

1 H.606

2 Introduced by Representative Sheldon of Middlebury

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 that:

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

1 (2) According to the United Nations, a million species of plants and
2 animals are threatened with extinction.

3 (3) In addition to its intrinsic value, biodiversity is essential to human
4 survival.

5 (4) Human activity has altered almost 75 percent of the Earth's surface,
6 squeezing wildlife and nature into ever-smaller natural areas of the planet,
7 according to the United Nations.

8 (5) Further, the United Nations found that the health of ecosystems on
9 which humans and all other species depend is deteriorating more rapidly than
10 ever, affecting the very foundations of economies, livelihoods, food security,
11 health, and quality of life worldwide.

12 (6) The United Nations ranks the causes of the drivers of changes in
13 nature as: (1) changes in land and sea use, (2) direct exploitation of organisms,
14 (3) climate change, (4) pollution, and (5) invasive alien species.

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

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

1 ~~(9) The Nature Conservancy has developed the Resilient and Connected~~
2 Landscapes projects and found that Vermont plays a key role in the
3 conservation of biodiversity regionally.

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

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

12 (12) Intact and connected ecosystems that are permanently protected
13 and passively managed to increase in age and complexity support Vermont's
14 native biodiversity, reduce flood risks, mitigate drought, and sequester and
15 store carbon.

16 (13) Vermont's most effective and efficient contribution to conserving
17 biological diversity and maintaining a landscape resilient to climate change is
18 to conserve an intact and connected landscape.

1 ~~Sec. 3-10 V.S.A., chapter 89 is added to read:~~

2 Chapter 89. COMMUNITY RESILIENCY AND BIODIVERSITY

3 PROTECTION

4 § 2801. DEFINITIONS

5 As used in this section:

6 (1) “Biodiversity reserve” means an area having permanent protection
7 from conversion of natural land cover and a mandated management plan in
8 operation to maintain a natural state.

9 (2) “Ecological conservation area” means an area having permanent
10 protection from conversion of natural land cover and a mandated management
11 plan in operation for specific habitat improvement projects to maintain a
12 primarily natural state.

13 (3) “Sustainable resource management area” means an area having
14 permanent protection from conversion of natural land cover for the majority of
15 the area but subject to long-term forest management.

16 §2802. CONSERVATION GOALS

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

1 ~~(b) Reaching 30 percent by 2030 and 50 percent by 2050 shall include a~~
2 ~~mix of biodiversity reserves, ecological conservation areas, and sustainable~~
3 ~~resource management areas. In order to support an ecologically functional~~
4 ~~landscape with sustainable production of natural resources and recreational~~
5 ~~opportunities, the percentages of each type of conservation area shall be~~
6 ~~determined by the goals within Vermont Conservation Design, including the~~
7 ~~use of biodiversity reserves to protect highest priority natural communities and~~
8 ~~maintain or restore old forests across at least nine percent of Vermont~~
9 ~~forestland.~~

10 §2803. CONSERVATION PLAN

11 (1) On or before July 15, 2023, the Secretary shall develop a plan to
12 implement Vermont Conservation Design to meet the goals established in
13 section 2802 of this title. The plan shall be submitted to the House
14 Committees on Natural Resources, Fish, and Wildlife, Agriculture and
15 Forestry, and Energy and Technology and the Senate Committee on Natural
16 Resources and Energy.

17 (2) The plan shall include:

18 (A) an initial inventory of the amount of land in Vermont that is
19 permanently conserved, including public and private land;

20 (B) an evaluation of the impact of intergenerational land transfer
21 trends,

1 ~~(C) an assessment of how the goals of this chapter can be achieved~~
2 ~~and how State lands will be used to increase biodiversity reserves;~~

3 ~~(D) an actionable conservation plan establishing how the goals will~~
4 ~~be achieved, using Vermont Conservation Design as a guide; and~~

5 ~~(E) an inventory and assessment of existing programs that will be~~
6 ~~used to meet the goals of this chapter and recommendations for new programs~~
7 ~~and funding that will be needed to meet the goals.~~

8 ~~(3) In developing the plan, the Secretary shall hold not less than three~~
9 ~~public meetings on the plan and accept public comments. The Secretary shall~~
10 ~~receive input from various stakeholders, including land trusts, conservation~~
11 ~~organizations, the Vermont Housing and Conservation Board, and other State~~
12 ~~agencies.~~

13 ~~(4) The conserved land inventory shall be updated annually to track~~
14 ~~progress toward meeting the goals of this chapter.~~

15 Sec. 4. EFFECTIVE DATE

16 ~~This act shall take effect on July 1, 2022.~~

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: (1) changes in land and sea use, (2) direct exploitation of organisms, (3) climate change, (4) pollution, and (5) 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) 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) 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) 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) 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 Adirondacks 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) 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 vision to sustain the State's ecologically functional landscape into the future.

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

(11) 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) In order to conserve 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.

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 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 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 forest lands 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 cause damage to other ecosystems.

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

§ 2802. CONSERVATION GOALS

(a) Thirty 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 assist the State in achieving these goals.

The land conserved shall include State, federal, municipal, and private land.

(b) Reaching 30 percent by 2030 and 50 percent by 2050 shall include a mix of ecological reserve areas, ~~biodiversity resource 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.

§ 2803. CONSERVATION PLAN

(a) On or before December 31, 2023, the Secretary shall develop a 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 House Committees on Natural Resources, Fish, and Wildlife, on Agriculture and Forestry, and on Energy and Technology and the Senate Committee on Natural Resources and Energy.

(b) The plan shall include:

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

(2) an initial inventory of the amount of land 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;

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

(4) a summary of the totality of conservation 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;

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

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

(7) 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;
and

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

(c) In developing the plan, the Secretary shall hold not less than three public meetings on the plan and accept public comments. The Secretary shall solicit input from various stakeholders, including private owners of forest and agricultural lands, land trusts, conservation organizations, the Vermont Housing and Conservation Board, environmental organizations, working lands enterprises, outdoor recreation groups, Indigenous groups, regional planning commissions, conservation commissions, and relevant State and federal agencies.

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

Sec. 4. EFFECTIVE DATE

This act shall take effect on July 1, 2022.