America the Beautiful initiative aims to conserve 30% of our lands *and waters* by 2030. This effort is in recognition of the dual crises of biodiversity loss and climate change, which together require strategic conservation initiatives to mitigate impacts and support species resilience. **Vermont’s approach to 30% conserved land by 2030 must also include language that addresses water conservation.**

Inclusion of aquatic systems conservation is critical for a host of reasons, including, but not limited to:

- One in three freshwater species are threatened with extinction.
- Freshwater vertebrate populations have declined by 84% globally in just over 50 years. This is *twice the rate* of decline of terrestrial biodiversity.
- In Vermont, 75% of our assessed river miles are disconnected from their floodplains.
- The Vermont Climate Assessment (2021) found that climate change further threatens water availability, quality, and flows in our state.
- Vermont has seen a 21% increase in annual precipitation since 1990. Conservation and restoration of our rivers and floodplains is the most important action we can take to reduce this growing vulnerability.

Given the limited time, **we respectfully recommend that the Committee amend H.606 to include the suggested water conservation language, as attached.** As described in H.606, many of the details of conservation planning – for both land and water – will be carried out by the process driven by the Agency of Natural Resources, whom we feel can appropriately incorporate water conservation definitions and targets, informed by strategic stakeholder input, into a 30 by 30 context.

Thank you for your attention to this request. We appreciate your consideration.

Respectfully submitted,

Audubon Vermont
Conservation Law Foundation
Lake Champlain Committee
Lewis Creek Association
The Nature Conservancy in Vermont
Trout Unlimited, Vermont Council
Vermont Natural Resources Council
White River Partnership

H.606

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:

- (1) Nature is facing a catastrophic loss of biodiversity, both globally and locally.
- (2) In addition to its intrinsic value, biodiversity is essential to human survival.
- (3) According to the United Nations:

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

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

(C) 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; and

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

- (1) changes in land and sea use, (2) direct exploitation of organisms,
- (3) climate change, (4) pollution, and (5) invasive species.

(4) Freshwater vertebrate populations have declined by 84% globally since 1970, twice the rate of decline of biodiversity in terrestrial or marine biomes, with almost one in three freshwater species threatened with extinction.

(5) 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.

(6) 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.

(7) 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 guiding prioritization of efforts.

(8) 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.

(9) The Staying Connected Initiative is an international partnership of public and private organizations. Its goal 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. The Staying Connected Initiative has identified nine linkages across this vast region that are extremely important to wildlife. Six of these linkages lie within Vermont.

(10) The Vermont Department of Fish and Wildlife, working within the Agency of Natural Resources and with Vermont conservation organizations, has developed Vermont Conservation Design, a vision to sustain the State's ecologically functional landscape into the future.

(11) Intact and connected ecosystems support Vermont's biodiversity, reduce flood risks, mitigate drought, and sequester and store carbon.

(12) 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.

(13) In order to conserve ecological functions in intact and connected ecosystems, the full range of conservation approaches is needed, including supporting private landowner education, technical assistance, and programs, conservation easements that promote sustainable forest management, and conservation easements and fee acquisitions focused on passive management.

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) "Ecological reserve area" means an area having permanent protection from conversion of natural land cover and is managed to maintain a natural

state within which natural ecological processes and disturbance events are allowed to proceed with minimal interference.

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

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

(4) “Sustainable forest management” means the stewardship and use of forests and forest lands in a way, and at a rate, that maintains their biodiversity, productivity, regeneration capacity, vitality and their potential to fulfill, now and in the future, relevant ecological, economic and social functions, at local, State, and regional levels, and that does not cause damage to other ecosystems.

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

§ 2802. CONSERVATION GOALS

(a) 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 State’s aquatic systems shall be conserved 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**.

(b) Reaching 30 percent by 2030 and 50 percent by 2050 shall include a mix of ecological reserve areas, biodiversity conservation areas, and natural 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 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.

§ 2803. CONSERVATION PLAN

(1) On or before December 31, 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 for review to the House Committees on Natural Resources, Fish, and Wildlife, on Agriculture and Forestry, and on Energy and Technology and the Senate Committee on Natural Resources and Energy.

(2) The plan shall include:

(A) a review of the three conservation categories defined in section 2801 of this title, and suggestions for modifications or additions to these categories;

(B) a definition of conserved waters;

(C) an initial inventory of the amount of land **and water** in Vermont that is permanently conserved and to the extent practical, the amount of permanently conserved land that generally falls into each of

the three conservation categories defined in section 2801 of this title, including public and private land and water;

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

(E) a summary of the totality of conservation practices available for reaching the goals of this chapter, including what they are, what they do, how they contribute, and what metrics are available to quantify them;

(F) an assessment of how State lands will be used to increase ecological reserve areas;

(G) the implementation methods for achieving the goals of this chapter using Vermont Conservation Design as a guide;

(H) an inventory and assessment of existing programs that will be used to meet the permanent, nonconversion conservation goals of this chapter and recommendations for new programs that will be needed to meet the goals; and

(I) an assessment of existing funding and recommendations for new funding sources that will be needed for acquisition of land and water, staffing capacity, and long-term stewardship 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 solicit input from various stakeholders, including private owners of forest and agricultural lands, land trusts, conservation organizations, the Vermont Housing and Conservation Board, environmental organizations, working lands enterprises, outdoor recreation groups, Indigenous groups, regional planning commissions, conservation commissions, and relevant State and federal 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.