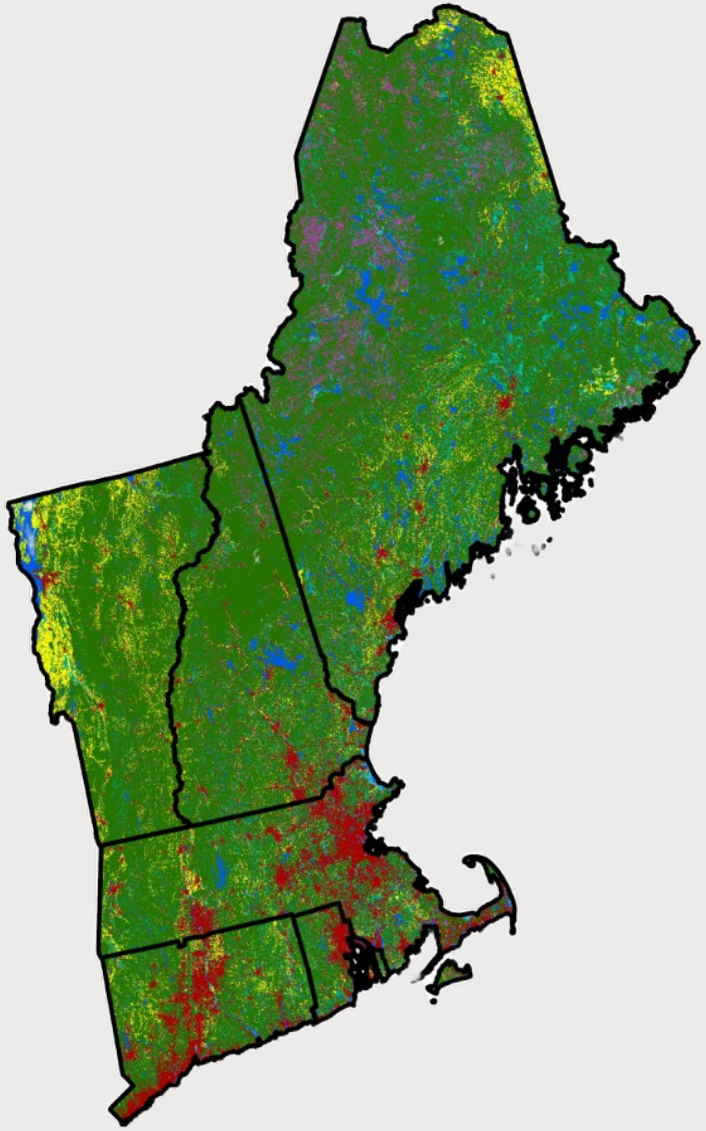


Regional Approaches to Conservation & Land-Use Policy

Wildlands Woodlands Farmlands & Communities

VNRC VERMONT NATURAL RESOURCES COUNCIL CELEBRATING 60 YEARS

PRESENTATION OUTLINE

Section 1: Intro & Context
- Introductions
- The value of regional analysis and coordination
- Why structure a comparison this way? What are the focus areas? What's the end product?

Section 2: Presenting early stages of State of States
- Structure and Roadmap for the project
- Preliminary findings of note (Current Use, Land Cover, NEPOS?, Environmental Justice)
- Opportunities to shape/contribute/identify future research and outreach opportunities

Section 3: How might this work benefit advocates and policymakers at the local/state scale?
- Policy wins in VT: what happened, what procedural lessons jump out
- Where has regional data or analysis been utilized in these policy arenas? Where might it be useful in the next efforts where tensions or data gaps exist?
- Call in lessons or frameworks that might be worth sharing regionally: Act 250/59

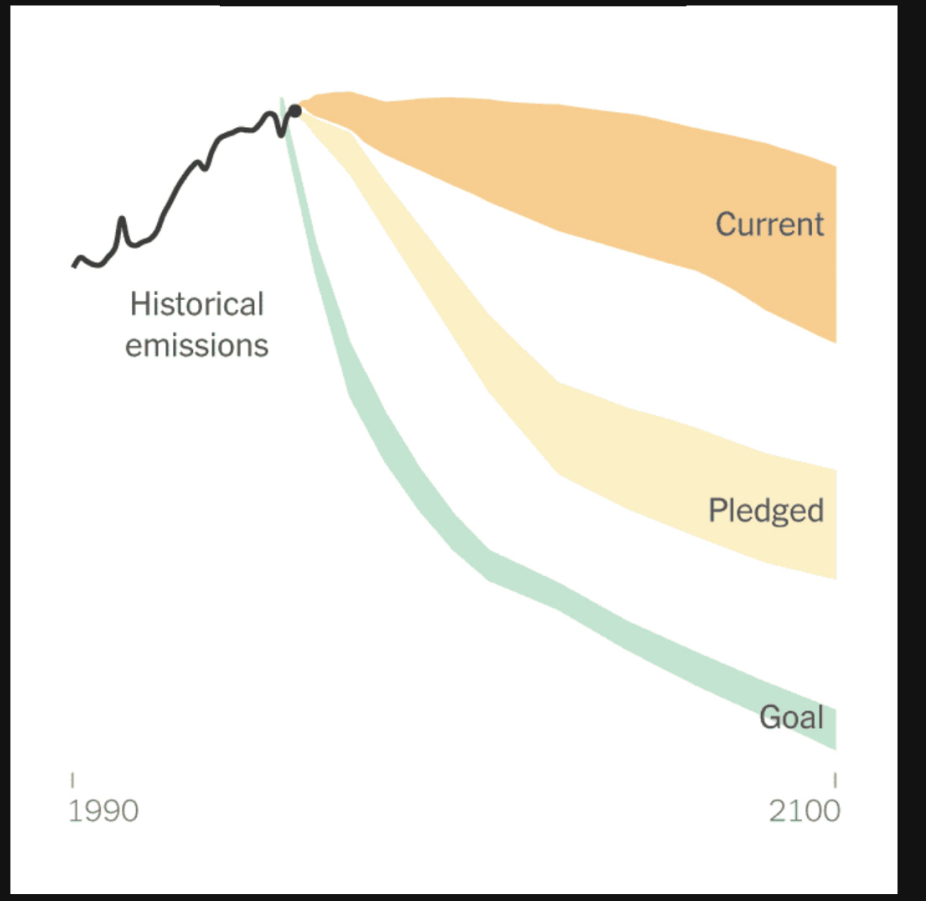
Section 4: Discussion and Feedback

The New York Times

A Big Climate Goal Is Getting Farther Out of Reach

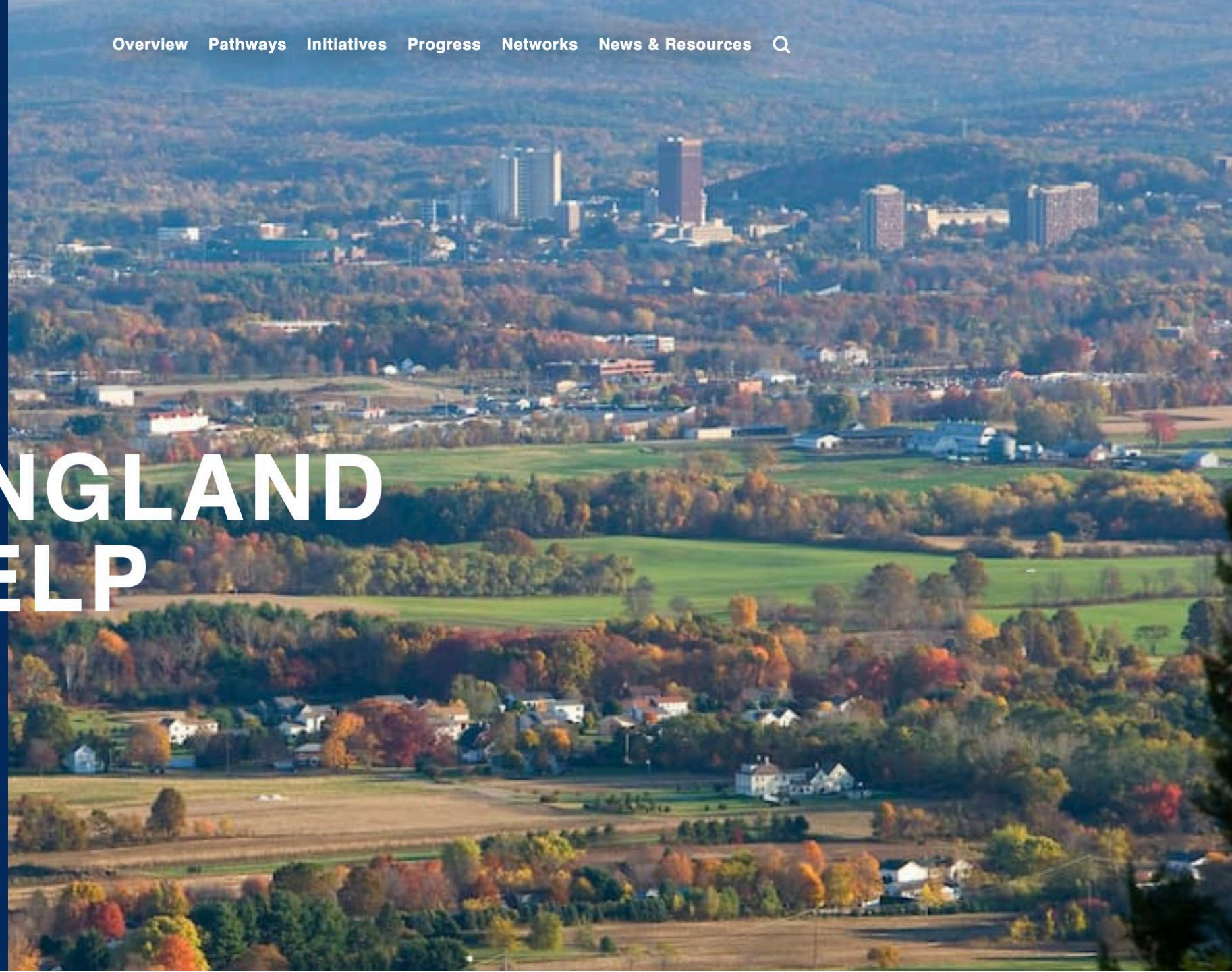
Global temperatures are forecast to increase well above the level that world leaders have pledged to avoid, according to a new report.

4 MIN READ



The New York Times

Wildlands
Woodlands
Farmlands &
Communities



The Earth is in crisis

NEW ENGLAND CAN HELP

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State of the States Report Elements and Roadmap

Land-Use Change: Loss of Fores...

Subtitle
How much forest is being lost in each NE...

Expected Release Date
Q1 2025

Current Use

Subtitle
How does each state encourage the prot...

Expected Release Date
Q1 2025

Current Use

Land Protection Definitions and ...

Subtitle
How do each of the New England states ...

Expected Release Date
Q2 2025

Equity and Environmental Justice

Subtitle
How do New England states codify com...

Expected Release Date
Q1 2025

Equitable Farmland Access

Subtitle
How does each state support agricultural...

Expected Release Date
Q1 2025

Goals and Commitments

Subtitle
What targets has each state set? What pr...

Expected Release Date
Q2 2025

Funding

Subtitle
How much State funding is allocated to c...

Expected Release Date
TBD

Land-Use, Community Developm...

Subtitle
How do New England states intervene (or...

Expected Release Date
TBD

Wildlife Management and Conser...

Subtitle
What is the governance process for deci...

Expected Release Date
TBD

Biodiversity

Subtitle
How is each state coordinating efforts to ...

Expected Release Date
TBD

Public Lands

Subtitle
How much land is publicly owned across ...

Expected Release Date
TBD

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State of the States: Current Use Tax Programs

What are we looking at?

