



Protecting and restoring forests on New England's public lands
Montpelier, VT - 802.552.0160

February 21, 2023

To: House Committee on Environment and Energy
From: Zack Porter, Executive Director, Standing Trees
Re: Please support H126

"We are between two forested worlds—the natural forest of pre-[European] settlement North America and the recovered forest of the future... The earlier forested world is not dead. We are studying and struggling to preserve its living remnants. And we do not believe that the future forest is powerless to be born. These remnants—with our help—will become the seeds from which a renewed forest spreads."

Mary Byrd Davis, in *Eastern Old-Growth Forests: Prospects For Rediscovery And Recovery*

Dear Chair Sheldon and Honorable Members of the Committee:

Founded in Vermont in 2020, Standing Trees is a nonprofit organization dedicated to protecting and restoring New England's native ecosystems. We write to endorse H126 as introduced, as a critical measure to help Vermont meet its biodiversity, climate, and resilience goals, including those in Vermont Conservation Design, the Vermont Climate Action Plan, the State Hazard Mitigation Plan, the Lake Champlain TMDL, and others. The measures in H126 are multi-solving: they help to reverse or mitigate myriad crises stemming from conversion of natural land cover and ecosystem degradation. Moreover, as others have testified to your committee, permanent land conservation is a cost-effective, rapidly-scalable strategy that simultaneously makes our communities healthier and stronger, boosts our economy, and ensures Vermont will remain a thriving and vibrant place for human and more-than-human life.

As you have heard in testimony from multiple ecologists and conservation biologists, establishing goals of conserving 30% of Vermont's land area by 2030 and 50% by 2050 is not only achievable, but modest in aspiration. Further, you have heard from such accomplished professionals as Liz Thompson and Jamison Ervin that conserving 10% of Vermont in Ecological Reserves should be a floor, rather than a ceiling, for such protections. Standing Trees concurs.

For nearly twenty years, the Wildlands and Woodlands initiative of Harvard Forest and Highstead Foundation has called "for collaboration among conservationists and willing landowners to permanently protect by 2060 at least 70 percent of the New England landscape as forests," including 10% of New England in wildlands, or what H126 defines as Ecological Reserves. This broadly-supported model has been endorsed by such influential organizations as the New England Forestry Foundation (NEFF), a significant voice in the wood products industry. In an op-ed yesterday in *Vermont Digger* (February 20, 2023), the executive directors of Northeast Wilderness Trust and the New England Forestry Foundation, Jon Leibowitz and Bob Perschel, **together made a call to triple the acreage of wildlands** across the region while

simultaneously putting more than half of the region's forests into permanent conservation for exemplary management for wood products.¹ H126 helps to answer this call to action.

Recommended Changes to H126:

Standing Trees endorses H126 as introduced in January 2023.² However, we recommend the following amendment to strengthen the legislation. The red italicized text is similar to what was in the previous version of this bill, H606, when it was introduced in the House in January of 2022.³ We are suggesting a 10% (minimum) target for Ecological Reserves because Vermont Conservation Design (VCD) calls for 9% to be managed as old forests, *exclusive* of additional high priority natural communities. However, the 10% figure still falls short of protecting all of the conservation elements of VCD that would *benefit* from protection in Ecological Reserves. On scientific grounds, Standing Trees believes that even more than 10% of Vermont *should* be in wildlands management, and that public lands have an especially important role to play in meeting such goals. For comparison, the State of New York has surpassed 10% in Ecological Reserve-type management and continues to dramatically expand such areas on state lands.

§2802. CONSERVATION GOALS

(b) Reaching 30 percent by 2030 and 50 percent by 2050 shall include a mix of ecological reserve areas, biodiversity reserve areas biodiversity conservation areas, and natural resource management areas. In order to support an ecologically functional landscape with sustainable production of natural resources and recreational opportunities, the approximate percentages of each type of conservation category shall be guided by the conservation targets within Vermont Conservation Design, including the use of ecological reserve areas to protect highest priority natural communities and maintain or restore old forests ***across at least ten percent of Vermont forestland.***

Concerns with recently-proposed changes by VT ANR and VHCB:

1. To ensure public trust, accountability, and transparency, ANR must retain ultimate responsibility for meeting the requirements of H126.

