

Testimony to Vermont House Committee on Environment and Energy

February 9, 2023

H.126 An act relating to community resilience and biodiversity protection

Ed Larson for the Vermont Forest Products Association

Thank you for the opportunity to testify on behalf of the Vermont Forest Products Association. In addition to being the lobbyist for this association I am a licensed consulting forester. I also teach forestry at Vermont Technical College.

First allow me to Correct some statements, you have heard from others supporting this legislation:

Forest Management protects and enhances:

- Tree health
- Forest health
- Biological diversity
- Water quality
- Wildlife habitat
- Carbon storage and sequestration
- Resiliency to climate change

And the landowner can realize a return on their investment in addition to all the other benefits they receive by owning a piece of Vermont forestland.

Forest Management and logging does not:

- Cause forest fragmentation
- Exacerbate flooding.
- Degrade water quality or quantity.

More carbon is stored and sequestered in sustainably managed forest than in any old growth forest unmanaged for timber, over time.

again

More carbon is stored and sequestered, long term, on managed forests than any "wilderness" core area, forever wild or forest reserve.

Silviculture is a science of understanding forest succession and how forests respond to disturbances. It has an artful flair because of the vast variability in forests. There are no two acres that are alike anywhere on this planet. The forestry profession has always been evolving as we learn, we adapt. You need not go far to see for yourself, Vermont has lots of forests that are healthy, strong and vibrant.

Currently, there are 238 licensed foresters operating in Vermont. That amounts to one forester for approximately 20,000 acres of forest and if you divide them into the 2 million acres of UVA lands its closer to 8500 acres per forester. I would be surprised if there is any other state or even in jurisdictions around the world that would have a higher concentration of professional silviculturists sustainably managing their forests. Yet we continue to hear the message from the environmental activists and from this body that we want less managed forests.

Loss of Forests

VNRC has been touting their analysis of how we are losing 11-12,000 acres to development every year. We don't believe it. If that was true, we would take notice. Sure, development occurs, but outside Chittenden County, I do not hear foresters or loggers complain that they just lost another woodlot to development. We do see subdivisions, a new house shows up, but if it was on managed forests, it is almost always still managed and accessible.

You want to talk about loss of forests. Our industry has lost far more forest than the state has lost. Just in the last two years well over 15,000 acres has been removed from the timber base. With forever wild easements and lands bought up by the GMNF, Silvio Conte NWR, ANR and the Nature Conservancy, we are the ones that are losing, and that we take notice.

When you combine these three things:

- the loss of access to manage high quality, high valuable trees with these set aside instruments.
- rants of some pretty outrageous folks coming here to disparage this signature industry with misinformation.
- the narrative underscored in this legislation.

It's no wonder this industry is less optimistic about our future. This industry is being forced to right size to the available timber base.

H.126

An article by UVM, April 2020: Vermont is a third of the way there. In a new study, forest conservation experts at the University of Vermont (UVM) confirmed that the state has already protected 33%, or 1.3 million acres, of highest priority targeted lands needed to protect and connect valuable wildlife habitats and corridors.

Is this legislation really necessary? It sets random artificial goals for conservation. If you look at the already existing conservation accomplishments, based on the UVM article, we do not need to do any more land conservation for the next 8 years.

Permanent conservation measures are not necessary. There is well over 50% of our forest under some conservation plan. UVA is the most important conservation program we have. With our rules for enrolment and participation, compared to other states similar tax programs, UVA is very robust and not all that easy to leave, therefore longer-range horizons for sustainable forestry naturally

occur. That should be celebrated, not called "Not Good Enough". Think about it; 16,000 landowners engaged in the stewardship of their forest resources.

The concept of the Legislature setting a predetermined percentage of the landscape will be counter-productive to well-planned and coordinated land conservation. This is especially true when it includes the predetermined management philosophy for those targets.

Vermonters don't take too well centralized planning. Remember back in the mid 90s. There was this Council on Regional Commissions (CORC), Governor Dean abolished it and Vermonters were fine with that. CORC or any other state-wide planning authority has never been established since.