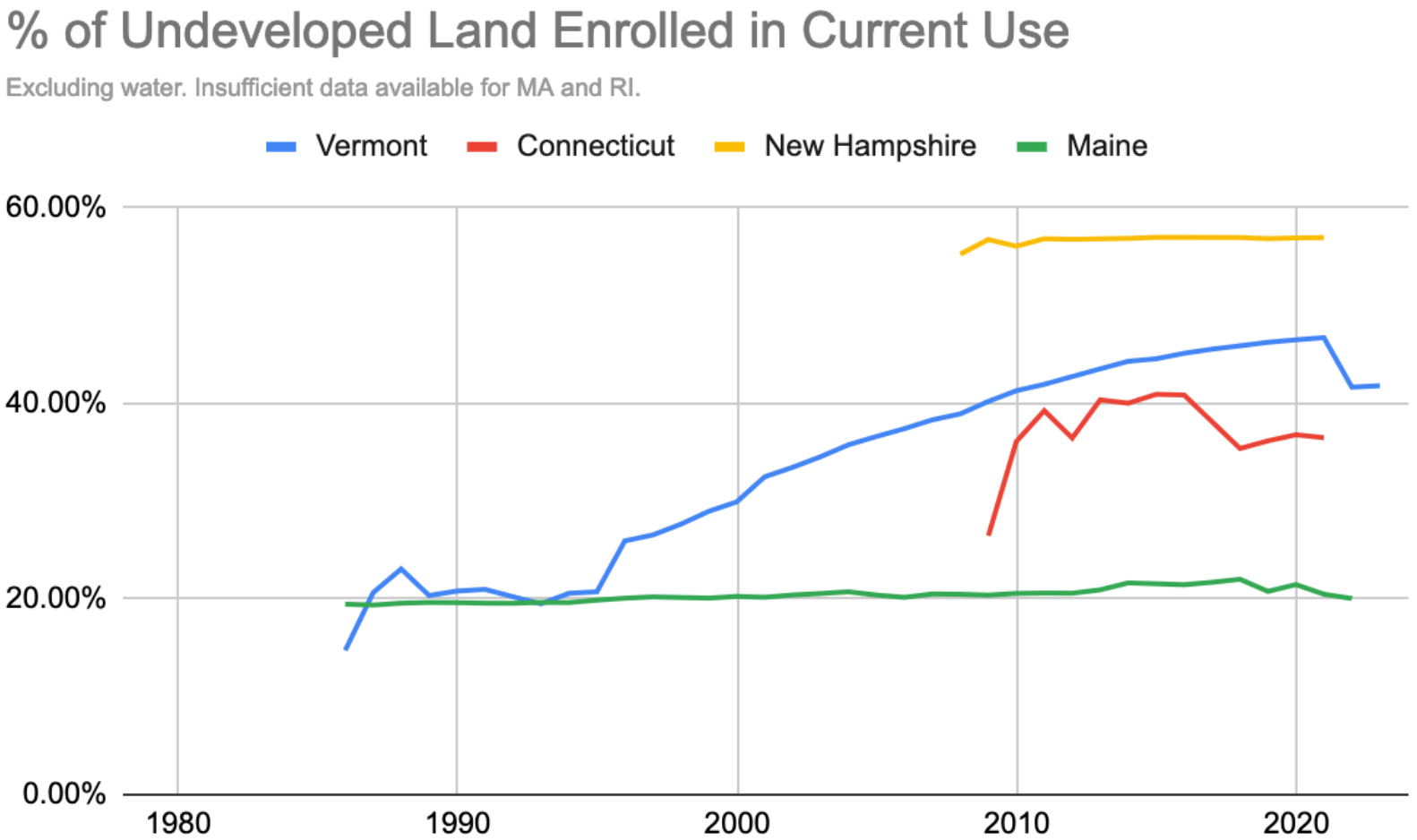
- Current Use or Use Value Assessment programs exist in all fifty states to encourage landowners to keep open space open through targeted reductions in property tax burdens.

- All six New England programs diverge in structure, incentives, and uptake.

Why examine this?

- Represents a significant public investment, widely deployed in both urban and rural contexts.
- Almost always up for debate – opportunities to improve and arguments to support.
    - Eighty-six amendments/rule changes to Maine's Tree Growth Tax Law in 55 years since adoption. More every session!

Disparity in Data Collection and Enrollment



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State of the States: Current Use Tax Programs

Different Approaches to Reimbursement

	CT	MA	ME	NH	RI	VT
Does the State reimburse municipalities for foregone revenue?	No	No	Partially* (90% reimbursed for Tree Growth only. No reimbursement for other programs.)	No	No	Yes

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State of the States: Current Use Tax Programs

Different Approaches to Management

	CT	MA	ME	NH	RI	VT
Do parcels enrolled as Forest Land require active management?	No	No	Yes	No* (Forest Land with Documented Stewardship)	Yes	No* (Reserve Forest Land)

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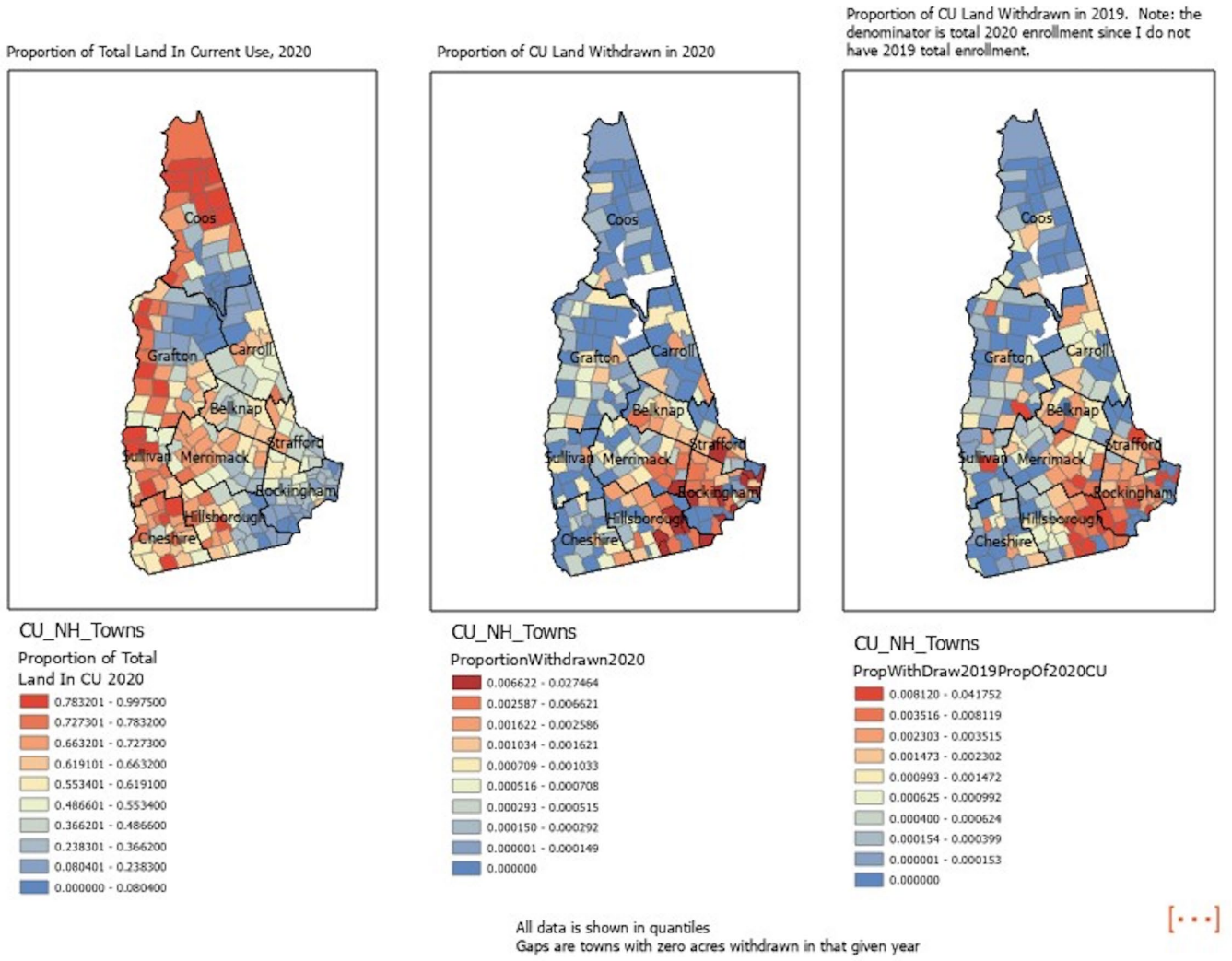
State of the States: Current Use Tax Programs

What's Next?

1. Data Verification
2. Spatial Analysis
3. Publication
4. Outreach and Targeted Briefings



What are we looking at?

- How does each State formally embed considerations of equity into their land-use / conservation policy and programs?
- What tools have been successfully implemented that might be of use elsewhere?

Why examine this?

- The conservation movement has made significant headway in rethinking how ”business as usual” can and should change. Those lessons should not be held in isolation.
- Successfully integrating racial and environmental justice considerations into process and policy requires nuance and maneuvering within rigid systems.

Different Approaches to Management

	CT	MA	ME	NH	RI	VT
Does the State's Environmental Agency refer to EJ in their mission?	Yes	Yes	No	Yes	No	No
Do EJ considerations factor into funding in state grants?	No	Yes PARC Cons. Land Tax Credits	No	No	No	Yes "On or before July 1, 2024, it shall be the goal of the covered agencies to direct investments proportionately in environmental justice focus populations."

Preliminary Findings

Process Changes in CT-DoAg

- Leveraging USDA SCBG for DEI work on Farmland Access and Viability

- Leadership buy-in for formalizing Equity Task Force.

- Downpayment Assistance for Underserved Farmers & Spanish language applications.

Equity in ME Climate Council Work

- Focused on workforce and access to green space.

- No tribal representation, unclear how tribally held lands will or won't count towards biodiversity/land protection goals

- Permanent Commission on the Status of Racial Indigenous and Tribal Populations

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State of the States Report Elements

Land-Use Change: Loss of Fores...

Subtitle
How much forest is being lost in each NE...

Expected Release Date
Q1 2025

Current Use

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How is each state coordinating efforts to ...

Expected Release Date
TBD

Public Lands

Subtitle
How much land is publicly owned across ...

Expected Release Date
TBD

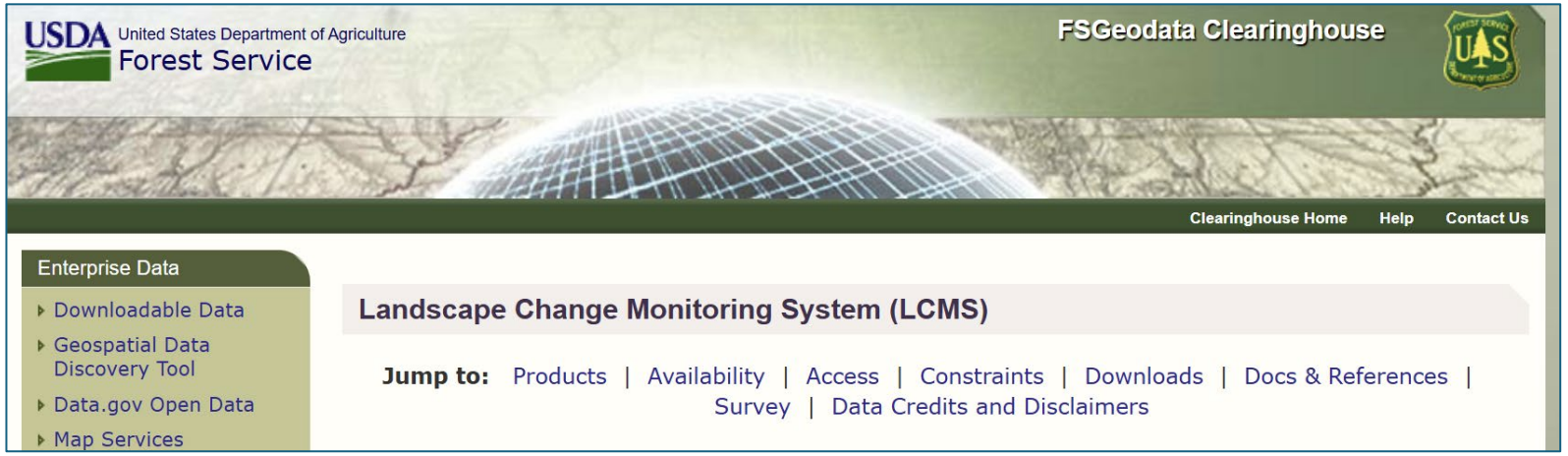
Brian Hall,
BrianHallConservation@gmail.com