Julie Moore, ANR Secretary, and Trey Martin, Director of Conservation and Rural Community Development at VHCB, have both proposed in separate testimony^{4,5} that VHCB should be named in statute as a co-equal partner with ANR for implementation of

¹ <https://vtdigger.org/2023/02/20/leibowitz-perschel-forests-can-sustain-climate-and-biodiversity-if-we-work-together/>

² <https://legislature.vermont.gov/Documents/2024/Docs/BILLS/H-0126/H-0126%20As%20Introduced.pdf>

³ <https://legislature.vermont.gov/Documents/2022/Docs/BILLS/H-0606/H-0606%20As%20Introduced.pdf>

⁴ <https://legislature.vermont.gov/Documents/2024/WorkGroups/House%20Environment/Bills/H.126/Witness%20Documents/H.126~Julie%20Moore~Proposed%20Changes%20-%20Agency%20of%20Natural%20Resources~2-16-2023.pdf>

⁵ <https://legislature.vermont.gov/Documents/2024/WorkGroups/House%20Environment/Bills/H.126/Witness%20Documents/H.126~Trey%20Martin~Recommended%20Edits%20to%20H.126%20-%20Vermont%20Housing%20and%20Conservation%20Board~2-15-2023.pdf>

H126. Standing Trees believes this would create a dangerous precedent that the legislature should avoid at all costs. The Vermont Agency of Natural Resources is a public agency, accountable to the citizens of Vermont and statutes that protect the public's interest, as well as the interests and rights of state-recognized tribes. ANR may have discretion to contract with or delegate certain implementation tasks to VHCB to help meet the requirements of H126. But the questions of whether or how to involve VHCB should be addressed during implementation by ANR, not in statute. As a matter of good public policy, ANR should retain ultimate responsibility for the outcomes of H126 to ensure trust, transparency and accountability.

- 2. ANR must have clear sideboards and expectations to ensure that the desired outcomes of this legislation are achieved. Please review Standing Trees' [commentary in blue text](#) next to proposed changes by ANR and VHCB in the following pages.** ANR's proposed changes would weaken the meaning of the three conservation categories, deflect responsibility for the final outcome, and – most importantly – make the goals of protecting 30x30 and 50x50 into an idea rather than a mandate. These changes fundamentally degrade the goals of this legislation and do not reflect the desired outcomes that were endorsed by the legislature as recently as last year.

As many others have emphasized in testimony, H126 is about planning for the future. The plan would secure a more biodiverse and resilient landscape, while also supporting the wood products and recreation-based economies. The legislation puts ANR in a position to be a proactive leader, meeting the climate and extinction crises head on.

The previous version of this legislation, H606, **received overwhelming support** in the House and Senate. There is no compelling reason to make major changes to the bill as proposed by VHCB and ANR.

Standing Trees appreciates your careful consideration of this testimony, and respectfully requests your support for H126.

Sincerely,



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H.126_Julie Moore_Proposed Changes - Agency of Natural Resources_2-16-2023

BILL AS INTRODUCED
2023

H.126
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1 These areas may include regular, active interventions to address the needs of
2 particular species or to maintain or restore habitats.

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

6 (4) “Sustainable forest management” means the stewardship and use of
7 forests and forestlands in a way, and at a rate, that maintains their biodiversity,
8 productivity, regeneration capacity, vitality and their potential to fulfill, now
9 and in the future, relevant ecological, economic, and social functions at local,
10 State, and regional levels, and that does not cause damage to other ecosystems.

11 (5) “Conserved” means protected and primarily by meeting the definition of
12 ecological reserve area, biodiversity conservation area, or natural resource
13 management area as defined in this section. or protected by other conservation tools

14 deemed necessary and appropriate by the Secretary of Natural Resources (Secretary) in
15 the Conservation Plan.

16 § 2802. CONSERVATION GOALS

17 ~~(a) Thirty percent of Vermont’s total land area and waters shall be~~
18 ~~conserved by 2030, and 50 percent of the State’s total land area and waters~~
19 ~~shall be conserved by 2050. The Secretary of Natural Resources shall assist~~
20 ~~the State in achieving these goals. The land conserved shall include State,~~
21 ~~federal, municipal, and private land.~~

LEFT: “Primarily” serves to lessen the meaning of the categories, which is unhelpful for ensuring the desired outcomes of the legislation

ABOVE AND LEFT: The purpose of the 30% and 50% goals should be permanent conservation, period. ANR may consider the use of “other conservation tools” to maintain and restore functioning ecosystems above and beyond (i.e. not counting towards) those goals.

22

23 (a) It shall be the goal of the State of Vermont to maintain an ecologically functional landscape that:

- i. sustains biodiversity;
- ii. maintains landscape connectivity;
- iii. promotes climate resilience;
- iv. supports working farms and forests;
- v. and provides opportunities for recreation and appreciation of the natural world.

