

1 H.126

2 An act relating to community resilience and biodiversity protection

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

4 Sec. 1. SHORT TITLE

5 This act may be cited as the “Community Resilience and Biodiversity
6 Protection Act” or “CRBPA.”

7 Sec. 2. FINDINGS

8 The General Assembly finds:

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

11 (2) In addition to its intrinsic value, biodiversity is essential to human
12 survival.

13 (3) According to the United Nations:

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

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

19 (C) the health of ecosystems on which humans and all other species
20 depend is deteriorating more rapidly than ever, affecting the very foundations
21 of economies, livelihoods, food security, health, and quality of life worldwide;
22 and

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

2 (i) changes in land, water, and sea use;

3 (ii) direct exploitation of organisms;

4 (iii) climate change;

5 (iv) pollution; and

6 (v) invasive species.

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

10 (5) In 2022 Acts and Resolves No. 183, the Department of Forests,
11 Parks and Recreation was tasked with developing the Vermont Forest Future
12 Strategic Roadmap to strengthen, modernize, promote, and protect the forest
13 products sector and the greater forest economy and promote the importance of
14 healthy, resilient, and sustainably managed working forests that provide a
15 diverse array of high-quality products now and in the future.

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

20 (7) The initial Vermont Climate Action Plan calls for investing in
21 strategic conservation to increase the pace of permanent conservation towards

1 30 by 30 targets, with Vermont Conservation Design guiding prioritization of
2 efforts.

3 (8) Freshwater vertebrate populations have declined by 84 percent
4 globally since 1970, twice the rate of decline of biodiversity in terrestrial and
5 marine biomes. Almost one in three freshwater species are threatened with
6 extinction.

7 (9) Approximately 75 percent of all river miles assessed in Vermont are
8 disconnected from their floodplains, indicating degradation and exacerbating
9 flood-related damages.

10 (10) The Nature Conservancy has developed the Resilient and
11 Connected Landscapes project and found that Vermont plays a key role in the
12 conservation of biodiversity regionally.

13 (11) The Staying Connected Initiative is an international partnership of
14 public and private organizations. Its goal is to maintain, enhance, and restore
15 landscape connectivity for wide-ranging mammals across the Northern
16 Appalachians-Acadian region, from the Adirondack Mountains to the Maritime
17 Provinces. The Staying Connected Initiative has identified nine linkages
18 across this vast region that are extremely important to wildlife. Six of these
19 linkages lie within Vermont.

20 (12) The Vermont Department of Fish and Wildlife, working within the
21 Agency of Natural Resources and with Vermont conservation organizations,

1 has developed Vermont Conservation Design, a framework to sustain the
2 State's ecologically functional landscape into the future.

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

5 (14) Vermont's most effective and efficient contribution to conserving
6 biological diversity and maintaining a landscape resilient to climate change is
7 to conserve an intact and connected landscape.

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

13 (16) The Vermont Housing Finance Agency's 2020 Housing Needs
14 Assessment projected an urgent pre-pandemic need for new housing. Strategic
15 investment in conservation is consistent with construction of housing in
16 Vermont's villages and town centers.

17 (17) The land and waters, forests and farms, and ecosystems and natural
18 communities in Vermont are the traditional and unceded home of the Abenaki
19 people. Access to land and land-based enterprises has excluded Black,
20 Indigenous, and Persons of Color (BIPOC) Vermonters and others from
21 historically marginalized and disadvantaged communities in the centuries of

1 European settlement. Efforts to increase land conservation must also include
2 opportunities to increase access to land and land-based enterprise for
3 Indigenous People and all who come from historically marginalized and
4 disadvantaged communities.

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

6 CHAPTER 89. COMMUNITY RESILIENCY AND BIODIVERSITY

7 PROTECTION

8 § 2801. DEFINITIONS

9 As used in this section:

10 (1) “Ecological reserve area” means an area having permanent
11 protection from conversion and that is managed to maintain a natural state
12 within which natural ecological processes and disturbance events are allowed
13 to proceed with minimal interference.