Preliminary findings of note:

1) Land Use/Land Cover

2) Protected Open Space

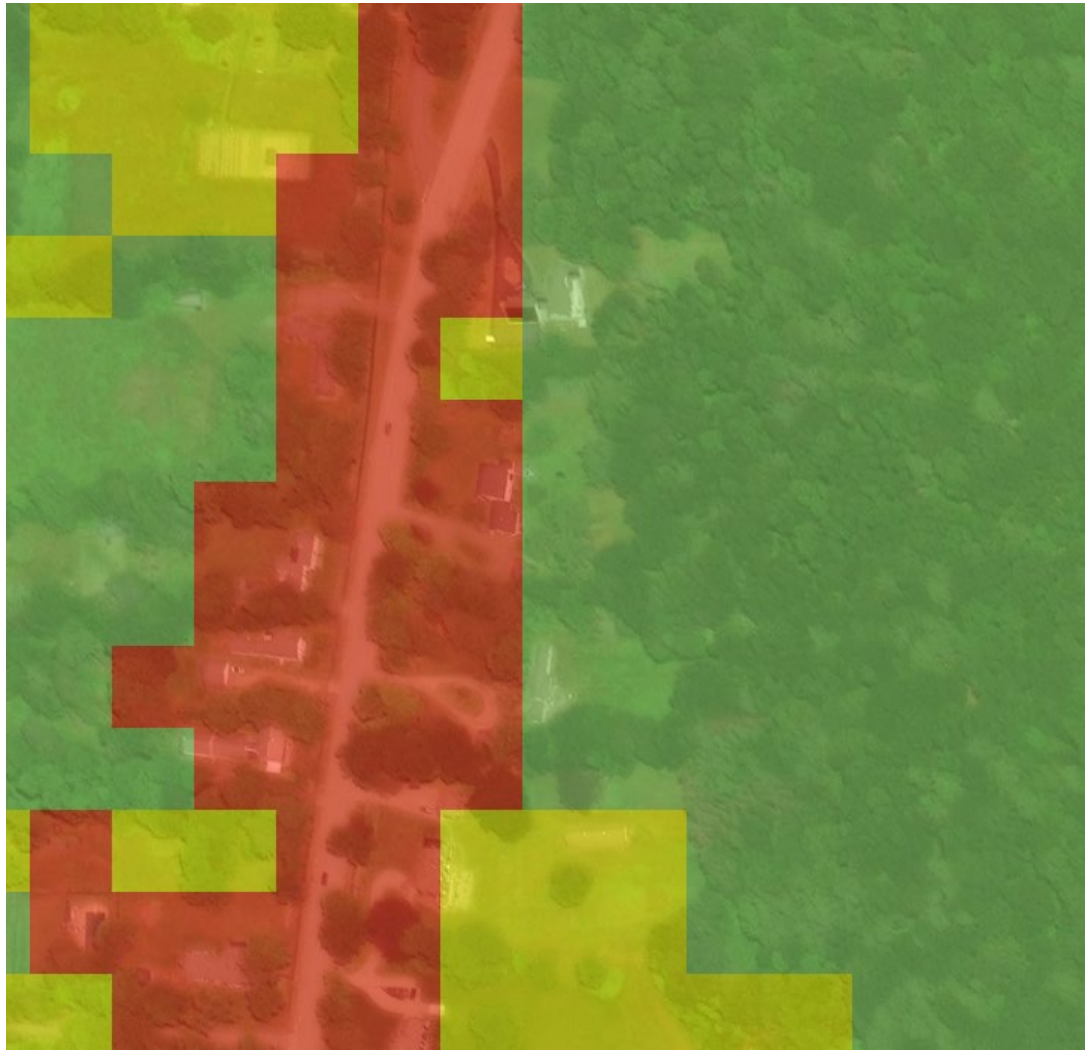
Combined two data sources: LCMAP and LCMS



Forest loss = forest converted to developed or agricultural – <u>not</u> forest harvests

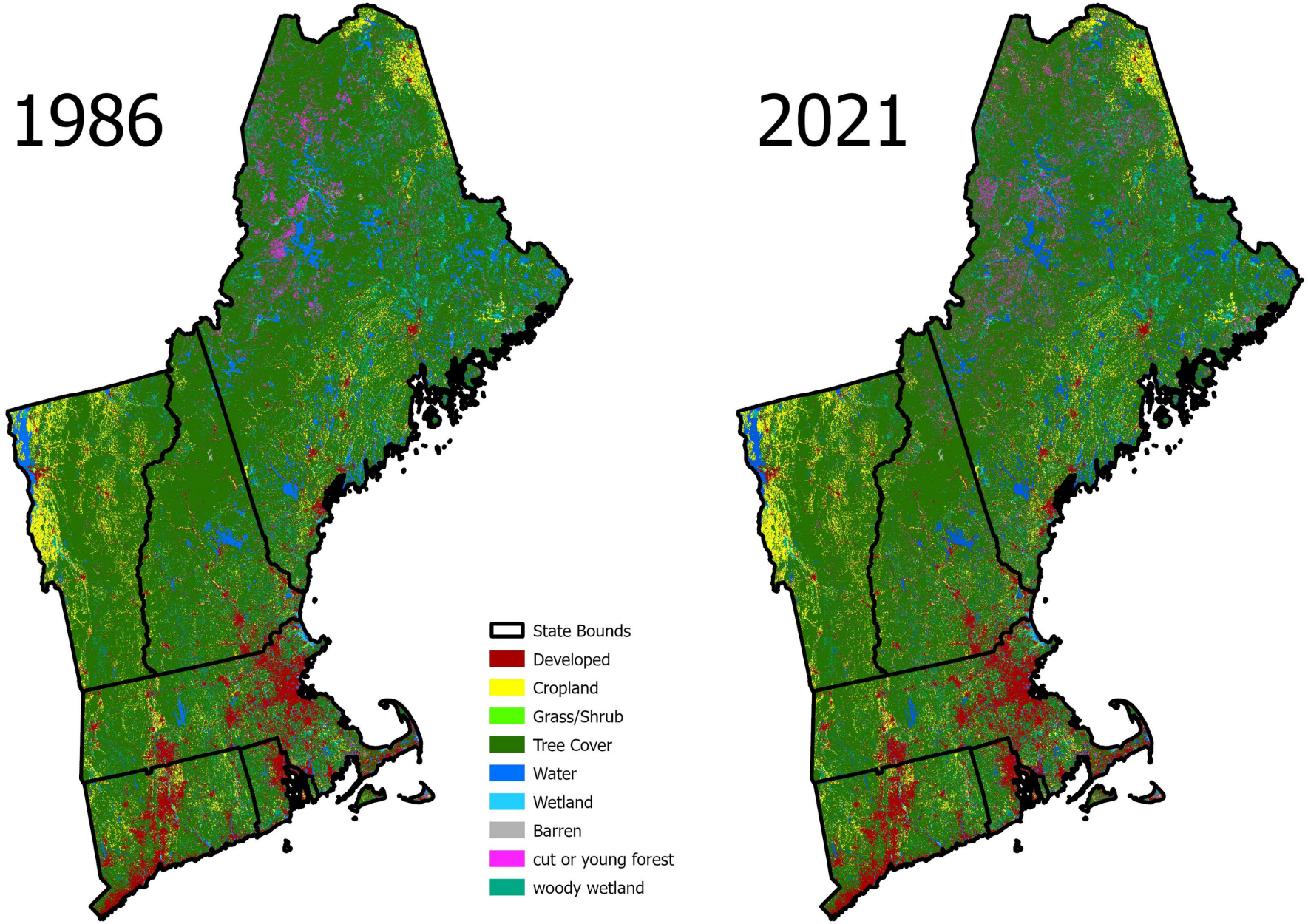
Data Characteristics:

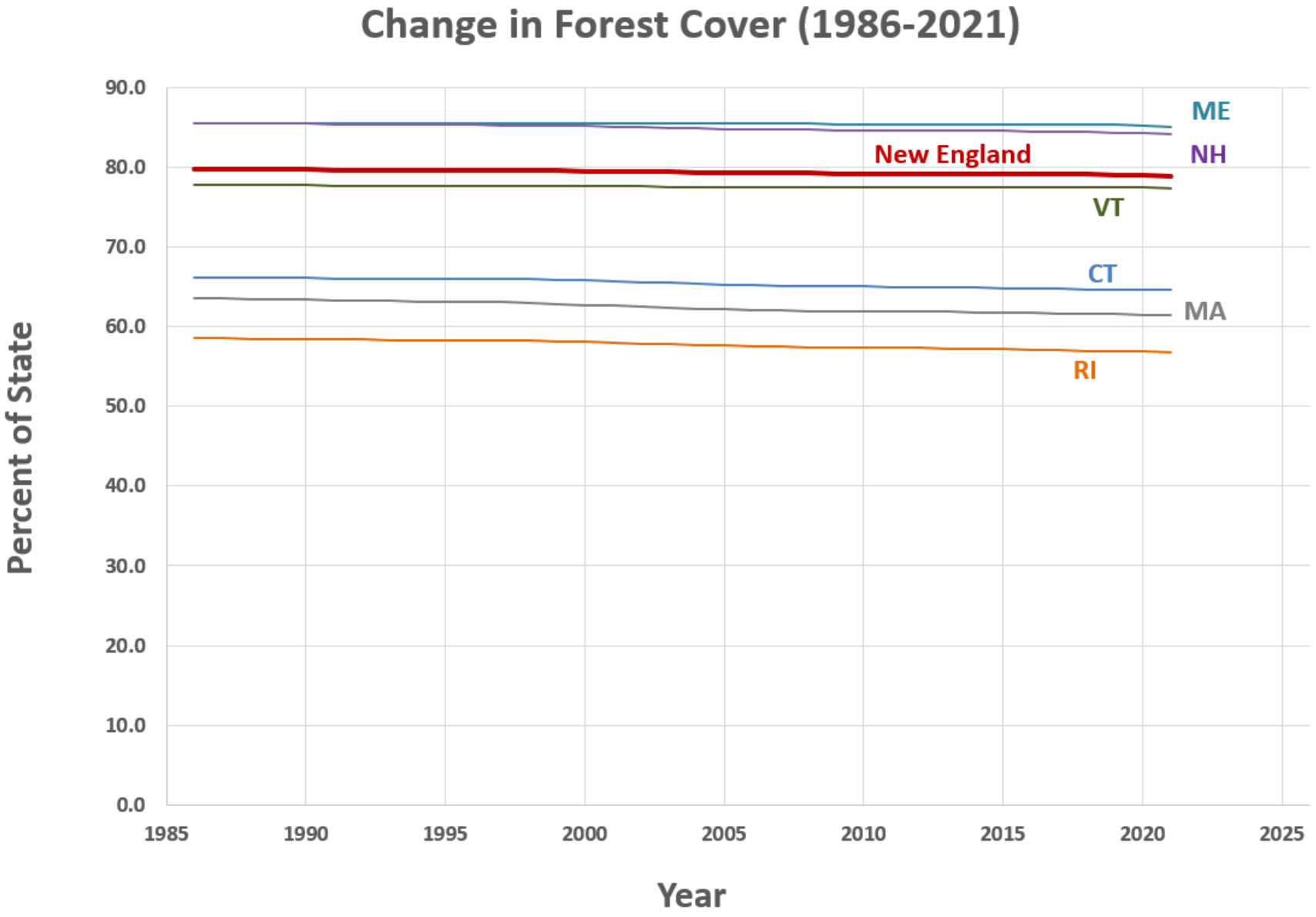
- Derived from LANDSAT satellites
- 30m pixels (~0.25 acres)
- misses smaller areas of landcover, so may under-report forest loss.



