

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 land and waters, forests and farms, and ecosystems and natural  
9           communities in Vermont are the traditional and unceded home of the Abenaki  
10           people, and that these lands and waters have been the site of meeting and  
11           exchange among Indigenous People for thousands of years, and that access to  
12           land and land-based enterprises has excluded Black, Indigenous, and Persons  
13           of Color (BIPOC) Vermonters and others from historically marginalized and  
14           disadvantaged communities in the centuries of European settlement, and that  
15           efforts to increase the rate of conservation and restore ecological function and  
16           connectivity must also include opportunities to increase access to land and  
17           land-based enterprise for Indigenous People and all who come from  
18           historically marginalized and disadvantaged communities.

19           (5) The 2017 Vermont Forest Action Plan found that fragmentation and  
20           parcelization represent major threats to forest health and productivity and  
21           exacerbate the impacts of climate change.

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

5           (7) The initial Vermont Climate Action Plan calls for investing in  
6           strategic conservation to increase the pace of permanent conservation towards  
7           30 by 30 targets, with Vermont Conservation Design guiding prioritization of  
8           efforts.

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

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

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

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

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

5 (12) 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 (13) The Vermont Housing Finance Agency's 2020 Housing Needs  
9 Assessment projected an urgent pre-pandemic need of 5,800 new units by 2025  
10 for new homeowner, rental and housing the homeless needs. In order to meet  
11 this need for Vermonters while maintaining ecological function, funding for  
12 building these new units must be prioritized using smart growth principles as  
13 defined in defined in 24 V.S.A. § 2791.

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

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

2 CHAPTER 89. COMMUNITY RESILIENCY AND BIODIVERSITY

3 PROTECTION

4 § 2801. DEFINITIONS

5 As used in this section:

6 (1) “Biodiversity conservation area” means an area having permanent  
7 protection from conversion of natural land cover for the majority of the area  
8 and that is managed for the primary goal of sustaining species or habitats.  
9 These areas may include regular, active interventions to address the needs of  
10 particular species or to maintain or restore habitats.

11 (2) “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.

14 (3) “Ecological reserve area” means an area having permanent  
15 protection from conversion of natural land cover and that is managed to  
16 maintain a natural state within which natural ecological processes and  
17 disturbance events are allowed to proceed with minimal interference.

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

1           (5) “Sustainable forest management” means the stewardship and use of  
2 forests and forestlands in a way, and at a rate, that maintains their biodiversity,  
3 productivity, regeneration capacity, vitality, and their potential to fulfill, now  
4 and in the future, relevant ecological, economic, and social functions at local,  
5 State, and regional levels, and that does not **degrade ecosystem function.**

6           § 2802. CONSERVATION GOALS

7           (a) **The vision of the State of Vermont is to maintain an ecologically**  
8 **functional landscape that sustains biodiversity, maintains landscape**  
9 **connectivity, promotes climate resilience, supports working farms and forests,**  
10 **provides opportunities for recreation and appreciation of the natural world, and**  
11 **supports the historic settlement pattern of compact villages surrounded by rural**  
12 **lands.**

13           (b) **Thirty** percent of Vermont’s total land area **shall** be conserved by 2030,  
14 and 50 percent of the State’s total land area **shall** be conserved by 2050. The  
15 Secretary of Natural Resources shall lead the effort in achieving these goals.  
16 The land conserved shall include State, federal, municipal, and private land.

17           (c) Reaching 30 percent by 2030 and 50 percent by 2050 shall include a  
18 mix of ecological reserve areas, biodiversity conservation areas, and natural  
19 resource management areas. In order to support an ecologically functional and  
20 **connected** landscape with sustainable production of natural resources and  
21 recreational opportunities, the approximate percentages of each type of

1 conservation category shall be guided by the principles of conservation science  
2 and the conservation targets within Vermont Conservation Design, prioritizing  
3 a minimum of 10 percent to protect highest priority natural communities and  
4 maintain or restore old forests in ecological reserve areas.

5 § 2803. CONSERVED LAND INVENTORY

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

14 (b) The inventory shall include:

15 (1) a review of the three conservation categories defined in section 2801  
16 of this title and suggestions for developing any modifications or additions to  
17 these categories that maintain the core concepts of ecological reserve areas,  
18 biodiversity conservation areas, and natural resource management areas in  
19 order to complete the conserved land inventory;

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) an assessment of how water is protected in the State and how  
13 protection of aquatic systems may be addressed in the plan;

14 (7) how existing programs will be used to meet the permanent,  
15 nonconversion conservation goals of this chapter and recommendations for  
16 new programs that will be needed to meet the goals;

17 (8) an assessment of existing funding and recommendations for new  
18 funding sources that will be needed for acquisition of land, purchase or  
19 donation of conservation easements, staffing capacity, and long-term  
20 stewardship to meet the goals;



1           (9) an equity assessment of existing land protection and conservation  
2           strategies and programs; and

3           (10) an evaluation of the opportunities related to intergenerational land  
4           transfer trends and how the State could proactively direct resources to achieve  
5           conservation at the time of transfer.

6           § 2804. CONSERVATION PLAN

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

14           (b) The plan shall include:

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

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

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

1       (c) In developing the plan, the Secretary, with assistance from the Vermont  
2 Housing and Conservation Board, shall hold not less than three public  
3 meetings on the plan and accept public comments. The Secretary shall also  
4 solicit input from various stakeholders, including private owners of forestlands  
5 and agricultural lands, land trusts, conservation organizations, environmental  
6 organizations, working lands enterprises, outdoor recreation groups and  
7 businesses, Indigenous groups and representatives from historically  
8 marginalized and disadvantaged communities, municipalities, regional  
9 planning commissions, conservation commissions, and relevant State and  
10 federal agencies.

11       (d) The conserved land inventory established in 2803 of this title shall be  
12 updated biennially to track progress toward meeting the goals of this chapter,  
13 which shall be publicly available, and the Secretary shall submit a report to the  
14 relevant committees by January 15 following each update.

#### 15 Sec. 4. APPROPRIATION

16       The sum of \$75,000.00 is appropriated from the General Fund to the  
17 Vermont Housing and Conservation Board in fiscal year 2024 to support  
18 public education and outreach to inform the development of the statewide  
19 conservation plan. The funds shall support equitable outreach to community  
20 members from historically marginalized and disadvantaged communities,  
21 including costs for travel vouchers, food, and childcare where necessary to

1 accommodate participation, as well as compensation for community members  
2 who might asked to serve on more formal sub-committees and who would  
3 otherwise not be able to participate.

4 Sec. 5. EFFECTIVE DATE

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

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9 (Committee vote: \_\_\_\_\_)

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\_\_\_\_\_

11

Representative \_\_\_\_\_

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FOR THE COMMITTEE