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

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

1 (4) “Conversion” means a fundamental change in natural ecosystem
2 type or habitat, natural or undeveloped land cover type, or natural form and
3 function of aquatic systems.

4 (5) “Sustainable land management” means the stewardship and use of
5 forests and forestlands, grasslands, wetlands, riparian areas, and other lands,
6 including the types of agricultural lands that support biodiversity, in a way, and
7 at a rate, that maintains or restores their biodiversity, productivity, regeneration
8 capacity, vitality, and their potential to fulfill, now and in the future, relevant
9 ecological, economic, and social functions at local, State, and regional levels,
10 and that does not degrade ecosystem function.

11 (6) “Conserved” means permanently protected and meeting the
12 definition of ecological reserve area, biodiversity conservation area, or natural
13 resource management area as defined in this section for purposes of meeting
14 the 30 percent goal in subsection 2802(b) of this title. For purposes of meeting
15 the 50 percent goal of subsection 2802(b) of this title, “conserved” primarily
16 means permanently protected and meeting the definition of ecological reserve
17 area, biodiversity conservation area, or natural resource management area as
18 defined in this section, although other long-term land protection mechanisms
19 and measures that achieve the goals of Vermont Conservation Design that are
20 enforceable and accountable and that support an ecologically functional and
21 connected landscape may be considered.

1 § 2802. CONSERVATION VISION AND GOALS

2 (a) The vision of the State of Vermont is to maintain an ecologically
3 functional landscape that sustains biodiversity, maintains landscape
4 connectivity, supports watershed health, promotes climate resilience, supports
5 working farms and forests, provides opportunities for recreation and
6 appreciation of the natural world, and supports the historic settlement pattern
7 of compact villages surrounded by rural lands and natural areas.

8 (b) It is the goal of the State that 30 percent of Vermont's total land area
9 shall be conserved by 2030, and 50 percent of the State's total land area shall
10 be conserved by 2050. The Secretary of Natural Resources shall lead the effort
11 in achieving these goals. The land conserved shall include State, federal,
12 municipal, and private land.

13 (c) Reaching 30 percent by 2030 and 50 percent by 2050 shall include a
14 mix of ecological reserve areas, biodiversity conservation areas, and natural
15 resource management areas. In order to support an ecologically functional and
16 connected landscape with sustainable production of natural resources and
17 recreational opportunities, the approximate percentages of each type of
18 conservation category shall be guided by the principles of conservation science
19 and the conservation targets within Vermont Conservation Design, prioritizing
20 ecological reserve areas to protect highest priority natural communities and
21 maintain or restore old forests.

1 § 2803. CONSERVED LAND INVENTORY

2 (a) On or before July 1, 2024, the Vermont Housing and Conservation
3 Board, in consultation with the Secretary, shall create an inventory of
4 Vermont's conserved land and conservation policies to serve as the basis of
5 meeting the conservation goals of Vermont Conservation Design and to meet
6 the goals established in section 2802 of this title. The inventory shall be
7 submitted for review to the House Committees on Environment and Energy
8 and on Agriculture, Food Resiliency, and Forestry and the Senate Committee
9 on Natural Resources and Energy.

10 (b) The inventory shall include:

11 (1) A review of the three conservation categories defined in section
12 2801 of this title and suggestions for developing any modifications or additions
13 to these categories that maintain or complement the core concepts of ecological
14 reserve areas, biodiversity conservation areas, and natural resource
15 management areas in order to complete the conserved land inventory and
16 inform the comprehensive strategy in the conservation plan. As part of this
17 review, criteria shall be developed to determine the types of agricultural lands
18 that will qualify as supporting and restoring biodiversity and therefore count
19 towards the natural resource management area category.

20 (2) The amount of conserved land in Vermont that fits into each of the
21 three conservation categories defined in section 2801 of this title, including

1 public and private land. The inventory shall also include other lands
2 permanently protected from development by fee ownership or subject to
3 conservation easements.

4 (3) A summary of the totality of conservation practices, both permanent
5 and intermediate, available for reaching the goals of this chapter, including
6 what they are, what they do, how they contribute, and what metrics are
7 available to quantify them.

