

To: Senate Committee on Natural Resources and Energy

From : Jamey Fidel, General Counsel and Forest and Wildlife Program Director, Vermont Natural Resources Council

Date: April 20, 2022

Re: H.697

Thank you for the opportunity to testify on H.697 – An act relating to eligibility of reserve forestland for enrollment in the Use Value Appraisal Program. Today I am testifying in support of H.697 on behalf of Vermont Natural Resources Council, and the Forest Partnership, which is comprised of VNRC, Audubon Vermont, the Vermont Land Trust, the Vermont Chapter of the Nature Conservancy, Trust for Public Land, and Vermont Conservation Voters.

As I have testified on other matters in your committee, because of the myriad benefits that forests provide, keeping Vermont's forests as forests, and reversing the rate of forestland conversion and fragmentation is a priority policy. Specifically, providing incentives for landowners to maintain intact forests is vitally important. This is accomplished through the Use Value Appraisal (UVA) Program, and maintaining old forest structure is a strategy to mitigate the effects of climate change.

The recently developed Climate Action Plan (CAP) lends support for H.697. The CAP specifically endorsed the following strategy:

Action: Amend the Use Value Appraisal (UVA) program to allow for

- (1) greater development of old forest structure as articulated in the targets of Vermont Conservation Design;
- (2) the enrollment of wildland reserves under the existing forestland category where conditions and eligibility criteria are met as defined by Forest Parks and Recreation, facilitating the development of old forest conditions through active restoration and/or passive management as a means of enrollment in the Old Forest ESTA (ecologically significant treatment area) category.

There were other proposals in the CAP related to old forests and UVA which would have gone beyond the scope of the H.697 and it is our understanding that the Governor did not support the suite of strategies. We are pleased that the FPR has provided a basis to support this specific recommendation.

Reserve Forestland Category:

We commend the Department of Forests, Parks, and Recreation (FPR) for its careful and in-depth analysis that led to the development of the proposed Reserve Forestland concept. The Forest Partnership supports the Reserve Forestland concept as outlined in H.697 and explained in FPR's report *Considerations for a Reserve Forestland Category in Vermont's Use Value Appraisal Program*, which includes the following criteria for inclusion in a Reserve Forestland subcategory (if the landowner has 30% of these features on their parcel):

- All existing Ecologically Significant Treatment Areas (ESTAs)
- Site IV lands (relatively poor growing sites)

- Special Places and Sensitive Sites (Unique geologic, cultural, historic, and archeological sites.)
- Steep Slopes

Vermont Conservation Design (VCD) is the guiding vision for achieving a resilient and connected landscape in Vermont, especially as climate change and other stressors challenge our forests. FPR’s report states that UVA has an important role to play in achieving the goals of Vermont Conservation Design. As the report explains, ***“Vermont will only achieve the targets it has established for its forest conditions if the management strategies to attain them are eligible in UVA.”***

As acknowledged in VCD, goals for accomplishing diverse forest conditions, including both old and young forests, should be accomplished through complementary efforts on public lands and private lands, and VCD calls for a geographic distribution of all forest types, specifically calling out matrix forest types, and percentages to become old forests. The geographic goals are specifically laid out by biophysical region and natural community type.

Vermont Conservation Design (VCD) Goals for Old Forest (VCD Part 2, pages 15-16):

Within the matrix forest in the highest priority forest blocks in each biophysical region, 15% should be managed as, or for, an old forest condition. 4,000-acre minimum patch sizes are preferred as they are most likely to accommodate large-scale natural disturbance events. Smaller minimum patch sizes are offered for biophysical regions that are more fragmented and where only smaller forest blocks remain. Total Acres/ minimum preferred patch sizes as follows:

- Champlain Hills - 13,000/ 1,000
- Champlain Valley - 15,000/ 500
- Northeastern Highlands - 59,000/4,000
- Northern Green Mountains - 95,000/4,000
- Northern Vermont Piedmont - 78,000/ 1,000
- Southern Green Mountains - 91,000/4,000
- Southern Vermont Piedmont - 31,000/ 1,000
- Taconic Mountains - 33,000/ 1,000
- Vermont Valley - 4,000/ 500

Matrix forest communities should be represented as old forest according to their natural distribution in each biophysical region. Patches of old forest that are smaller than the minimum preferred patch size also provide important ecological functions and contribute to the numerical goals for each biophysical region, but with the acknowledgement that these small patches are more susceptible to stand-replacing natural disturbance events and likely do not provide all the functions of larger, connected patches.

In order to assist our understanding of the Reserve Forestland proposal, we felt it was important to examine how close we are to reaching these old forest targets already, and to evaluate how the Reserve Forestland could capture matrix forest in the context of VCD targets to make progress overall. The following analysis performed by The Nature Conservancy in Table 1 helps inform this analysis.

Table 1	Targets			Matrix Forest Eligible for Reserve Status	
	Biophysical Region	VCD Target (acres)	Expected Old Forest	Target Remaining	30% Threshold
Champlain Hills	13,000	0	13,000	21,346	61%
Champlain Valley	15,000	2,990	12,010	30,441	39%
Northeastern Highlands	59,000	11,569	47,431	52,592	90%
Northern Green Mountains	95,000	69,601	25,399	185,742	14%
Northern Vermont Piedmont	78,000	4,062	73,938	67,479	110%
Southern Green Mountains	91,000	113,027	-22,027	100,162	-22%
Southern Vermont Piedmont	31,000	2,470	28,530	76,165	37%
Taconic Mountains	33,000	9,211	23,789	118,853	20%
Vermont Valley	4,000	195	3,805	8,075	47%
Total	419,000	213,125	205,875	660,855	31%

Table 1: Representation of eligible matrix forests in the Reserve Forestland concept, measured against VCD targets for old forest in each biophysical region in Vermont. VCD Targets, derived from Vermont Conservation Design (2015), are goals that represent 15% of Priority Forest Blocks and are provided here as acres. Expected Old Forest is an estimate of the current abundance of land legally protected and managed for the establishment of old forest (Zaino, 2018 and subject to revision with more recent data). Target Remaining is the difference between the VCD target and the Expected Old Forest. The column 30% Threshold represents the acres of matrix forest, calculated by TNC, on parcels currently enrolled in UVA and that potentially could be enrolled in UVA (dataset provided by FPR) that contain 30% or more of the conditions (ESTA's, Steep Slopes, etc.) that make a parcel eligible for Reserve Forestland Status. The column % needed reflects the percentage of matrix acres eligible for Reserve Forestland Status that would need to be enrolled to achieve the VCD target (Target Remaining) in each ecoregion.

Based on this analysis, the Forest Partnership believes the Reserve Forestland concept does a commendable job meeting VCD targets across a majority of biophysical regions; however, we recognize these targets will only be accomplished if landowners actually enroll in this category. We

support the bill as written, including the report back in 2026, which would measure the effectiveness of this policy, and the level of enrollment in this category.

Thank you for the opportunity to testify, and we urge your support of H.697.