

## MEMORANDUM

**To:** Members, House Environment and Energy Committee

**From:** Karen Horn, Director Public Policy & Advocacy

**Date:** February 15, 2023

**Re:** H. 126 Community Resilience and Biodiversity Protection Act

Thank you for the opportunity to testify on H. 126.

We support the concept that an effective and efficient contribution to conserving biological diversity and to maintaining a landscape resilient to climate change is to conserve intact and connected ecosystems. We agree that supporting landowner education, technical assistance and programs, conservation easements to promote forest management and fee acquisitions of property will all contribute to climate resiliency and biodiversity.

We also agree that housing is an enormous and equally immediate crisis, which every currently sitting legislator campaigned on the need to resolve. The identified need is for 40,000 additional dwelling units according to the Vermont Housing Finance Agency.

According to a map provided by the Trust for Public Land on August 20, 2021, lands currently conserved “with some level of legal protection” equal **1,655,279** acres. The goal of 30 percent conserved land according to that map is **1,846,218** acres. The additional acres that would need to be conserved to meet that thirty percent goal according to the Trust for Public Land map, equals **190,939** acres.

The map includes current and completed Trust for Public Land projects, federal, state and local land, private conservation land, and the Appalachian, Long and Catamount Trails. I am not sure what a map would show as conserved if the criteria were “meeting the definition of ecological reserve area, biodiversity conservation area, or natural resource management area as defined in this section” (H. 126 section 3, 10 V.S.A. 2801 (5)) Among other issues we are concerned about the geographic distribution of the 1.8 million acres and are they evenly distributed across the state.

The Trust for Public Lands map does not show, and H. 126 would not to count, the following areas of land that are off the table for purposes of development as a result of statutes, rules or regulations such as: steep slopes, lands above 2500 elevation, wetlands and wetland buffer areas, shoreland protection areas, waters of the state, certain floodplains, deer yards, use value enrolled land, and areas conserved pursuant to permit agreements with the agencies of Transportation or Natural Resources, or Act 250 (to name a few).

We strongly suggest that you need a complete accounting of conserved and protected land in Vermont. No legislation should be passed establishing further conservation goals before you know how much land and water is conserved today due to all the private, non-profit, and public conservation efforts, and statutory and regulatory restrictions that protect land and water. The primary purpose of legislation at this point should be to collect that comprehensive picture of all areas in the state from all varieties of protective restrictions.

We contrast the land that is already conserved - **1,655,279 acres** – with the acres that according to discussions around housing, should be available for that purpose. According to the Department of Housing and Community Development, all designated areas in the state comprise 41 square miles or **26,240 acres**. Those are the compact settlement areas in which housing should be located - if it can be permitted there.

That is a big “if” given constraints on the permitting of housing, opportunities for appeal of local, state and Act 250 decisions, costs of construction, lack of labor and a host of other issues. We have been working with the Senate Economic Development, Housing and General Affairs Committee on legislation that we hope will amend not only local zoning statutes but also Act 250 and additional state permits. We support of H. 111 in the House General and Housing Committee, which would address workforce housing. H. 68 is in your committee.

The need for conservation to protect biodiversity and assure resiliency in our communities, and for providing 40,000 critically needed units of housing can be met. We believe they cannot be met in isolation from one another. H. 126 needs to acknowledge the present housing crisis, the number of additional needed housing units and express a commitment to addressing that need.