Advantages vs. finer-resolution state data:

- available for many years (1986 – 2021), not just single snapshots in time.
- consistent methodology over time allows comparisons.
- same methods used between all states
- spatial data (vs. tabular) allows multiple scales of study, and analysis


1986
2021
State Bounds
Developed
Cropland
Grass/Shrub
Tree Cover
Water
Wetland
Barren
cut or young forest
woody wetland

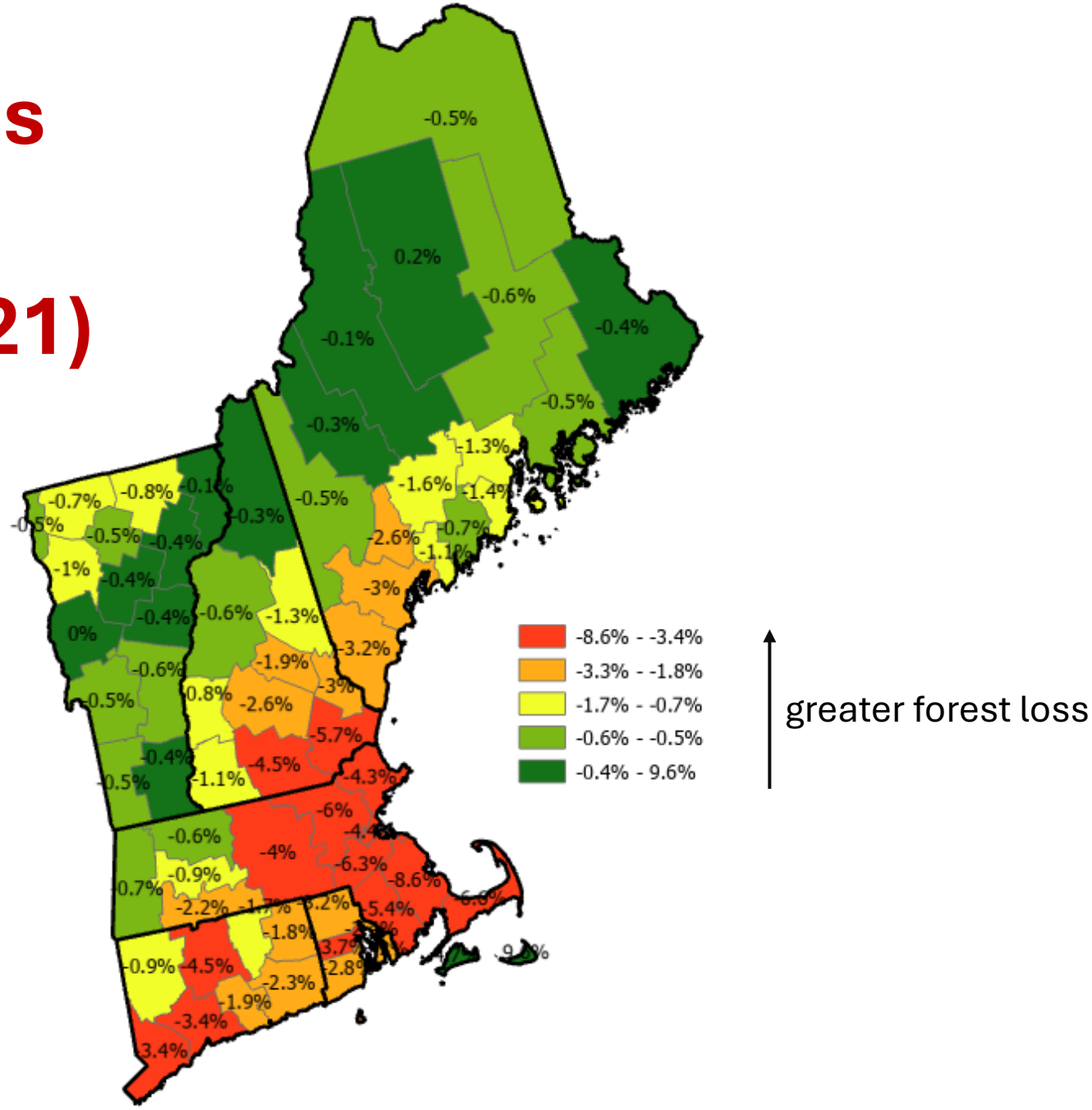


378,820 acres lost

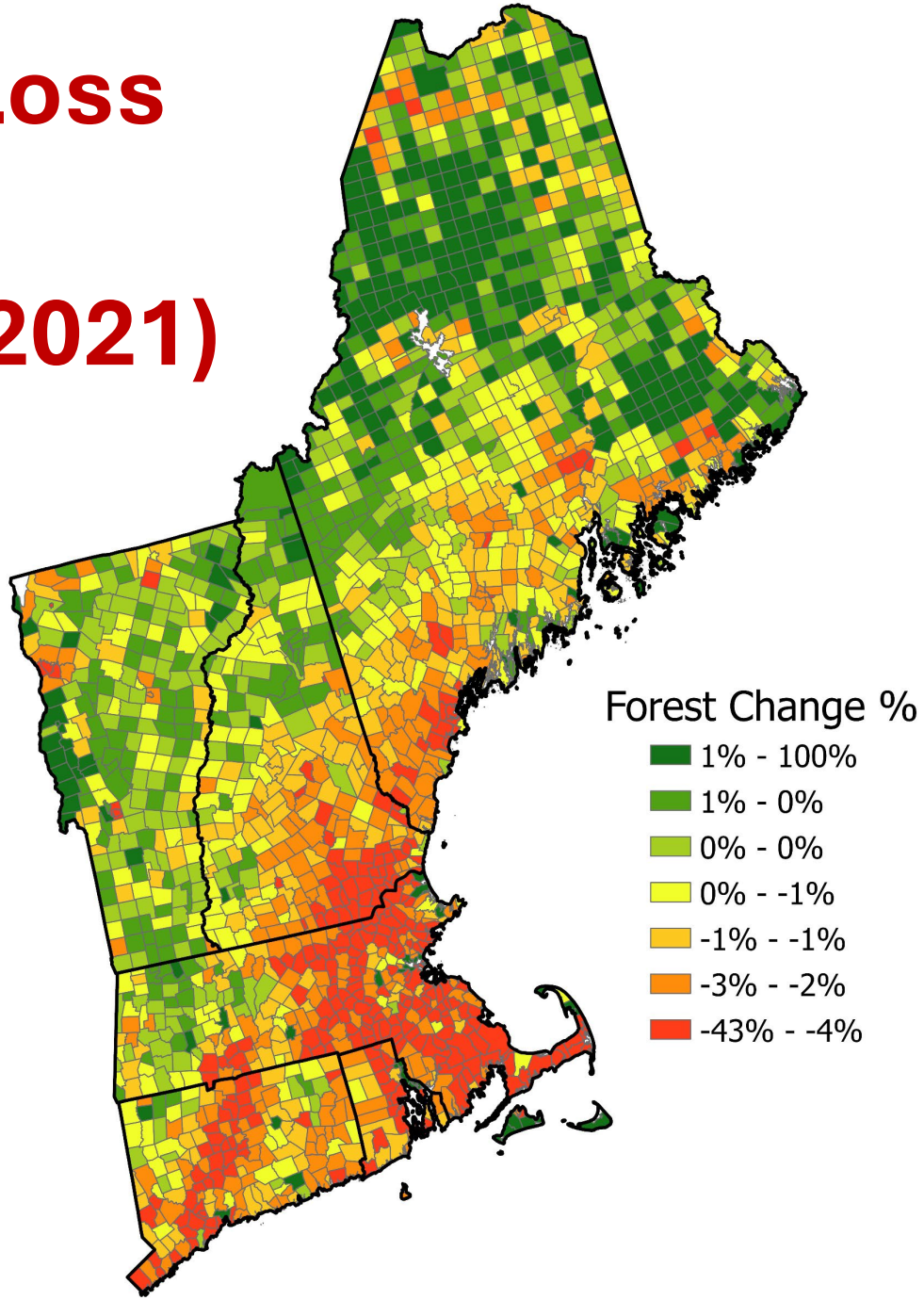
~10,500 acres per year

	1986 Acres	2021 Acres	Acres Lost	% of 1986 Acres Lost	1986 % of State	2021 % of State	Percentage Points Lost
New England	33,667,960	33,289,141	378,820	1.1%	79.7	78.8	0.9
Maine	17,939,332	17,838,646	100,686	0.6%	85.5	85.0	0.5
New Hampshire	5,080,540	4,997,185	83,355	1.6%	85.5	84.1	1.4
Vermont	4,784,231	4,761,909	22,321	0.5%	77.8	77.4	0.4
Connecticut	2,111,920	2,063,798	48,122	2.3%	66.1	64.6	1.5
Massachusetts	3,339,556	3,228,178	111,377	3.3%	63.6	61.5	2.1
Rhode Island	412,382	399,425	12,957	3.1%	58.6	56.8	1.8

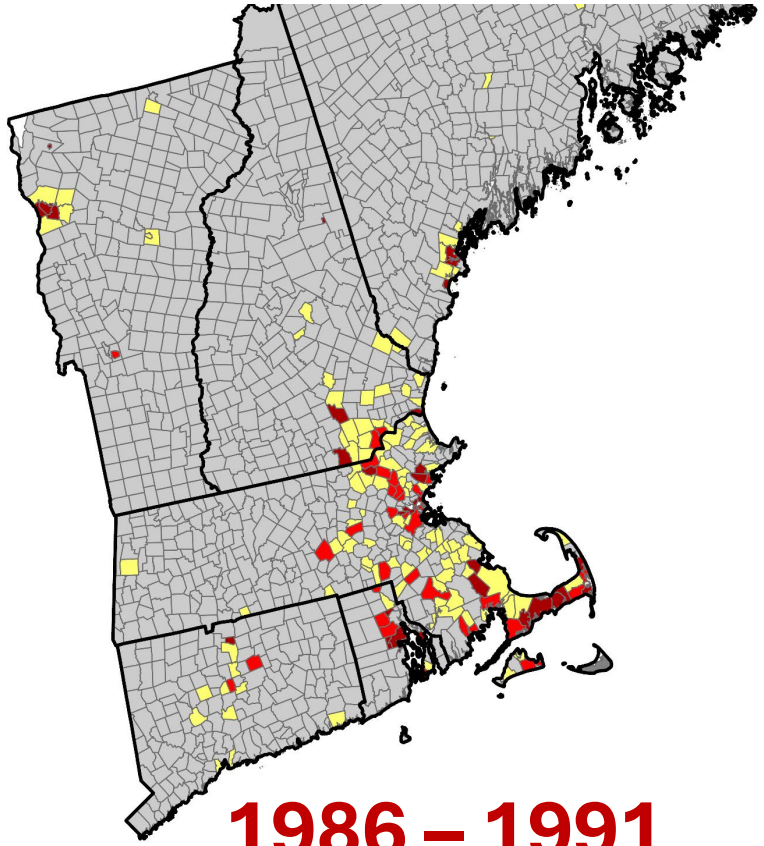
Forest Loss by County (1986 – 2021)



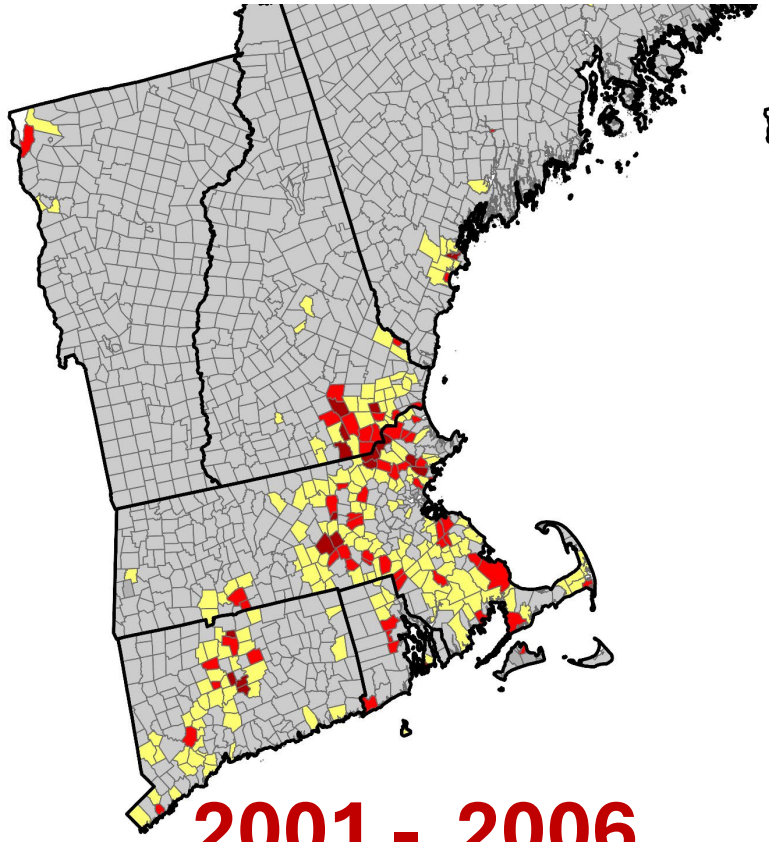
Forest Loss by Town (1986 – 2021)