Land Conservation is presently accomplished through the careful coordination of multiple state, federal, private and non-profit organizations working together in many ways. This legislation could complicate and hinder these current efforts.

Good planning with public participation and involvement has been a cornerstone of Vermont's land conservation and management for many decades. This effort will circumvent that established process by setting a top-down predetermined outcome for conservation goals.

How will ANR determine what lands are allocated to what category of conservation? Based on the existing ANR public process they will need to "front load" all of the public planning on land allocation and management that is now done after acquisition. That will slow down and complicate land conservation.

Things change.....Land conservation takes many forms and evolves with the socio-economic and ecological circumstances of the time. Goals and approaches change as land use changes. We are presently in a time of significant change due to a global post-pandemic lifestyle adjustment and world-wide economic and political instability. Setting goals and predetermined outcomes based on political desires is not responsive or a responsible approach.

This bill seeks to allocate parcels into the three types of conserved land based on Vermont Conservation Design VCD.

Vermont Conservation Design has had no broad public discussion or public input by affected publics. Town tax bases, State tax incomes, school funding, affordable housing, sustainable working forest-based industries and all landowners will be impacted by these initiatives. They deserve to have site specific input on the impacts to local interests. The legislative process is inadequate to allow for proper planning.

We have heard several times from Commissioners, the Secretary and even the Biologists that worked on VCD, this document is a tool and should not be used to enforce laws. I think we need to be more careful.

ANR will have to allocate limited public time and money to study and devise a solution to a problem that does not exist. This will divert resources from existing land conservation efforts and forest viability work that is critical at this time in history.

Public input on this legislation is limited to the three public meetings that ANR will hold on the "Conservation Plan"? That is NOT meaningful public involvement.

The next goal 50 by 2050 will be much more difficult due to the social cultural interface with conserved lands.

ANR will have to allocate limited public time and money to study and devise a solution to a problem that does not exist. This will divert resources from existing land conservation efforts and forest viability work that is critical at this time in history.

Recommendation for amendments to H.126 –

- Definition amendments - The conservation category definitions shall be draft language suggested in H.126, to be further developed by stakeholders, ANR staff, VHCB, and others, in the development of the plan, meaning they will not be statutory definitions established prior to their review and refinement, and development of the plan and inventory.
- Eligibility of Conservation Categories – The planning process, and definitions of ecological reserve area and biodiversity conservation area categories, shall identify, and guide in the identification of areas, where the eligibility of the category is most appropriate, such as where it meets the definition of an Ecologically Significant Treatment Area, or Reserve Forestland category (as defined by the UVA program), or, where they are not appropriate, such as food producing agricultural soils, productive forest sites, and parcels where sustainable forest management has been practiced.
- Working Lands Impact Analysis – The plan shall report on the impact to Vermont’s working lands if the goals of conserving land in the categories of ecological reserve area, biodiversity conservation area are implemented at scale, including –
 - The total acreage that may need to be taken out of active forest management or agricultural production to meet the ecological reserve area and biodiversity conservation area targets.
 - The resulting reduction in revenue for forestland owners on an annual basis
 - The impact on the viability of the forest economy in Vermont, and the region
 - The total acreage in target areas that is enrolled in the Use Value Appraisal (UVA) program, and acreage eligible or enrolled in the Reserve Forestland category or Ecologically Significant Treatment Area (ESTA) category of UVA.
- Forest Futures Strategic Roadmap –
 - Due to the functional ecological relationship between the managed forests, conservation, and the intrinsic role of the forest economy, the plan shall include a

report of how the Forest Futures Strategic Roadmap will be connected and aligned with the conservation plan and goals.

So what happens when you fail to reach the goals established in this law?

80% of Vermont's forest are held in the private sector. Conservation easements are arrived at because of a willing buyer and a willing seller or donor. Will this become a mandate to force a private landowner into becoming a willing seller? We worry about that.

Our industry is your only hope to keep forests as forests that are healthy, strong and vibrant.

We do not support this bill or its underlying policies. We would rather you focus your attention to the essential needs of the forest products industry. This industry needs to be healthy, strong and vibrant so we can continue to keep our forests healthy, strong and vibrant.