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H.343

Introduced by Representative O'Brien of Tunbridge

Referred to Committee on

Date:

Subject: Agriculture; Abenaki; State lands; access to State lands for farming

Statement of purpose of bill as introduced: This bill proposes to authorize State lands owned or controlled by the Agency of Natural Resources to be leased for farming by certified citizens of State-recognized Native American Indian tribes. The bill would require the Secretary of Natural Resources to consult with the Secretary of Agriculture, Food and Markets to identify State lands suitable for farming. The bill would direct the Secretary of Natural Resources to issue leases to certified citizens of State-recognized Native American Indian tribes for the use of State lands for farming.

An act relating to making State lands available for farming by citizens of State-recognized Native American Indian tribes

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

Sec. 1. 10 V.S.A. § 2606 is amended to read:

§ 2606. ACCEPTANCE OF GIFTS; EXCHANGE, PURCHASE, OR LEASE
OF LANDS

1 (a) The Commissioner, with the approval of the Governor, may accept gifts
2 of land or interests in land to the State, or may purchase land or interests in
3 land in the name of the State to be held and administered as State forests, State
4 parks, easement interests, agricultural land for use by certified citizens of
5 State-recognized Native American Indian tribes, or as interests supporting the
6 management and use of such lands and interests.

7 (b) Notwithstanding 29 V.S.A. § 166, with the approval of the General
8 Assembly, which may be granted by resolution, the Commissioner may sell,
9 convey, exchange, or lease lands, or interests in land, or may amend deeds,
10 leases, and easement interests, under ~~his or her~~ the Commissioner's jurisdiction
11 when in ~~his or her~~ the Commissioner's judgment it is advantageous to the State
12 to do so in the highest orderly development and management of State forests,
13 State parks, or other interests in land.

14 (c) The Commissioner, with the approval of the Governor, may lease mine,
15 quarry, or other resource sites or rights as may be discovered on State forest or
16 State park lands unconditionally owned by the State.

17 (d) The Commissioner, with the approval of the Governor, may lease for a
18 term of years, or otherwise, such lands as ~~he or she~~ the Commissioner deems
19 necessary for the protection of State forest or State park lands or for use by the
20 State in connection therewith.

1 (e) The provisions of this section shall not be construed to allow the
2 Commissioner to grant oil and gas leases.

3 (f) As used in this section, “agricultural land” means land used for farming,
4 as “farming” is defined in section 2.16 of the Required Agricultural Practices.

5 Sec. 2. 10 V.S.A. § 2606c is added to read:

6 § 2606c. LEASE OF STATE LANDS FOR FARMING

7 (a) As used in this section:

8 (1) “Farming” has the same meaning as in section 2.16 of the Required
9 Agricultural Practices.

10 (2) “State land” means land owned or controlled by the Agency of
11 Natural Resources.

12 (3) “State-recognized Native American Indian tribes” means a tribe that
13 has been recognized by the State pursuant to 1 V.S.A. chapter 23.

14 (b) It is hereby adopted as State policy to permit limited use of designated
15 State lands for farming by citizens of State-recognized Native American Indian
16 tribes.

17 (c) The Secretary of Natural Resources, after consultation with the
18 Secretary of Agriculture, Food and Markets, shall identify State lands that
19 would be suitable for farming without harvesting of timber, disturbance of
20 wildlife corridors, or other significant disturbance to land or wildlife. On or
21 before July 1, 2027, the Secretary of Natural Resources shall publish on the

1 Agency of Natural Resources' website an inventory of State land available to
2 be leased for farming.

3 (d)(1) The Secretary of Natural Resources shall issue leases to certified
4 citizens of a State-recognized Native American Indian tribe for the use of State
5 lands for farming.

6 (2) The Secretary of Natural Resources may issue criteria or guidelines
7 for farming on State lands, and each lease may include terms and conditions of
8 use as may be necessary to preserve the health and long-term use of the State
9 land. At a minimum, the Secretary of Natural Resources shall require any
10 person farming on State lands under this section to comply with the Required
11 Agricultural Practices, as adopted by the Secretary of Agriculture, Food and
12 Markets under 6 V.S.A. chapter 215.

13 (3) The Secretary of Natural Resources shall issue a lease under this
14 section for a fixed term not to exceed five years. The lease shall be renewable
15 for two five-year terms subsequent to the initial lessee. Subsequent renewals
16 shall be allowed where agreed upon by the Secretary of Natural Resources and
17 the lessee. The Secretary of Natural Resources shall have power to terminate
18 or modify a lease for cause, including violation of the Required Agricultural
19 Practices or damage to State lands from activities other than normal farming
20 practices.

1 (e) The Secretary of Natural Resources shall establish by procedure an
2 application process for a lease under this section. The application process shall
3 include:

4 (1) a designated form or website for submission of an application;

5 (2) criteria for award of a lease, which may include an applicant's
6 previous experience with farming or the type of farming proposed for a tract of
7 State lands; and

8 (3) any additional criteria that the Secretary of Natural Resources deems
9 necessary for processing of application or award of leases.

10 Sec. 3. SECRETARY OF NATURAL RESOURCES REPORT ON FEE FOR
11 LEASING OF STATE LAND FOR FARMING

12 On or before January 1, 2027, the Secretary of Natural Resources shall
13 submit to the House Committees on Agriculture, Food Resiliency, and
14 Forestry, on Environment, and on Ways and Means and the Senate Committees
15 on Agriculture, on Natural Resources and Energy, and on Finance a
16 recommended fee or fee structure for the leasing under 10 V.S.A. § 2606c of
17 State lands for farming by certified citizens of State-recognized Native
18 American Indian tribes.

19 Sec. 4. EFFECTIVE DATE

20 This act shall take effect on July 1, 2025.