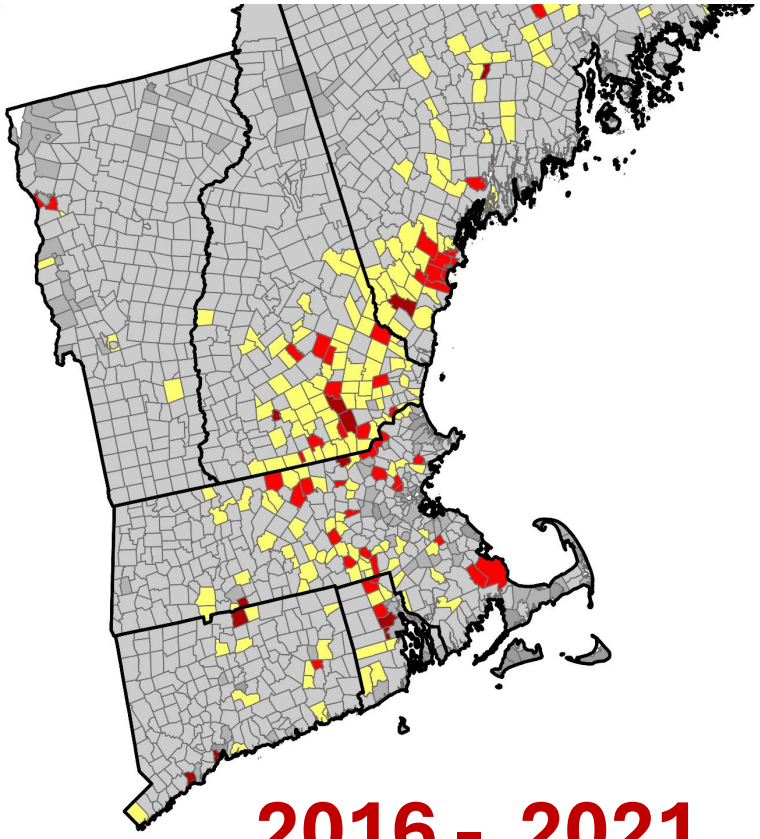
Forest-Loss Hotspots through time:



1986 – 1991

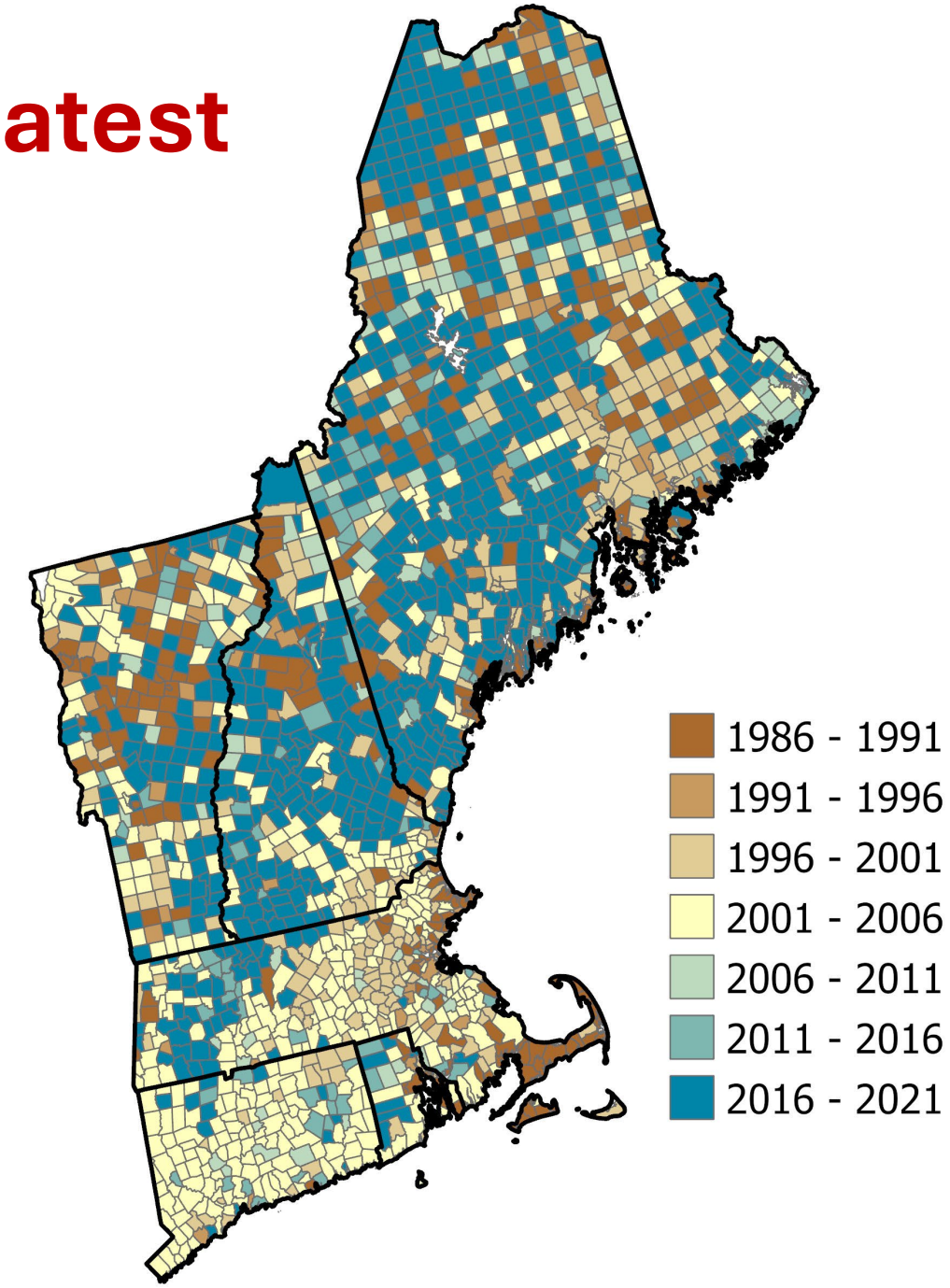


2001 - 2006



2016 - 2021

Time-Period of Greatest Forest Loss (1986 – 2021)



Preliminary findings of note:

1) Land Use/Land Cover

2) Protected Open Space

zenodo | Search records... | Communities | My dashboard | Log in | Sign up

Published March 23, 2023 | Version 1.2

Dataset | Open

New England Protected Open Space

Harvard Forest[1]

Show affiliations

The New England Protected Open Space dataset maintained by Harvard Forest is a compilation of existing open space datasets in the New England region including The Nature Conservancy's Secured Areas, National Conservation Easement Database, Protected Areas Database of the U.S., and data provided by states and land trusts. See metadata for each version for version-specific information and information about fields.

Version 1.2 was developed between May 2021 and March 2022, and was published in March 2023. Version 1.2 has new data from multiple sources added circa May 2021, more complete attribute information, and tribal lands removed. See metadata for more details. File geodatabase and shapefile versions are provided - refer to metadata for full field names if using shapefile version, as names will be truncated.

Important note about versions of NE POS: NE POS is a dataset we maintain for research purposes, and research projects can take varying lengths of time. Versions of NE POS may be uploaded to Zenodo "out of order," meaning older versions of data may be uploaded after more recent versions have been published. Use the version number to identify the recency of the data rather than the date of upload.

Files

NE_POS_v1-2_GDB.zip

2K VIEWS | 519 DOWNLOADS

Show more details

Versions

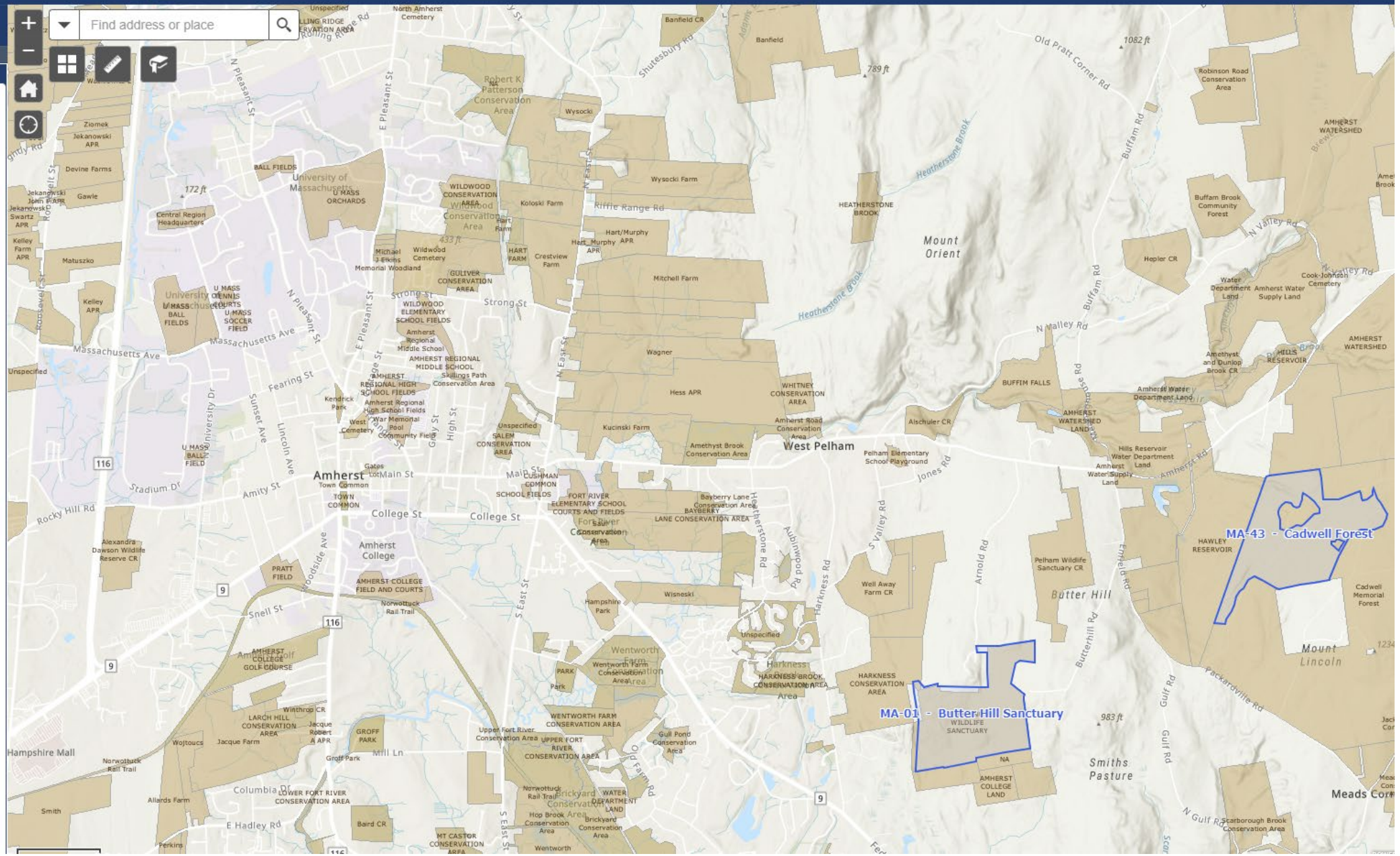
Version 1.2 (10.5281/zenodo.7764284)	Mar 23, 2023
Version 1.0.1 (10.5281/zenodo.7577253)	Jan 27, 2023
Version 1.1.0 (April) (10.5281/zenodo.4688018)	Apr 14, 2021
Version 1.1.0 (10.5281/zenodo.4416179)	Jan 4, 2021
Version 1.0.0 (10.5281/zenodo.3606763)	Jan 13, 2020