LEFT: The suggested language removes the requirement to protect 30x30 and 50x50. It also removes the focus on maintaining biodiversity and ecosystem function by putting economics and recreation on an equal pedestal. That is not the purpose of this legislation.

24 (b) ~~Reaching 30 percent by 2030 and 50 percent by 2050 shall include a~~

25 ~~mix of ecological reserve areas, biodiversity conservation areas, and natural~~

1 ~~resource management areas, in addition to other areas deemed appropriate and~~

2 ~~necessary by the Secretary in the Conservation Plan.~~

LEFT: Deleting this text and replacing it with the language below removes the requirements for achieving 30% permanent conservation by 2030 and 50% by 2050.

3 (b) to help achieve this goal, the Secretary of the Agency of Natural Resources shall develop a plan to guide land conservation and other conservation programs with a vision for conserving 30 percent of Vermont's land area and waters by 2030 and 50 percent of Vermont's land area and waters by 2050. The land conserved shall include State; federal; municipal; and private land. In order to support an

4 ecologically functional landscape with sustainable production of natural resources and recreational

5 opportunities, the approximate percentages of each type of conservation

6 category shall be guided by the conservation elements within Vermont

7 Conservation Design, including the use of ecological reserve areas to protect

8 highest priority natural communities and maintain or restore old forests.

9

10 § 2803. CONSERVATION PLAN

LEFT: Deleting "targets" and replacing it with "elements" is another attempt to remove the requirement for achieving 30% permanent conservation by 2030 and 50% by 2050. It would be reasonable to say "elements and targets," but not just "elements."

Left: ANR may be able to delegate certain tasks to VHCB to help with implementation, but ultimate responsibility "shall" only rest with ANR, a public agency that is accountable to the laws and citizens of Vermont.

11 (a) On or before July 15, 2023 ~~December 31, 2024~~, the Vermont Housing and
12 Conservation Board (VHCB), in partnership with the Secretary, shall convene a
13 stakeholder working group to develop a statewide conservation plan to
14 implement the conservation goals ~~of Vermont Conservation Design to meet the~~
15 ~~goals~~ established in section 2802 of this title. The plan shall be submitted for
16 review to the House Committees on Environment and Energy and on
17 Agriculture, Food Resiliency, and Forestry and the Senate Committee on
18 Natural Resources and Energy on or before December 1, 2024.

LEFT: This appears to be an attempt to remove ANR's responsibility for the outcomes of the plan. The purpose of this bill is to task ANR with creating a plan, not simply convening a working group.

19 (b) The plan shall include:
20 (1) a review of the three conservation categories defined in section 2801
21 of this title and suggestions for modifications or additions to these categories;
22 (2) an initial inventory of areas in Vermont that are
23 permanently conserved areas that ~~and, to the extent practical, the amount of~~
24 ~~permanently conserved land that~~ generally falls into each of the three conservation
25 categories defined in section 2801 of this title, including public and private
land;

1 ~~(3) an evaluation of the impact of intergenerational land transfer trends;~~
2 (4) a summary of the totality of conservation and land protection practices
3 available for
4 reaching the goals of this chapter, including what they are, what they do, how
5 they contribute, and what metrics are available to quantify them;
(5) an assessment of how State lands ~~will be used to increase can be managed~~
to achieve the characteristics of ecological reserve areas;

LEFT: Adding the word "characteristics" would ensure that logging can continue everywhere, even in ecological reserves and "old forests" as defined in VCD. This violates the intent of the ecological reserve definition in this statute, and removes the state's obligation to determine how state lands can be used to meet targets for ecological reserves.

6 ~~(6) the implementation methods for achieving the goals of this chapter using Vermont Conservation Design and other existing conservation planning tools as a guide. An assessment of each element in Vermont Conservation Design and the conservation tools and strategies best suited to maintaining the ecological functions of each element;~~

7 ~~;~~

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

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

13 (9) an equity assessment of existing land protection and conservation strategies
14 and programs and recommendations to increase equitable access to protected
15 and conserved lands and land-based enterprises; and

17 ~~(9) an assessment of existing funding and recommendations for new~~
18 ~~funding sources that will be needed for acquisition of land, staffing capacity,~~
19 ~~and long-term stewardship to meet the goals.~~

20 (10) In addition to conservation goals and priorities, the plan will identify costs of
21 implementation and stewardship needs, staffing capacity, as well as revenue options
22 and funding opportunities, necessary to meet the goals.

