

1 TO THE HONORABLE SENATE:

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

8 Sec. 1. SHORT TITLE

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

11 Sec. 2. FINDINGS

12 The General Assembly finds:

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

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

17 (3) According to the United Nations:

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

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

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

8           (D) the causes of the drivers of changes in nature rank as follows:

- 9                   (i) changes in land, water, and sea use;  
10                   (ii) direct exploitation of organisms;  
11                   (iii) climate change;  
12                   (iv) pollution; and  
13                   (v) invasive species.

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

17           (5) In 2022 Acts and Resolves No. 183, the Department of Forests,  
18           Parks and Recreation was tasked with developing the Vermont Forest Future  
19           Strategic Roadmap to strengthen, modernize, promote, and protect the forest  
20           products sector and the greater forest economy and promote the importance of

1 healthy, resilient, and sustainably managed working forests that provide a  
2 diverse array of high-quality products now and in the future.

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

7 (7) The initial Vermont Climate Action Plan calls for investing in  
8 strategic conservation to increase the pace of permanent conservation towards  
9 30 by 30 targets, with Vermont Conservation Design guiding prioritization of  
10 efforts.

11 (8) Freshwater vertebrate populations have declined by 84 percent  
12 globally since 1970, twice the rate of decline of biodiversity in terrestrial and  
13 marine biomes. Almost one in three freshwater species are threatened with  
14 extinction.

15 (9) Approximately 75 percent of all river miles assessed in Vermont are  
16 disconnected from their floodplains, indicating degradation and exacerbating  
17 flood-related damages.

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

1           (11) 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           (12) 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 framework to sustain the  
11           State’s ecologically functional landscape into the future.

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

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



1 within which natural ecological processes and disturbance events are allowed  
2 to proceed with minimal interference.

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

8 (3) “Natural resource management area” means an area having  
9 permanent protection from conversion for the majority of the area but that is  
10 subject to long-term, sustainable land management.

11 (4) “Conversion” means a fundamental change in natural ecosystem  
12 type or habitat, natural or undeveloped land cover type, or natural form and  
13 function of aquatic systems.

14 (5) “Sustainable land management” means the stewardship and use of  
15 forests and forestlands, grasslands, wetlands, riparian areas, and other lands,  
16 including the types of agricultural lands that support biodiversity, in a way, and  
17 at a rate, that maintains or restores their biodiversity, productivity, regeneration  
18 capacity, vitality, and their potential to fulfill, now and in the future, relevant  
19 ecological, economic, and social functions at local, State, and regional levels,  
20 and that does not degrade ecosystem function.

1           (6) “Conserved” means permanently protected and meeting the  
2           definition of ecological reserve area, biodiversity conservation area, or natural  
3           resource management area as defined in this section for purposes of meeting  
4           the 30 percent goal in subsection 2802(b) of this title. For purposes of meeting  
5           the 50 percent goal of subsection 2802(b) of this title, “conserved” primarily  
6           means permanently protected and meeting the definition of ecological reserve  
7           area, biodiversity conservation area, or natural resource management area as  
8           defined in this section, although other long-term land protection mechanisms  
9           and measures that achieve the goals of Vermont Conservation Design that are  
10           enforceable and accountable and that support an ecologically functional and  
11           connected landscape may be considered.

12           § 2802. CONSERVATION VISION AND GOALS

13           (a) The vision of the State of Vermont is to maintain an ecologically  
14           functional landscape that sustains biodiversity, maintains landscape  
15           connectivity, supports watershed health, promotes climate resilience, supports  
16           working farms and forests, provides opportunities for recreation and  
17           appreciation of the natural world, and supports the historic settlement pattern  
18           of compact villages surrounded by rural lands and natural areas.

19           (b) It is the goal of the State that 30 percent of Vermont’s total land area  
20           shall be conserved by 2030, and 50 percent of the State’s total land area shall  
21           be conserved by 2050. The Secretary of Natural Resources shall lead the effort

1 in achieving these goals. The land conserved shall include State, federal,  
2 municipal, and private land.

3 (c) Reaching 30 percent by 2030 and 50 percent by 2050 shall include a  
4 mix of ecological reserve areas, biodiversity conservation areas, and natural  
5 resource management areas. In order to support an ecologically functional and  
6 connected landscape with sustainable production of natural resources and  
7 recreational opportunities, the approximate percentages of each type of  
8 conservation category shall be guided by the principles of conservation science  
9 and the conservation targets within Vermont Conservation Design, prioritizing  
10 ecological reserve areas to protect highest priority natural communities and  
11 maintain or restore old forests.