View all 5 versions

Layer List

Layers

- Wildlands (updated 3/11/2024)
- Other Data Layers
  - All Parcels Greater than 10 Acres (Zoom in to See)
  - Towns
  - States
  - Protected Open Space (NEPOS)



Preliminary Data, do not release

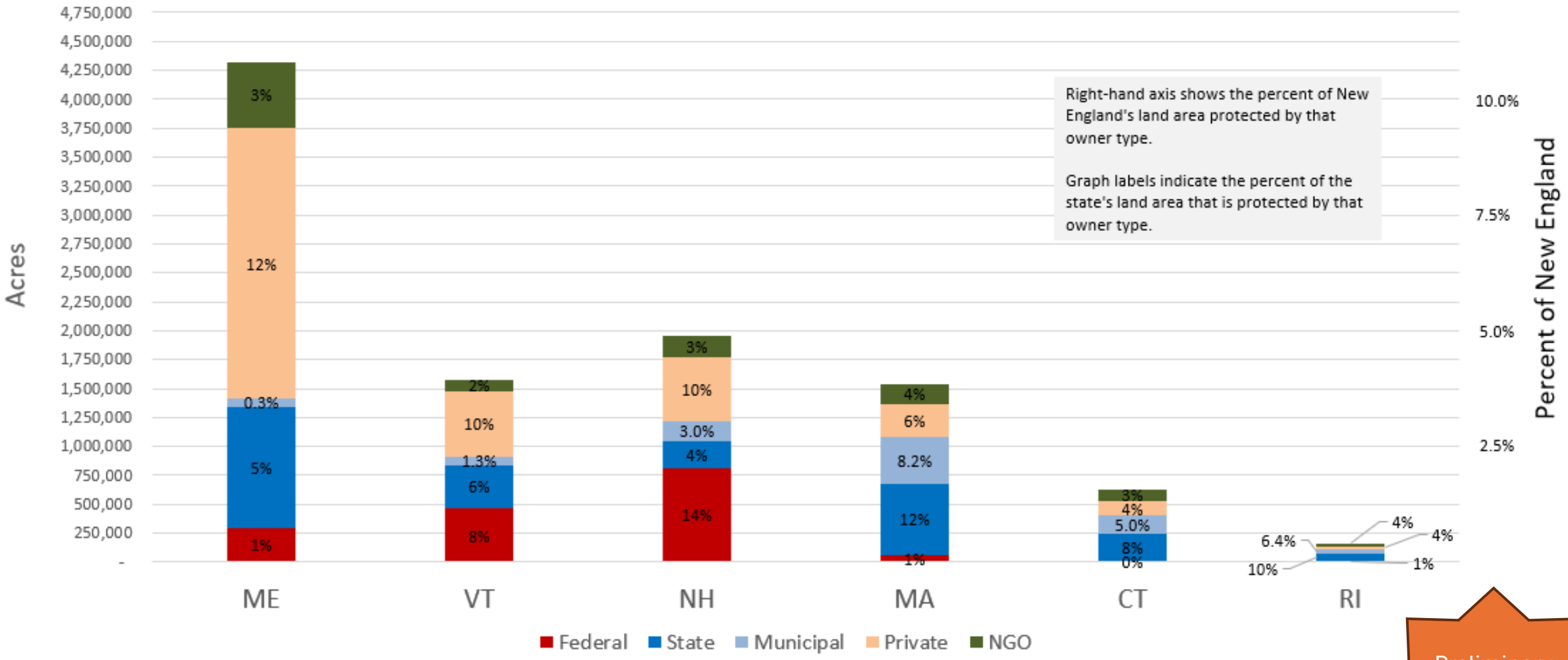
LAND AREA

	Total Land Acres From WiNE	Total Land Acres From LCMAP+LCMS	% of New England's Land	Protected Acres	% Protected	% of New England's Protected Area
New England	**40,237,798**	**39,975,670**	**-**	**10,211,925**	**26%**	**-**
ME	19,790,418	19,705,115	49%	4,321,206	22%	42%
VT	5,915,824	5,895,446	15%	1,582,829	27%	15%
NH	5,742,125	5,691,643	14%	1,965,456	35%	19%
MA	5,019,605	4,940,154	12%	1,544,194	31%	15%
CT	3,101,234	3,083,434	8%	635,953	21%	6%
RI	668,591	659,877	2%	162,287	25%	2%

FOREST AREA

	Total Forest Acres	% of New England's Forest	Protected Forest Acres	% of Forest Protected	% of New England's Protected Forest
New England	**33,289,141**	**-**	**9,295,348**	**28%**	**-**
ME	17,838,646	54%	4,144,342	23%	45%
VT	4,761,909	14%	1,376,328	29%	15%
NH	4,997,185	15%	1,874,211	38%	20%
MA	3,228,178	10%	1,239,917	38%	13%
CT	2,063,798	6%	531,052	26%	6%
RI	399,425	1%	129,499	32%	1%

Protected Open Space By Owner Type (preliminary data)



Preliminary Data, do not release

1 = GAP 1: Permanently Secured for Nature and Natural Processes. Managed for biodiversity with all natural processes, little to no human intervention.
Primary intention of the owner or easement holder is for biodiversity, nature protection, natural diversity, and natural processes. Land and water managed through natural processes including disturbances with little or no human intervention.
Examples: wilderness area, some national parks

2 = GAP 2 = Permanently Secured for Nature with Management: Managed for biodiversity, with hands on management or interventions. Primary intention of the owner or easement holder is for biodiversity conservation, nature protection, and natural diversity. Land and water managed for natural biodiversity conservation, but may include some hands on manipulation or suppression of disturbance and natural processes.
Examples: national wildlife refuges, areas of critical environmental concern, inventoried roadless areas, some natural areas and preserves

3 = GAP 3: Permanently Secured for Multiple Uses, including nature: Primary intention of the owner or easement holder for multiple uses. Strong focus on recreational use, game species production, timber production, grazing and other uses in additional to these lands providing some biodiversity value. May include extractive uses of a broad, low-intensity type (e.g. some logging. grazing) or of a localized intense type (e.g. mining, military artillery testing area, public access beach area within large natural state park).
Examples: recreation focused protected areas such as state parks, state recreation areas, wildlife management areas, gamelands, state and national forests, local conservation lands with primary focus on recreational use.

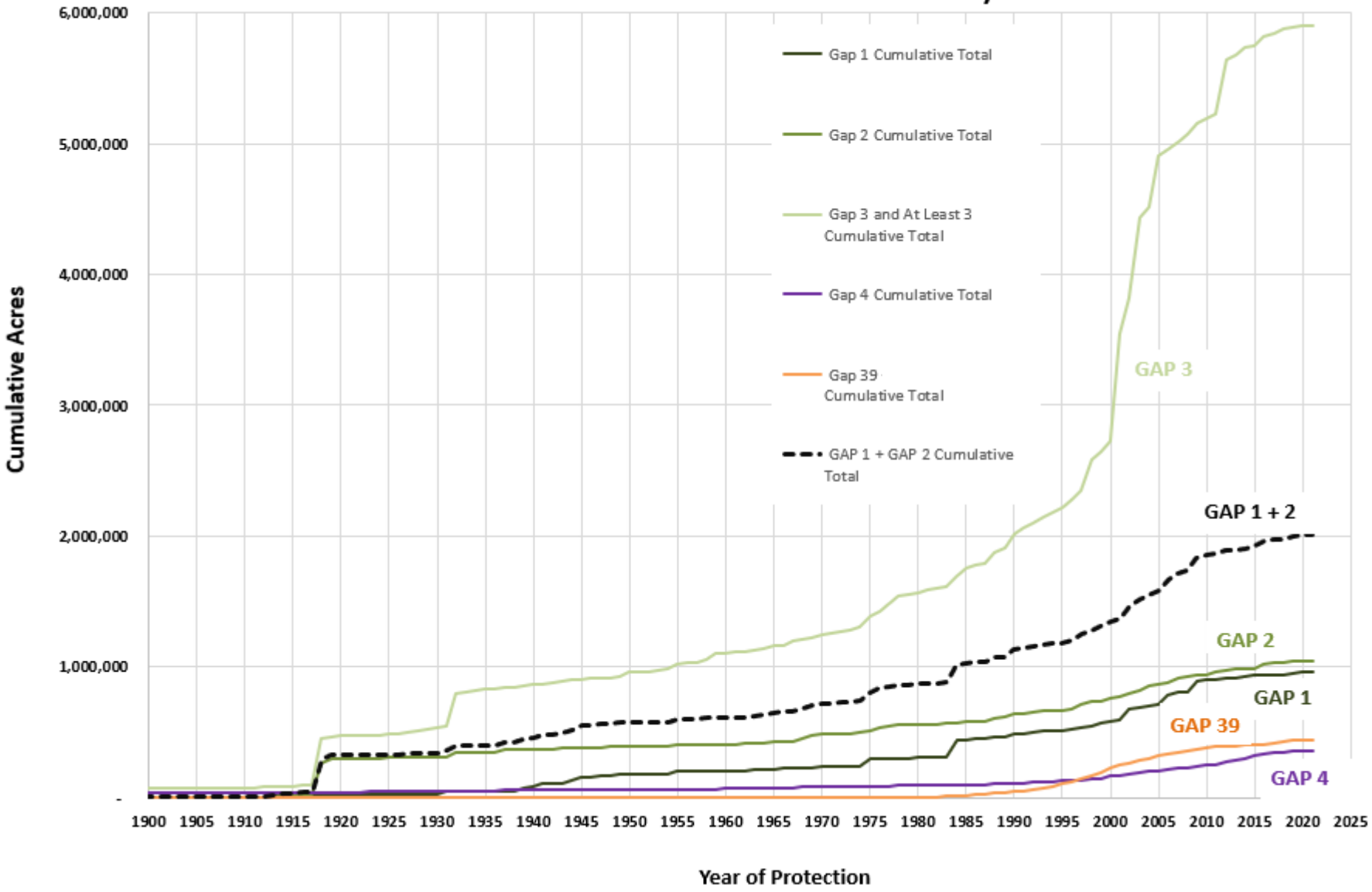
38 = State Board Lands and State Trust Lands: Lands in western and some southern states that are owned by the state and prevented from being developed, but which are managed to produce long term sustained revenue for the state's educational system. These lands were separated from other protected multiple use lands in GAP 3. Most of these lands are subject to timber extraction and management for profitable forest product production. Some also have agricultural use and revenue generated from grazing and/or agricultural production leasing. These lands are not specifically managed for biodiversity values, and some are occasionally sold in periodic auctions by the state for revenue generation. Note this type of land is most commonly assigned GAP 3 in the PAD-US GAP classification.

39 = Permanent Agricultural Easements: Conservation land where the primary intent is the preservation of farmland. Land is in a permanent agricultural easement or an easement to maintain grass cover. The land will not be converted to a built or paved development. Example: vegetable farm with permanent easement to prevent development. Note this type of land would be assigned GAP 4 in the PAD-US GAP classification.