22 (c) In developing the plan, VHCB and the Secretary ~~shall hold not less than three~~
23 ~~public meetings on the plan and accept public comments. The Secretary shall~~
24 solicit input from various stakeholders, including private owners of forestlands
25 and agricultural lands, land trusts, conservation organizations, the Vermont

ABOVE: This text doesn't seem all that helpful, but you could add the word "tools" below as noted.



LEFT: "...new programs and tools..."

LEFT: This content re equity seems reasonable. But I would get rid of "land-based enterprises," as that seems strange to call out here.

LEFT - This seems reworded to give ANR ammo to complain about the cost of implementation. It refocuses on costs instead of "needs."

BELOW - this change would make VHCB co-equal to ANR, which removes accountability and transparency.

As noted before, it's one thing if ANR wanted to contract with VHCB to do the planning process, but the buck should not stop with VHCB on anything. ANR must be ultimately responsible.

26 ~~Housing and Conservation Board~~, environmental organizations, working lands

1 enterprises, outdoor recreation groups, Indigenous groups ~~and representatives from~~
2 ~~historically marginalized and disadvantaged communities, municipalities, regional~~
3 ~~planning~~

LEFT:
Good idea

4 ~~commissions, conservation commissions, and relevant State and federal~~
5 ~~agencies.~~

6 (d) The conserved land inventory ~~mandated in section 2803(2)(B)~~ shall be
updated ~~every five years by the Secretary annually~~ to track

7 ~~progress toward meeting the goals of this chapter and a report submitted to relevant~~
~~Committees by January 15 following each update.~~

8 Sec. 4. EFFECTIVE DATE

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

§ 2803. CONSERVATION PLAN

(1) On or before July 15, 2023, the Vermont Housing & Conservation Board (VHCB), in partnership with the Secretary, shall convene a stakeholder working group to develop a statewide conservation plan to implement the conservation goals of Vermont Conservation Design to meet the goals established in section 2802 of this title. The plan shall be submitted for review to the relevant Committees on or before December 1, 2024.

(2) The plan shall include:

(A) a review of the three conservation categories defined in section 2801 of this title, and suggestions for modifications or additions to these categories;

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

(C) ~~an evaluation of the impact of intergenerational land transfer trends;~~

~~(D)~~ a summary of the totality of conservation and land protection practices available for reaching the goals of this chapter, including what they are, what they do, how they contribute, and what metrics are available to quantify them;

~~(E)~~ an assessment of how State lands will can be used managed to increase achieve the characteristics of ecological reserve areas;

~~(F)~~ the implementation methods for achieving the goals of this chapter using Vermont Conservation Design and other existing conservation planning tools as a guide;

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

~~(G)~~ an equity assessment of existing land protection and conservation strategies and programs and recommendations to increase equitable access to protected and conserved lands and land-based enterprises; and

(H) an assessment of existing funding and recommendations for new funding sources that will be needed for acquisition or easements of land, staffing capacity, long-term stewardship, and necessary inventory and tracking to meet the goals.

(3) In developing the plan, the Secretary shall hold not less than three public meetings on the plan and accept public comments. VHCB and the Secretary shall solicit input from various stakeholders, including private owners of forest and agricultural lands, land trusts, conservation

LEFT: ANR may be able to delegate certain tasks to VHCB to help with implementation, but ultimate responsibility “shall” only rest with ANR, a public agency that is accountable to the laws and citizens of Vermont.

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LEFT: a) Changing “will” to “can” dramatically weakens the direction in the legislation.

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LEFT: Adding the word “characteristics” would ensure that logging can continue everywhere, even in ecological reserves and “old forests” as defined in VCD. This violates the intent of the ecological reserve definition in this statute, and removes the state’s obligation to determine how state lands can be used to meet targets for ecological reserves.

LEFT: These equity considerations are a good idea, except that the sentence should end after “...access to protected and conserved lands.”

LEFT: Why would VHCB want to remove a requirement for public meetings to be held? This does not inspire public confidence.

organizations, ~~the Vermont Housing and Conservation Board~~, environmental organizations, working lands enterprises, outdoor recreation groups, Indigenous groups and representatives from historically marginalized and disadvantaged communities, municipalities, regional planning commissions, conservation commissions, and relevant State and federal agencies.

LEFT: Good idea.

(4) The conserved land inventory mandated in section 2803(2)(B) shall be updated every five years by VHCB and the Secretary to track progress toward meeting the goals of this chapter and a report submitted to relevant Committees by January 15 of each year.

LEFT: As stated above, the ultimate responsibility must rest with ANR, a public agency, to ensure accountability and transparency. They may be able to partner or contract with VHCB for assistance, but that should not be in statute.