

H.126 and Vermont's working lands

Many rural landowners support the concept of “conservation” to conserve the landscape, resources, and habitat, to protect biodiversity. This is evidenced by the fact that thousands of rural Vermont landowners have kept their land intact, managed for specific personal, environmental, and societal purposes, and not subdivided it for development – for generations – under a philosophy of continuous improvement in their stewardship of their land.

The working lands, and economic activity around them, has its own “conservation effect.” The revenue created provides necessary income to landowners to pay ownership costs, create trails, invest in habitat enhancement projects, along with many other needs, and they reinvest that money in the land. This revenue helps forestall conversion to non-working land and has for generations. The working lands will be critical buffers around the ecological reserve areas and provide food sources for wildlife, among many other compatible contributions.

H.126 could be supported by many, however –

- A plan that envisions the future use of up to 50% of Vermont's total acreage should not be considered complete without including an assessment of the impact on working lands and businesses – which comprises the largest collective ownership and usage of the lands targeted for these conservation goals. A goal of taking these lands out of production through highly restrictive conservation categories, without a clear understanding of the outcome and impacts, represents a potential threat to food and fiber (forest products) security, and the entire conservation plan and biodiversity itself.
- The two most restrictive categories of conservation easements defined in H.126 (ecological reserve areas and biodiversity conservation areas) do not allow for adaptation to current conditions and unforeseen future events.
- The planning process called for in H.126 directs the inventory to include *“a review of the three conservation categories defined in section 2801 of this title and suggestions for developing any modification or additions to these categories that maintain the core concepts of ecological reserve areas, biodiversity conservation areas, and natural resource management areas in order to complete the conserved land inventory.”*
 - It has been suggested that this review is an opportunity for stakeholders that are not satisfied with the definitions of conservation categories to provide input and amend them. The process for amending the definitions is strictly controlled by this language (“maintain the core concepts”) and does not alleviate the concerns of private landowners that these categories are permanent and inflexible and not enough stakeholder input has been included in their development.
- The use of, and references to, Vermont Conservation Design (VCD) as “guiding prioritization” of future conservation efforts is only partially complete.
 - H.126 specifically calls for conservation targets to meet *some* of the objectives of VCD – old forest conditions – in very narrow conservation types, but makes no mention of VCD targets for young forests, or where, and how, those conditions should be prioritized and implemented. VCD contemplates relatively small areas within a landscape that's being worked and that should be put into perspective.
 - VCD is a document that has not been through a public vetting or comment process. It's application here would be improved by adding that public process.
- H.126 is not aligned with a significant and connected process. At the direction of the legislature through Act 183 of 2022 – the Vermont Forest Futures Strategic Roadmap – has been purposefully examining aspects of Vermont's forest economy, from land ownership and management, through the manufacturing of forest products – all of which rely on sustainably managed forests and economically viable business models up and down the supply chain.
- Though the former committee on Natural Resources, Fish and Wildlife initiated amendments to the Use Value Appraisal program in 2021 to add the Reserve Forestland category (to allow for, and increase, old forest characteristics as an eligible enrollment category) H.126 does not mention UVA, or contemplate how the plan

should align with the UVA program that has **two million acres of forestland enrolled** and is a significant, and highly successful, conservation effort that has been in place for decades.

- The priorities, targets for conservation, and definitions in H.126 do not reference, or expressly allow for farming, agriculture, protection of agricultural soils for food production, or consider growth in agricultural enterprises that must remain economically and logistically viable in a global economy.

Recommendation for amendments to H.126 –

- **Definition amendments** - The conservation category definitions shall be *draft* language *suggested* in H.126, to be further developed by stakeholders, ANR staff, VHCB, and others, in the development of the plan, meaning they will not be statutory definitions established *prior* to their review and refinement, and development of the plan and inventory.
- **Eligibility of Conservation Categories –** The planning process, and definitions of ecological reserve area and biodiversity conservation area categories, shall identify, and guide in the identification of areas, where the eligibility of the category is *most* appropriate, such as where it meets the definition of an Ecologically Significant Treatment Area, or Reserve Forestland category (as defined by the UVA program), or, where they are not appropriate, such as food producing agricultural soils, productive forest sites, and parcels where sustainable forest management has been practiced.
- **Working Lands Impact Analysis –** The plan shall report on the impact to Vermont’s working lands if the goals of conserving land in the categories of ecological reserve area, biodiversity conservation area are implemented at scale, including -
 - The total acreage that may need to be taken out of active forest management or agricultural production to meet the ecological reserve area and biodiversity conservation area targets.
 - The resulting reduction in revenue for forestland owners on an annual basis
 - The impact on the viability of the forest economy in Vermont, and the region
 - The total acreage in target areas that is enrolled in the Use Value Appraisal (UVA) program, and, acreage eligible or enrolled in the Reserve Forestland category or Ecologically Significant Treatment Area (ESTA) category of UVA.
- **Forest Futures Strategic Roadmap -**
 - Due to the functional ecological relationship between the managed forests, conservation, and the intrinsic role of the forest economy, the plan shall include a report of how the Forest Futures Strategic Roadmap will be connected and aligned with the conservation plan and goals.