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STATE OF VERMONT
HOUSE COMMITTEE ON ENVIRONMENT
AND ENERGY

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July 18, 2024

TO: Julie Moore, Secretary of Natural Resources and Gus Seelig, Vermont Housing and Conservation Board Executive Director
FROM: Amy Sheldon, Chair, House Committee on Environment and Energy
RE: Act 59 Conserved Land Inventory

Dear Secretary Moore and Director Seelig,

We are writing today to express our concern about your decision to include all conserved agricultural lands as supporting biodiversity in the Act 59 draft inventory report. The intention of E.O. Wilson in his 'Half Earth' manifesto was clear: that we humans need for the sake of ourselves and the rest of life on the planet, to conserve at least half of the land and waters of this planet for the preservation of the natural systems we co-evolved with and upon which we depend. Act 59 comes directly from that declaration.

The intent and words of the General Assembly in Act 59 are also clear: that biodiversity conservation is the focus of this statute. We did not intend for the inventory or the plan to encompass the entirety of land conservation in Vermont, but that 30% and 50% of our land would be conserved and the definition of conserved for this purpose is:

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

It is unfortunate that rather than embrace the recommendations of the Conservation Categories working group and make progress on identifying the types of agricultural land that support biodiversity, you are on the brink of choosing to disregard the intent of the General Assembly and attempting to include all conserved agricultural lands in the inventory regardless of whether they support biodiversity or not.

Claiming that the inclusion of all conserved lands somehow makes a 'bigger tent' just doesn't add up. Nature abides by the laws of physics and reality on the ground. Habitat is necessary for plants and animals to survive and thrive, plain and simple. Without it, they will not. Further, the point of the inventory is to help us understand exactly what we have. Deciding that everything that has been conserved somehow meets the above definition from the statute undermines the purpose of the inventory.

As we made clear at the meeting, we value highly the ongoing work of protecting farmland from development. That is why adding an additional category of "critical, but not meeting the biodiversity requirements of the statute," makes sense to us. It allows us to bring everybody into the big tent, but in a way that is intellectually and scientifically consistent with the intent of the law.

We tried at the hearing to be supportive of your efforts, while suggesting that you rethink this part of your work, but we now want to be more direct and say that, no matter how well intentioned, you are on the verge of setting the process in motion in a way that undermines the law out of the gate. Additionally, maintaining alignment with the USGS GAP categories will allow us to maintain the integrity of the process for Vermont and for others who may look to us as they contemplate their own State goals.

Please amend the inventory report to *not* include all conserved agricultural lands.

Sincerely,

Chair Amy Sheldon
Rep Seth Bongartz
Rep Kate Logan
Rep Avram Patt
Rep Larry Satcowitz
Gabrielle Stebbins
Rep Dara Torre