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H.126

Introduced by Representatives Sheldon of Middlebury, Anthony of Barre City,
Arrison of Weathersfield, Austin of Colchester, Bartholomew of
Hartland, Bluemle of Burlington, Bongartz of Manchester, Bos-
Lun of Westminster, Brown of Richmond, Brumsted of
Shelburne, Burrows of West Windsor, Campbell of St.
Johnsbury, Chapin of East Montpelier, Chase of Colchester,
Chesnut-Tangerman of Middletown Springs, Christie of
Hartford, Cina of Burlington, Coffey of Guilford, Cole of
Hartford, Demrow of Corinth, Dolan of Essex Junction, Dolan
of Waitsfield, Donahue of Northfield, Durfee of Shaftsbury,
Goldman of Rockingham, Headrick of Burlington, Holcombe
of Norwich, Houghton of Essex Junction, Howard of Rutland
City, Hyman of South Burlington, James of Manchester,
Kornheiser of Brattleboro, Krasnow of South Burlington,
LaLonde of South Burlington, Masland of Thetford, McCarthy
of St. Albans City, Minier of South Burlington, Morris of
Springfield, Mrowicki of Putney, Nicoll of Ludlow, Ode of
Burlington, Priestley of Bradford, Rice of Dorset, Satcowitz of
Randolph, Scheu of Middlebury, Squirrell of Underhill,
Stebbins of Burlington, Torre of Moretown, Troiano of

1 Stannard, White of Bethel, Whitman of Bennington, and Wood
2 of Waterbury

3 Referred to Committee on

4 Date:

5 Subject: Conservation and development; land use; land conservation;
6 biodiversity; community resilience

7 Statement of purpose of bill as introduced: This bill proposes to establish
8 State goals of conserving 30 percent of the land of the State by 2030 and 50
9 percent by 2050.

10 An act relating to community resilience and biodiversity protection

11 It is hereby enacted by the General Assembly of the State of Vermont:

12 ~~Sec. 1. SHORT TITLE~~

13 ~~This act may be cited as the “Community Resilience and Biodiversity~~
14 ~~Protection Act” or “CRBPA.”~~

15 Sec. 2. FINDINGS

16 The General Assembly finds:

17 (1) Nature is facing a catastrophic loss of biodiversity, both globally and
18 ~~locally.~~

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

3 ~~(3) According to the United Nations:~~

4 ~~(A) one million species of plants and animals are threatened with~~
5 ~~extinction;~~

6 ~~(B) human activity has altered almost 75 percent of the Earth's~~
7 ~~surface, squeezing wildlife and nature into ever-smaller natural areas of the~~
8 ~~planet;~~

9 ~~(C) the health of ecosystems on which humans and all other species~~
10 ~~depend is deteriorating more rapidly than ever, affecting the very foundations~~
11 ~~of economies, livelihoods, food security, health, and quality of life worldwide;~~
12 ~~and~~

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

14 ~~(1) changes in land and sea use, (2) direct exploitation of organisms, (3)~~
15 ~~climate change, (4) pollution, and (5) invasive species.~~

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

19 ~~(5) The 2021 Vermont Climate Assessment highlights an increase in~~
20 ~~extreme weather events such as droughts and floods as a significant impact of~~

1 climate change in Vermont and recommends nature based solutions as a
2 proven, low-cost strategy for climate adaptation and resilience.

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

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

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

17 (9) The Vermont Department of Fish and Wildlife, working within the
18 Agency of Natural Resources and with Vermont conservation organizations,
19 has developed Vermont Conservation Design, a vision to sustain the State's
20 ecologically functional landscape into the future.

1 ~~(10) Intact and connected ecosystems support Vermont's biodiversity,~~
2 ~~reduce flood risks, mitigate drought, and sequester and store carbon.~~

3 ~~(11) Vermont's most effective and efficient contribution to conserving~~
4 ~~biological diversity and maintaining a landscape resilient to climate change is~~
5 ~~to conserve an intact and connected landscape.~~

6 ~~(12) In order to conserve ecological functions in intact and connected~~
7 ~~ecosystems, the full range of conservation approaches is needed, including~~
8 ~~supporting private landowner education, technical assistance, and programs;~~
9 ~~conservation easements that promote sustainable forest management; and~~
10 ~~conservation easements and fee acquisitions focused on passive management.~~

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

12 CHAPTER 89. COMMUNITY RESILIENCY AND BIODIVERSITY

13 PROTECTION

14 § 2801. DEFINITIONS

15 As used in this section:

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

20 (2) "Biodiversity conservation area" means an area having permanent
21 protection from conversion of natural land cover for the majority of the area

1 ~~and that is managed for the primary goal of sustaining species or habitats.~~

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

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

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

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

15 § 2802. CONSERVATION GOALS

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

1 ~~(b) Reaching 30 percent by 2030 and 50 percent by 2050 shall include a~~
2 mix of ecological reserve areas, biodiversity conservation areas, and natural
3 resource management areas. In order to support an ecologically functional
4 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 targets 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 § 2803. CONSERVATION PLAN

10 (a) On or before December 31, 2024, the Secretary shall develop a plan to
11 implement the conservation goals of Vermont Conservation Design to meet the
12 goals established in section 2802 of this title. The plan shall be submitted for
13 review to the House Committees on Environment and Energy and on
14 Agriculture, Food Resiliency, and Forestry and the Senate Committee on
15 Natural Resources and Energy.