8 (4) An assessment of how State lands will be used to increase conserved
9 ecological reserve areas.

10 (5) The implementation methods that could be utilized for achieving the
11 goals of this chapter using Vermont Conservation Design as a guide.

12 (6) A review of how aquatic systems are currently conserved or
13 otherwise protected in the State, including a description of the benefits land
14 conservation provides for aquatic systems, whether this is sufficient to
15 maintain aquatic system functions and services, and how the implementation
16 methods for achieving the goals of this chapter using Vermont Conservation
17 Design as a guide would include specific strategies for protecting aquatic
18 system health.

19 (7) How existing programs will be used to meet the conservation goals
20 of this chapter and recommendations for new programs, if any, that will be
21 needed to meet the goals.

1 (8) An assessment of existing funding and recommendations for new
2 funding sources that will be needed for acquisition of land, purchase or
3 donation of conservation easements, staffing capacity, and long-term
4 stewardship to meet the goals.

5 (9) An equity assessment of existing land protection and conservation
6 strategies and programs.

7 (10) An evaluation of the opportunities related to intergenerational land
8 transfer trends and how the State could proactively direct resources to achieve
9 conservation at the time of transfer.

10 § 2804. CONSERVATION PLAN

11 (a) On or before December 31, 2025, the Vermont Housing and
12 Conservation Board, in consultation with the Secretary, shall develop a plan to
13 implement the conservation goals of Vermont Conservation Design and to
14 meet the vision and goals established in section 2802 of this title. The plan
15 shall be submitted for review to the House Committees on Environment and
16 Energy and on Agriculture, Food Resiliency, and Forestry and the Senate
17 Committee on Natural Resources and Energy.

18 (b) The plan shall include:

19 (1) a comprehensive strategy for achieving the vision and goals of
20 section 2802 of this title while continuing to conserve and protect Vermont's

1 agricultural land, working forests, historic properties, recreational lands, and
2 surface waters;

3 (2) the implementation methods for achieving the vision and goals of
4 this chapter using Vermont Conservation Design as a guide;

5 (3) recommendations to provide and increase equitable access to
6 protected and conserved lands and land-based enterprises, including
7 recreational access to and use of conserved lands; and

8 (4) recommendations to implement the vision and goals of this chapter
9 while also enhancing the State of Vermont's current investments and
10 commitments to working lands enterprises, rural landowners, and the broad
11 conservation mission implemented by the Secretary and VHCB, including
12 conservation of agricultural land, working forests, historic properties,
13 recreational lands, and surface waters.

14 (c) In developing the plan, the Vermont Housing and Conservation Board,
15 in consultation with the Secretary, shall hold 12 or more public meetings on
16 the plan between July 1, 2023 and December 31, 2025 to solicit input from
17 stakeholders. Stakeholders shall include private owners of forestlands and
18 agricultural lands, land trusts, conservation organizations, environmental
19 organizations, working lands enterprises, outdoor recreation groups and
20 businesses, Indigenous groups and representatives from historically
21 marginalized and disadvantaged communities, watershed groups,

1 municipalities, regional planning commissions, conservation commissions, and
2 relevant State and federal agencies. At least three of the meetings shall be
3 designed to solicit comments from the general public.

4 (d) The conserved land inventory established in 2803 of this title shall be
5 updated biennially to track progress toward meeting the vision and goals of
6 this chapter, which shall be publicly available, and the Secretary shall submit a
7 report to the relevant committees on or before January 15 following each
8 update.

9 Sec. 4. APPROPRIATIONS

10 (a) The sum of \$75,000.00 is appropriated from the General Fund to the
11 Vermont Housing and Conservation Board in fiscal year 2024 to support
12 public education and outreach to inform the development of the statewide
13 conservation plan.

14 (b) The sum of \$150,000.00 is appropriated from the General Fund to the
15 Agency of Natural Resources in fiscal year 2024 to hire a limited-service
16 position to support the development of the statewide conservation plan.

17 Sec. 5. EFFECTIVE DATE

18 This act shall take effect on July 1, 2023.