

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:

6                   (i) changes in land and sea use;

7                   (ii) direct exploitation of organisms;

8                   (iii) climate change;

9                   (iv) pollution, and

10                  (v) invasive species.

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

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

18           (6) The initial Vermont Climate Action Plan calls for investing in  
19           strategic conservation to increase the pace of permanent conservation towards  
20           30 by 30 targets, with Vermont Conservation Design guiding prioritization of  
21           efforts.

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

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

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

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

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

20           (12) In order to maintain ecological functions in intact and connected  
21           ecosystems, the full range of conservation approaches is needed, including

1 supporting private landowner education, technical assistance, and programs;  
2 conservation easements that promote sustainable forest management; and  
3 conservation easements and fee acquisitions focused on passive management.

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

8 (14) 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. Access to land and land-based enterprises has excluded Black,  
11 Indigenous, and Persons of Color (BIPOC) Vermonters and others from  
12 historically marginalized and disadvantaged communities in the centuries of  
13 European settlement. Efforts to increase land conservation must also include  
14 opportunities to increase access to land and land-based enterprise for  
15 Indigenous People and all who come from historically marginalized and  
16 disadvantaged communities.

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

18 CHAPTER 89. COMMUNITY RESILIENCY AND BIODIVERSITY

19 PROTECTION

20 § 2801. DEFINITIONS

1       As used in this section:

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

6           (2) “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          (3) “Natural resource management area” means an area having  
12 permanent protection from conversion of natural land cover for the majority of  
13 the area but that is subject to long-term sustainable forest management.

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

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

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, promotes climate resilience, supports working farms and forests,  
5     provides opportunities for recreation and appreciation of the natural world, and  
6     supports the historic settlement pattern of compact villages surrounded by rural  
7     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 Secretary, with assistance from the  
3     Vermont Housing and Conservation Board, 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 2801  
12     of this title and suggestions for developing any modifications or additions to  
13     these categories that maintain the core concepts of ecological reserve areas,  
14     biodiversity conservation areas, and natural resource management areas in  
15     order to complete the conserved land inventory;

16            (2) the amount of conserved land in Vermont that fits into each of the  
17     three conservation categories defined in section 2801 of this title, including  
18     public and private land. The inventory shall also include other lands  
19     permanently protected from development by fee ownership or subject to  
20     conservation easements;

1           (3) a summary of the totality of conservation practices, both permanent  
2           and intermediate, available for reaching the goals of this chapter, including  
3           what they are, what they do, how they contribute, and what metrics are  
4           available to quantify them;

5           (4) an assessment of how State lands will be used to increase conserved  
6           ecological reserve areas;

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

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

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

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

18          (9) an equity assessment of existing land protection and conservation  
19          strategies and programs; and

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

4           § 2804. CONSERVATION PLAN

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

12           (b) The plan shall include:

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

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

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

19           (c) In developing the plan, the Secretary, with assistance from the Vermont  
20           Housing and Conservation Board, shall hold 12 or more public meetings on the  
21           plan between July 1, 2023 and December 31, 2025 to solicit input from

1 stakeholders. Stakeholders shall include private owners of forestlands and  
2 agricultural lands, land trusts, conservation organizations, environmental  
3 organizations, working lands enterprises, outdoor recreation groups and  
4 businesses, Indigenous groups and representatives from historically  
5 marginalized and disadvantaged communities, municipalities, regional  
6 planning commissions, conservation commissions, and relevant State and  
7 federal agencies. At least three of the meetings shall be designed to solicit  
8 comments from the general public.

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

#### 13 Sec. 4. APPROPRIATION

14 The sum of \$75,000.00 is appropriated from the General Fund to the  
15 Vermont Housing and Conservation Board in fiscal year 2024 to support  
16 public education and outreach to inform the development of the statewide  
17 conservation plan. The funds shall be available for use for two years and shall  
18 support equitable engagement with community members from historically  
19 marginalized and disadvantaged communities, including costs for travel  
20 vouchers, food, and childcare where necessary to accommodate participation,  
21 as well as compensation for community members who might be asked to serve

1 on more formal subcommittees and who would otherwise not be able to  
2 participate.

3 Sec. 5. EFFECTIVE DATE

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

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8 (Committee vote: \_\_\_\_\_)

9

10

\_\_\_\_\_  
Representative \_\_\_\_\_

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FOR THE COMMITTEE