

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Environment and Energy to which was referred House  
3 Bill No. 126 entitled “An act relating to community resilience and biodiversity  
4 protection” respectfully reports that it has considered the same and  
5 recommends that the bill be amended by striking out all after the enacting  
6 clause and inserting in lieu thereof the following:

7 Sec. 1. SHORT TITLE

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

10 Sec. 2. FINDINGS

11 The General Assembly finds:

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

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

16 (3) According to the United Nations:

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

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

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

5           (D) the causes of the drivers of changes in nature rank as follows: (1)  
6           changes in land and sea use, (2) direct exploitation of organisms, (3) climate  
7           change, (4) pollution, and (5) invasive species.

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

11           (5) The 2021 Vermont Climate Assessment highlights an increase in  
12           extreme weather events such as droughts and floods as a significant impact of  
13           climate change in Vermont and recommends nature-based solutions as a  
14           proven, low-cost strategy for climate adaptation and resilience.

15           (6) The initial Vermont Climate Action Plan calls for investing in  
16           strategic conservation to increase the pace of permanent conservation towards  
17           30 by 30 targets, with Vermont Conservation Design guiding prioritization of  
18           efforts.

19           (7) The Nature Conservancy has developed the Resilient and Connected  
20           Landscapes project and found that Vermont plays a key role in the  
21           conservation of biodiversity regionally.

1           (8) The Staying Connected Initiative is an international partnership of  
2           public and private organizations. Its goal is to maintain, enhance, and restore  
3           landscape connectivity for wide-ranging mammals across the Northern  
4           Appalachians-Acadian region, from the Adirondack Mountains to the Maritime  
5           Provinces. The Staying Connected Initiative has identified nine linkages  
6           across this vast region that are extremely important to wildlife. Six of these  
7           linkages lie within Vermont.

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

12           (10) Intact and connected ecosystems support Vermont’s biodiversity,  
13           reduce flood risks, mitigate drought, and sequester and store carbon.

14           (11) Vermont’s most effective and efficient contribution to conserving  
15           biological diversity and maintaining a landscape resilient to climate change is  
16           to conserve an intact and connected landscape.

17           (12) In order to ~~conserve~~ ~~maintain~~ ecological functions in intact and  
18           connected ecosystems, the full range of conservation approaches is needed,  
19           including supporting private landowner education, technical assistance, and  
20           programs; conservation easements that promote sustainable forest

1 management; and conservation easements and fee acquisitions focused on  
2 passive management.

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

4 CHAPTER 89. COMMUNITY RESILIENCY AND BIODIVERSITY

5 PROTECTION

6 § 2801. DEFINITIONS

7 As used in this section:

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

12 (2) “Biodiversity conservation area” means an area having permanent  
13 protection from conversion of natural land cover for the majority of the area  
14 and that is managed for the primary goal of sustaining species or habitats.

15 These areas may include regular, active interventions to address the needs of  
16 particular species or to maintain or restore habitats.

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

20 (4) “Sustainable forest management” means the stewardship and use of  
21 forests and forestlands in a way, and at a rate, that maintains their biodiversity,

1 productivity, regeneration capacity, vitality and their potential to fulfill, now  
2 and in the future, relevant ecological, economic, and social functions at local,  
3 State, and regional levels, and that does not cause damage to other ecosystems.

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

7 § 2802. CONSERVATION GOALS

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

13 (b) 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  
16 landscape with sustainable production of natural resources and recreational  
17 opportunities, the approximate percentages of each type of conservation  
18 category shall be guided by the principals of conservation science and the  
19 conservation targets within Vermont Conservation Design, including the use of  
20 ecological reserve areas to protect highest priority natural communities and  
21 maintain or restore old forests.

1 § 2803. ~~CONSERVATION PLAN~~ CONSERVED LAND INVENTORY

2 (a) On or before ~~December 31~~ July 1, 2024, the Secretary, with assistance  
3 from the Vermont Housing and Conservation Board, shall ~~develop a plan to~~  
4 ~~implement~~ create an inventory of Vermont's conserved land and conservation  
5 policies to serve as the basis of meeting the conservation goals of Vermont  
6 Conservation Design and to meet the goals established in section 2802 of this  
7 title. The plan inventory shall be submitted for review to the House  
8 Committees on Environment and Energy and on Agriculture, Food Resiliency,  
9 and Forestry and the Senate Committee on Natural Resources and Energy.

10 (b) The plan inventory shall include:

11 (1) a review of the three conservation categories defined in section 2801  
12 of this title and suggestions for developing any modifications or additions to  
13 these categories that maintain the core concepts in order to complete the  
14 conservation inventory;

15 (2) an initial inventory of the amount of land in Vermont that is  
16 permanently conserved and, to the extent practical, the amount of permanently  
17 conserved land that generally falls into each of the three conservation  
18 categories defined in section 2801 of this title, including public and private  
19 land;

20 (3) a summary of the totality of conservation practices, both permanent  
21 and intermediate, available for reaching the goals of this chapter, including

1 what they are, what they do, how they contribute, and what metrics are  
2 available to quantify them;

3 (4) an assessment of how State lands will be used to increase  
4 permanently protected ecological reserve areas;

5 (5) the implementation methods that could be utilized for achieving the  
6 goals of this chapter using Vermont Conservation Design as a guide;

7 (6) an inventory and assessment of how water is protected in the State  
8 and how protection of aquatic systems may be addressed in the plan;

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

12 (8) an assessment of existing funding and recommendations for new  
13 funding sources that will be needed for acquisition of land, purchase or  
14 donation of conservation easements, staffing capacity, and long-term  
15 stewardship to meet the goals.

16 (9) an equity assessment of existing land protection and conservation  
17 strategies and programs; and

18 (10) an evaluation of the opportunities related to impact of  
19 intergenerational land transfer trends and how the State could direct resources  
20 to achieve conservation at the time of transfer.

21 § 2804. CONSERVATION PLAN

1           (a) On or before December 31, 2025, the Secretary, with assistance from  
2 the Vermont Housing and Conservation Board, shall develop a plan to  
3 implement the conservation goals of Vermont Conservation Design and to  
4 meet the goals established in section 2802 of this title. The plan shall be  
5 submitted for review to the House Committees on Environment and Energy  
6 and on Agriculture, Food Resiliency, and Forestry and the Senate Committee  
7 on Natural Resources and Energy.

8           (b) The plan shall include:

9                   (1) a comprehensive strategy for achieving the goals of section 2802 of  
10 this title;

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

13                   (3) recommendations to increase equitable access to protected and  
14 conserved lands and land-based enterprises.

15           (c) In developing the plan, the Secretary, with assistance from the Vermont  
16 Housing and Conservation Board, shall hold not less than three public  
17 meetings on the plan and accept public comments. The Secretary shall solicit  
18 input from various stakeholders, including private owners of forestlands and  
19 agricultural lands, land trusts, conservation organizations, environmental  
20 organizations, working lands enterprises, outdoor recreation groups and



1 businesses, Indigenous groups, regional planning commissions, conservation  
2 commissions, and relevant State and federal agencies.

3 (d) The conserved land inventory shall be updated annually to track  
4 progress toward meeting the goals of this chapter.

5 Sec. 4. EFFECTIVE DATE

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

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10 (Committee vote: \_\_\_\_\_)

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\_\_\_\_\_

12

Representative \_\_\_\_\_

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FOR THE COMMITTEE