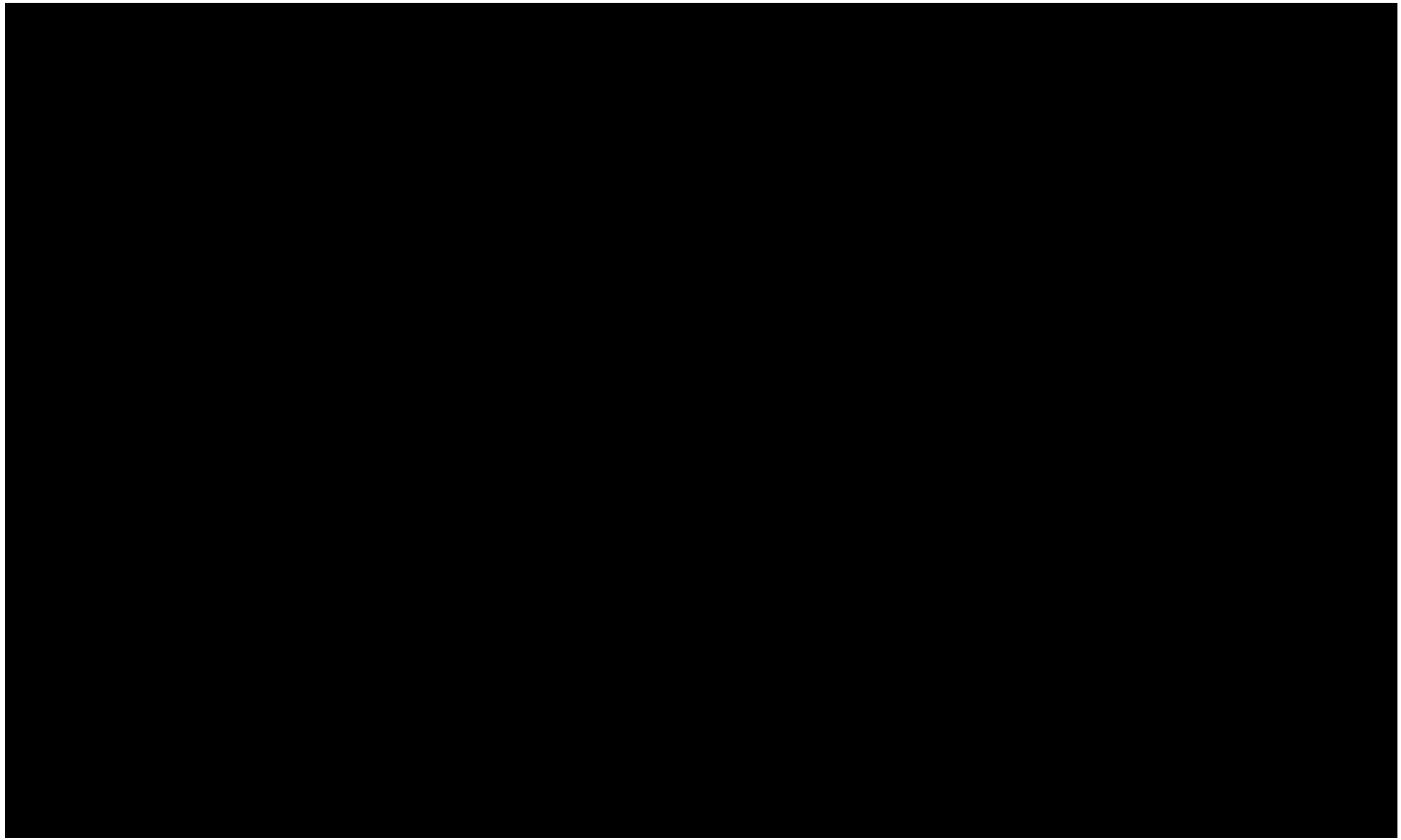
4 = GAP 4: Areas with no known mandate for permanent biodiversity protection. Municipal lands and other protected open space (e.g. town commons, historic parks) where the intention in management and the use of the open space is not for permanent biodiversity values. It was beyond our capacity to comprehensively compile these GAP 4 lands, and as such, they are included only where source data made it feasible to easily incorporate them.

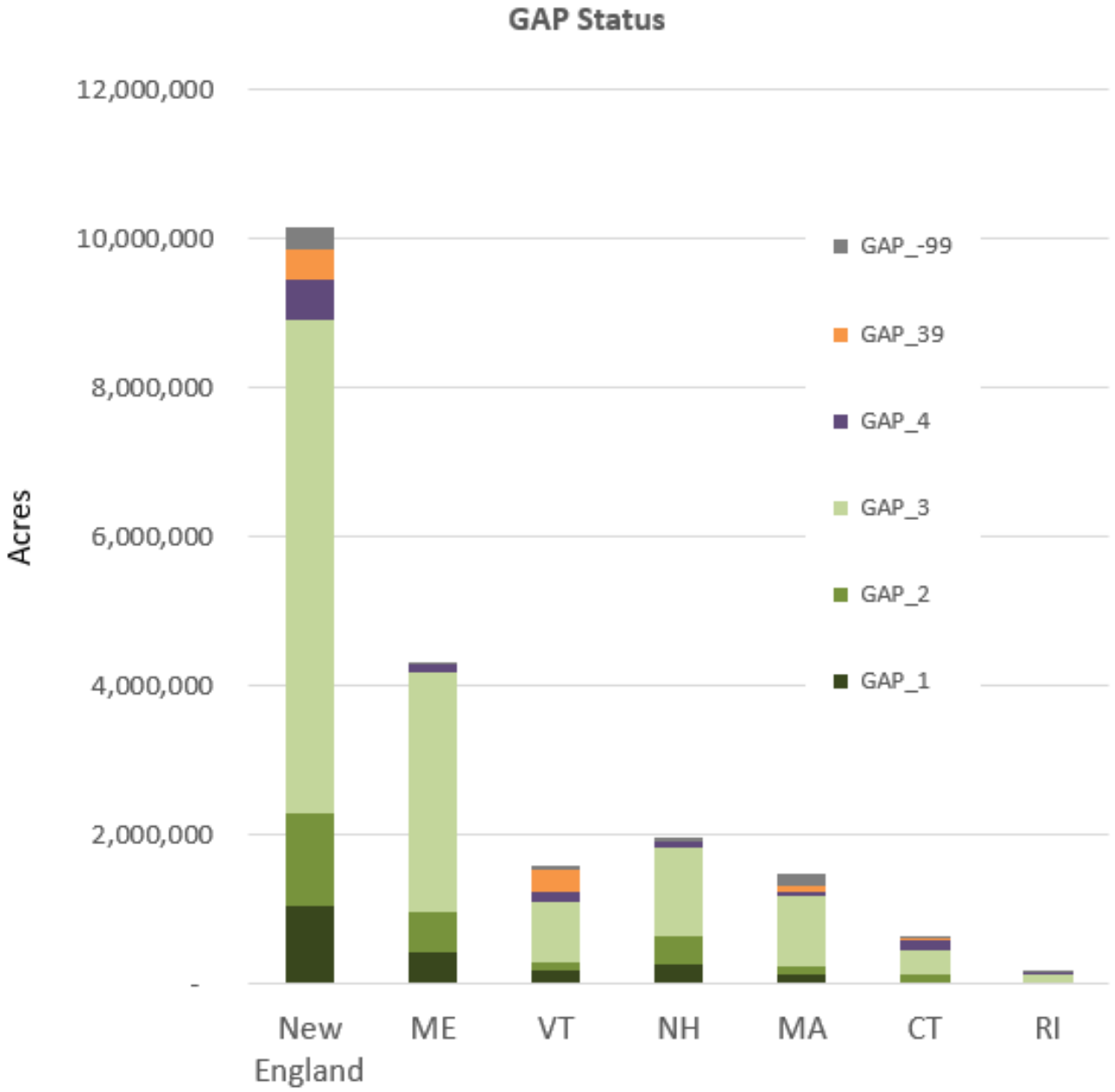
https://tnc.maps.arcgis.com/home/item.html?id=568642436 0814955a 7d40ce1c 2442549

Cumulative Protected Open Space Acres By GAP Status (if year is unknown, it is not accounted for in this data)