16 (b) The plan shall include:

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

19 (2) an initial inventory of the amount of land in Vermont that is
20 permanently conserved and, to the extent practical, the amount of permanently
21 conserved land that generally falls into each of the three conservation

1 ~~categories defined in section 2801 of this title, including public and private~~
2 ~~land;~~

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

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

7 ~~(5) an assessment of how State lands will be used to increase ecological~~
8 ~~reserve areas;~~

9 ~~(6) the implementation methods for achieving the goals of this chapter~~
10 ~~using Vermont Conservation Design as a guide;~~

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

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

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

19 ~~(c) In developing the plan, the Secretary shall hold not less than three~~
20 ~~public meetings on the plan and accept public comments. The Secretary shall~~

21 ~~solicit input from various stakeholders, including private owners of forestlands~~

1 ~~and agricultural lands, land trusts, conservation organizations, the Vermont~~
2 Housing and Conservation Board, environmental organizations, working lands
3 enterprises, outdoor recreation groups, Indigenous groups, regional planning
4 commissions, conservation commissions, and relevant State and federal
5 agencies.

6 (d) The conserved land inventory shall be updated annually to track
7 progress toward meeting the goals of this chapter.

8 Sec. 4. EFFECTIVE DATE

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

Sec. 1. SHORT TITLE

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

Sec. 2. FINDINGS

The General Assembly finds:

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

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

(3) According to the United Nations:

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

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

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

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

(i) changes in land and sea use;

(ii) direct exploitation of organisms;

(iii) climate change;

(iv) pollution, and

(v) invasive species.

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

(5) In 2022 Acts and Resolves No. 183, Department of Forests, Park and Recreations was tasked with developing a Vermont Forest Future Strategic Roadmap to strengthen, modernize, promote, and protect the forest products sector, the greater forest economy, and promote the importance of healthy,

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

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

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

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

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

~~(9)~~ (10) The Vermont Department of Fish and Wildlife, working within the Agency of Natural Resources and with Vermont conservation organizations, has developed Vermont Conservation Design, a framework to sustain the State's ecologically functional landscape into the future.

~~(10)~~ (11) Intact and connected ecosystems support Vermont's biodiversity, reduce flood risks, mitigate drought, and sequester and store carbon.

~~(11)~~ (12) Vermont's most effective and efficient contribution to conserving biological diversity and maintaining a landscape resilient to climate change is to conserve an intact and connected landscape.

~~(12)~~ (13) In order to maintain ecological functions in intact and connected ecosystems, the full range of conservation approaches is needed, including supporting private landowner education, technical assistance, and programs; conservation easements that promote sustainable forest management; and conservation easements and fee acquisitions focused on passive management.

~~(13)~~ (14) The Vermont Housing Finance Agency's 2020 Housing Needs Assessment projected an urgent pre-pandemic need for new housing. Strategic investment in conservation is consistent with construction of housing in Vermont's villages and town centers.

~~(14)~~ (15) The land and waters, forests and farms, and ecosystems and natural communities in Vermont are the traditional and unceded home of the Abenaki people. Access to land and land-based enterprises has excluded Black, Indigenous, and Persons of Color (BIPOC) Vermonters and others from historically marginalized and disadvantaged communities in the centuries of European settlement. Efforts to increase land conservation must also include opportunities to increase access to land and land-based enterprise for Indigenous People and all who come from historically marginalized and disadvantaged communities.

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

CHAPTER 89. COMMUNITY RESILIENCY AND BIODIVERSITY
PROTECTION

§ 2801. DEFINITIONS

As used in this section:

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

(2) “Biodiversity conservation area” means an area having permanent protection from conversion of natural land cover for the majority of the area and that is managed for the primary goal of sustaining species or habitats.

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

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

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

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

§ 2802. CONSERVATION VISION AND GOALS

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

(b) It is the goal of the State that 30 percent of Vermont's total land area shall be conserved by 2030, and 50 percent of the State's total land area shall be conserved by 2050. The Secretary of Natural Resources shall lead the effort in achieving these goals. The land conserved shall include State, federal, municipal, and private land.

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

§ 2803. CONSERVED LAND INVENTORY

(a) On or before July 1, 2024, the Secretary, with assistance from the Vermont Housing and Conservation Board, shall create an inventory of Vermont's conserved land and conservation policies to serve as the basis of meeting the conservation goals of Vermont Conservation Design and to meet the goals established in section 2802 of this title. The inventory shall be submitted for review to the House Committees on Environment and Energy and

on Agriculture, Food Resiliency, and Forestry and the Senate Committee on Natural Resources and Energy.

(b) The inventory shall include:

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

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

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

(3) a summary of the totality of conservation practices, both permanent and intermediate, 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;

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

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

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

(7) how existing programs 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;

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

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

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

§ 2804. CONSERVATION PLAN

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

(b) The plan shall include:

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

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

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

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

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

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

(4) recommendations to implement the vision and goals of this chapter while also enhancing the State of Vermont's current investments and commitments to working lands enterprises, rural landowners, and the broad conservation mission implemented by the Secretary and VHCB, including conservation of agricultural land, working forests, historic properties, recreational lands, and surface waters.

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

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

Sec. 4. APPROPRIATION

The sum of \$75,000.00 is appropriated from the General Fund to the Vermont Housing and Conservation Board in fiscal year 2024 to support public education and outreach to inform the development of the statewide conservation plan. ~~The funds shall be available for use for two years and shall support equitable engagement with community members from historically marginalized and disadvantaged communities, including costs for travel vouchers, food, and childcare where necessary to accommodate participation, as well as compensation for community members who might be asked to serve on more formal subcommittees and who would otherwise not be able to participate.~~

Sec. 5. EFFECTIVE DATE

This act shall take effect on July 1, 2023.