12 § 2803. CONSERVED LAND INVENTORY

13 (a) On or before July 1, 2024, the Vermont Housing and Conservation  
14 Board, in consultation with the Secretary, shall create an inventory of  
15 Vermont’s conserved land and conservation policies to serve as the basis of  
16 meeting the conservation goals of Vermont Conservation Design and to meet  
17 the goals established in section 2802 of this title. The inventory shall be  
18 submitted for review to the House Committees on Environment and Energy  
19 and on Agriculture, Food Resiliency, and Forestry and the Senate Committee  
20 on Natural Resources and Energy.

21 (b) The inventory shall include:



1           (1) A review of the three conservation categories defined in section  
2           2801 of this title and suggestions for developing any modifications or additions  
3           to these categories that maintain or complement the core concepts of ecological  
4           reserve areas, biodiversity conservation areas, and natural resource  
5           management areas in order to complete the conserved land inventory and  
6           inform the comprehensive strategy in the conservation plan. As part of this  
7           review, criteria shall be developed to determine the types of agricultural lands  
8           that will qualify as supporting and restoring biodiversity and therefore count  
9           towards the natural resource management area category.

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

15           (3) A summary of the totality of conservation practices, both permanent  
16           and intermediate, available for reaching the goals of this chapter, including  
17           what they are, what they do, how they contribute, and what metrics are  
18           available to quantify them.

19           (4) An assessment of how State lands will be used to increase conserved  
20           ecological reserve areas.

1           (5) The implementation methods that could be utilized for achieving the  
2           goals of this chapter using Vermont Conservation Design as a guide.

3           (6) A review of how aquatic systems are currently conserved or  
4           otherwise protected in the State, including a description of the benefits land  
5           conservation provides for aquatic systems, whether this is sufficient to  
6           maintain aquatic system functions and services, and how the implementation  
7           methods for achieving the goals of this chapter using Vermont Conservation  
8           Design as a guide would include specific strategies for protecting aquatic  
9           system health.

10           (7) How existing programs will be used to meet the conservation goals  
11           of this chapter and recommendations for new programs, if any, that will be  
12           needed to meet the goals.

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

17           (9) An equity assessment of existing land protection and conservation  
18           strategies and programs.

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

1     § 2804. CONSERVATION PLAN

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

9           (b) The plan shall include:

10           (1) a comprehensive strategy for achieving the vision and goals of  
11     section 2802 of this title while continuing to conserve and protect Vermont’s  
12     agricultural land, working forests, historic properties, recreational lands, and  
13     surface waters;

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

16           (3) recommendations to provide and increase equitable access to  
17     protected and conserved lands and land-based enterprises, including  
18     recreational access to and use of conserved lands; and

19           (4) recommendations to implement the vision and goals of this chapter  
20     while also enhancing the State of Vermont’s current investments and  
21     commitments to working lands enterprises, rural landowners, and the broad

1 conservation mission implemented by the Secretary and VHCB, including  
2 conservation of agricultural land, working forests, historic properties,  
3 recreational lands, and surface waters.

4 (c) In developing the plan, the Vermont Housing and Conservation Board,  
5 in consultation with the Secretary, shall hold 12 or more public meetings on  
6 the plan between July 1, 2023 and December 31, 2025 to solicit input from  
7 stakeholders. Stakeholders shall include private owners of forestlands and  
8 agricultural lands, land trusts, conservation organizations, environmental  
9 organizations, working lands enterprises, outdoor recreation groups and  
10 businesses, Indigenous groups and representatives from historically  
11 marginalized and disadvantaged communities, watershed groups,  
12 municipalities, regional planning commissions, conservation commissions, and  
13 relevant State and federal agencies. At least three of the meetings shall be  
14 designed to solicit comments from the general public.

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

20 Sec. 4. APPROPRIATIONS

1        (a) The sum of \$75,000.00 is appropriated from the General Fund to the  
2        Vermont Housing and Conservation Board in fiscal year 2024 to support  
3        public education and outreach to inform the development of the statewide  
4        conservation plan.

5        (b) The sum of \$150,000.00 is appropriated from the General Fund to the  
6        Agency of Natural Resources in fiscal year 2024 to hire a limited-service  
7        position to support the development of the statewide conservation plan.

8        Sec. 5. EFFECTIVE DATE

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

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14        (Committee vote: \_\_\_\_\_)

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Senator \_\_\_\_\_

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FOR THE COMMITTEE