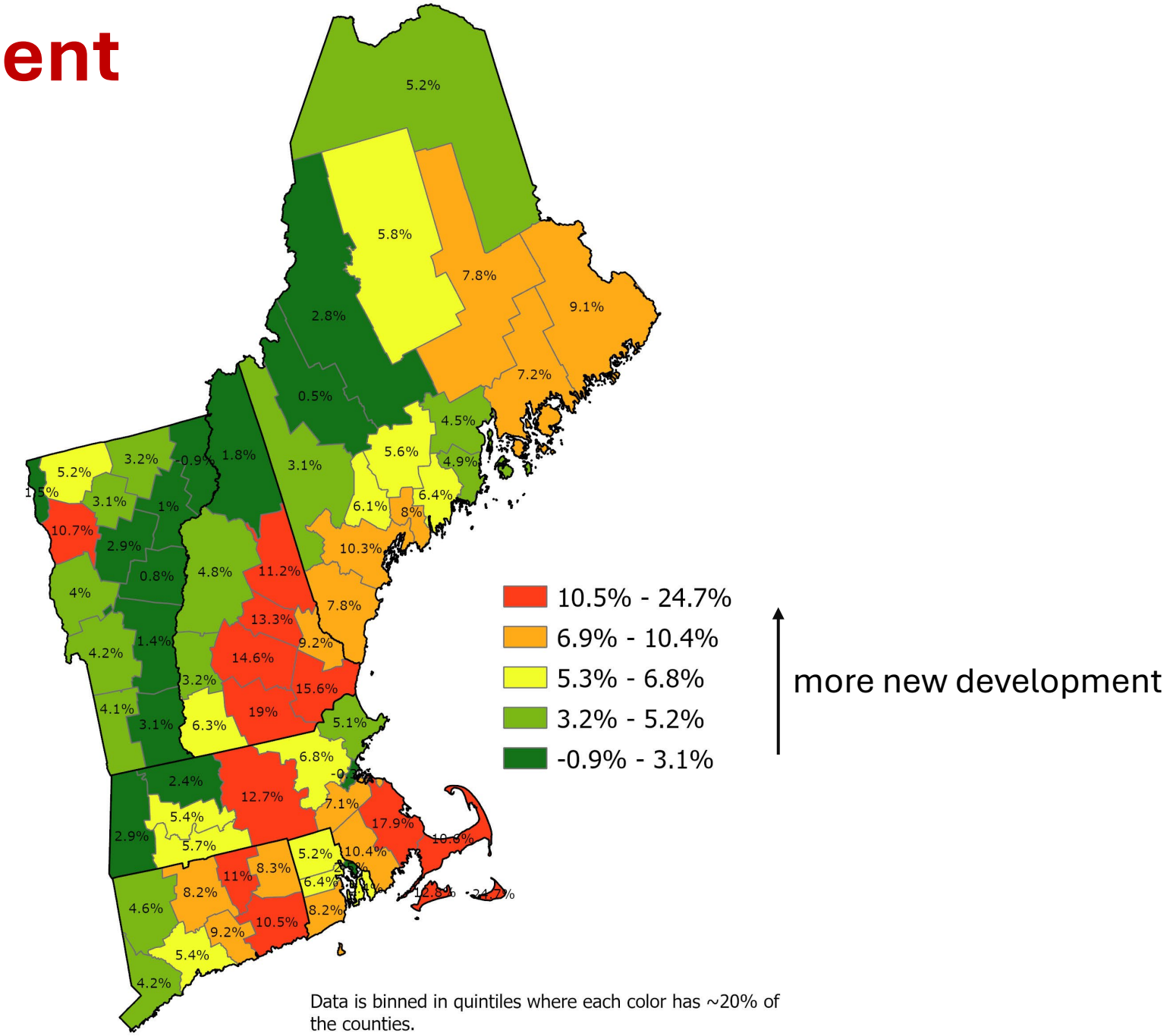
Preliminary Data, do not release



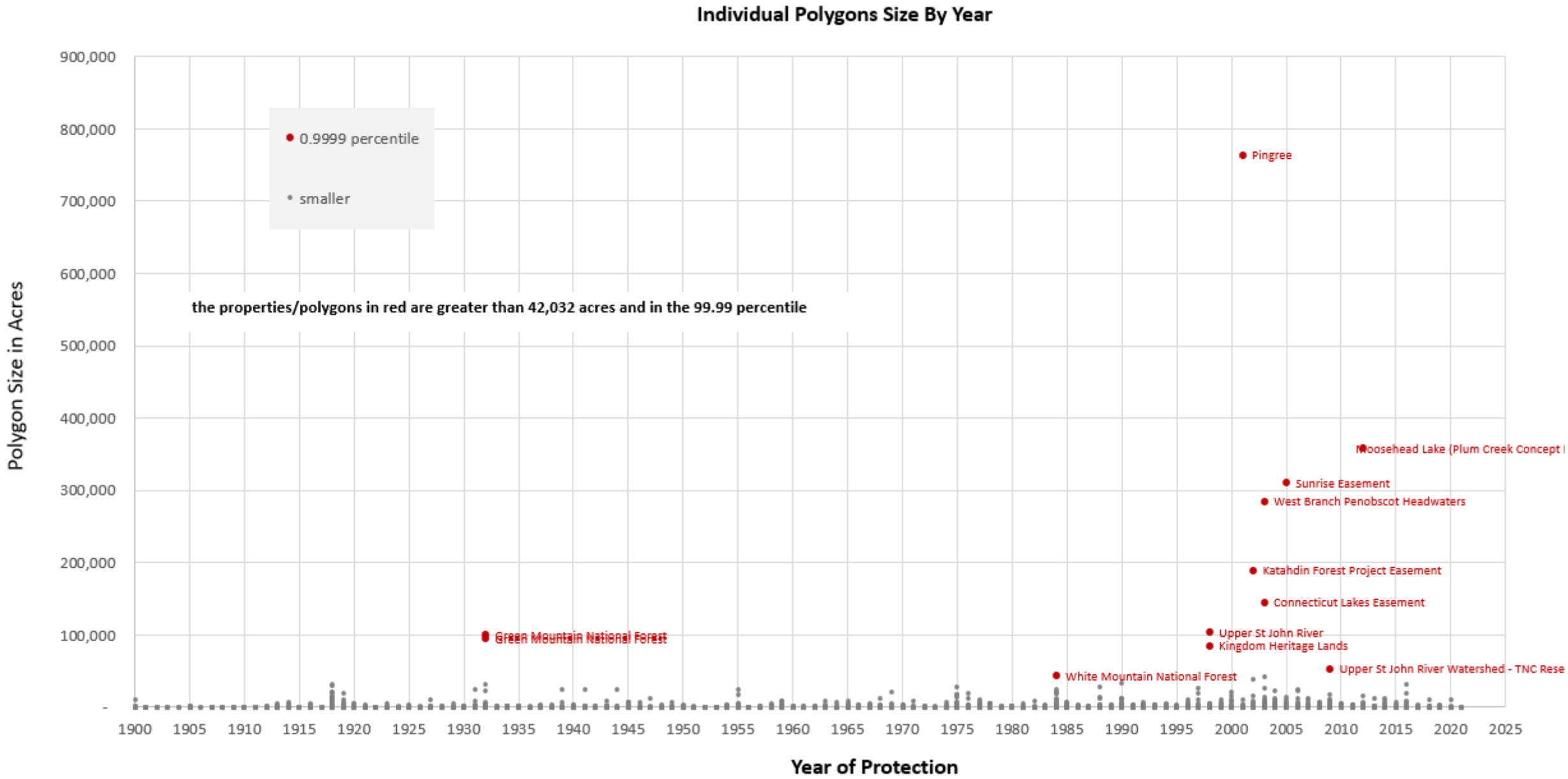


Preliminary Data, do not release

New Development by County (1986 – 2021)



Data is binned in quintiles where each color has ~20% of the counties.


Individual Polygons Size By Year
0.9999 percentile
smaller
the properties/polygons in red are greater than 42,032 acres and in the 99.99 percentile
Polygon Size in Acres
900,000
800,000
700,000
600,000
500,000
400,000
300,000
200,000
100,000
-
Pingree
Moosehead Lake (Plum Creek Concept
Sunrise Easement
West Branch Penobscot Headwaters
Katahdin Forest Project Easement
Connecticut Lakes Easement
Upper St John River
Kingdom Heritage Lands
Upper St John River Watershed - TNC Rese
White Mountain National Forest
Green Mountain National Forest
Green Mountain National Forest
1900
1905
1910
1915
1920
1925
1930
1935
1940
1945
1950
1955
1960
1965
1970
1975
1980
1985
1990
1995
2000
2005
2010
2015
2020
2025
Year of Protection

LCMAP DEVELOPED LAND

See table next slide.

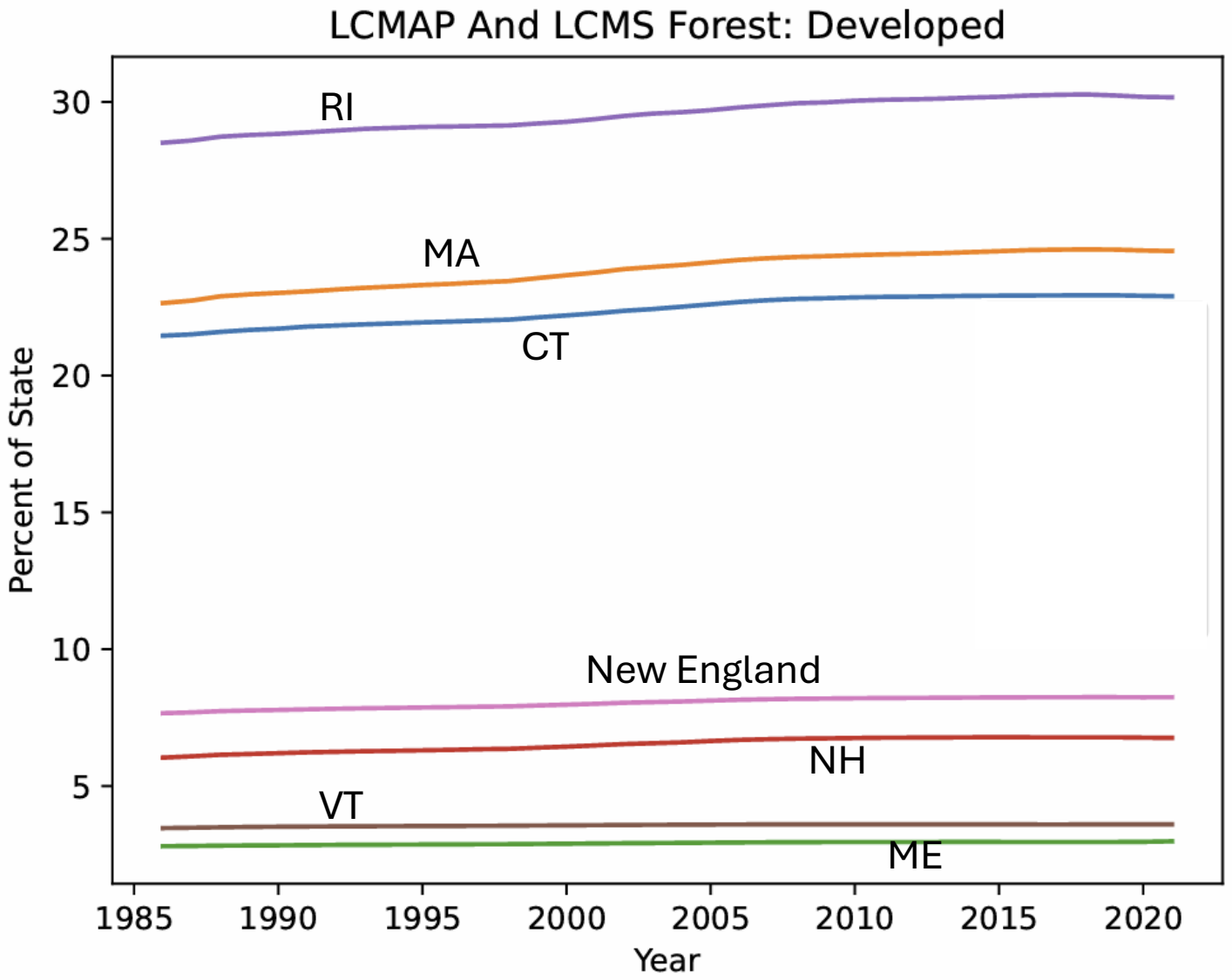
Developed land covers x acres or Y % of New England. Development has increased steadily with 6,850 new acres of development each year, which represents a 0.22% increase annually.

States vary significantly in the extent of development from a high of 30% in RI to a low of 2% in VT and ME.

The development rate is greatest in NH (.34%) and MA (.24%) and lowest in VT (.11%).

Massachusetts accounts for 40% of the new development each year in New England (2,775/6,850).

The development rate is substantially less than the rate of forest loss, so we will want to explore that a bit as well as what is being developed. BH: Yes, done later. See the “fate”, “source” , and “net change” (1986 and 2021) slides. Those only look at 2 years, but if we wanted we could do the change by year although that would be time consuming so we would want to give that more consideration.



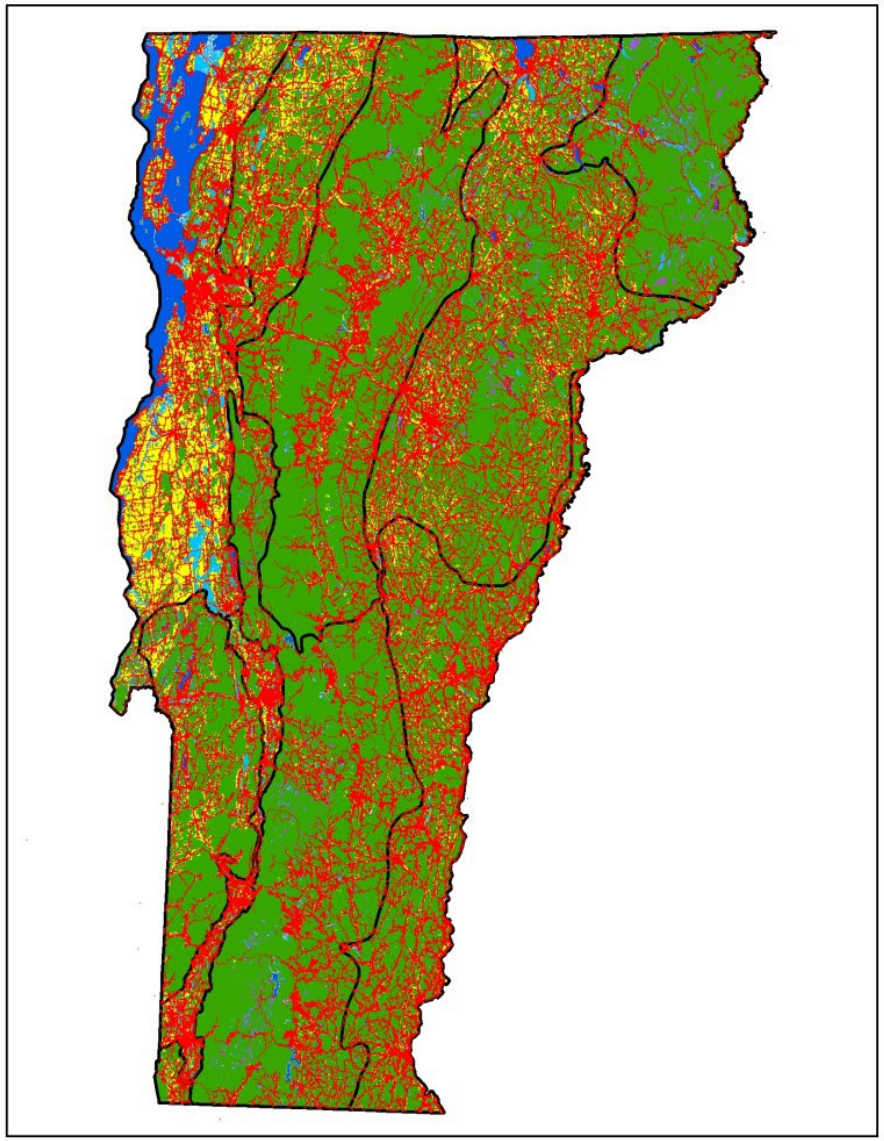
HOW DOES THIS TRANSLATE TO LOCAL/STATE SCALE?

Jamey Fidel

General Counsel, Forest & Wildlife Program Director

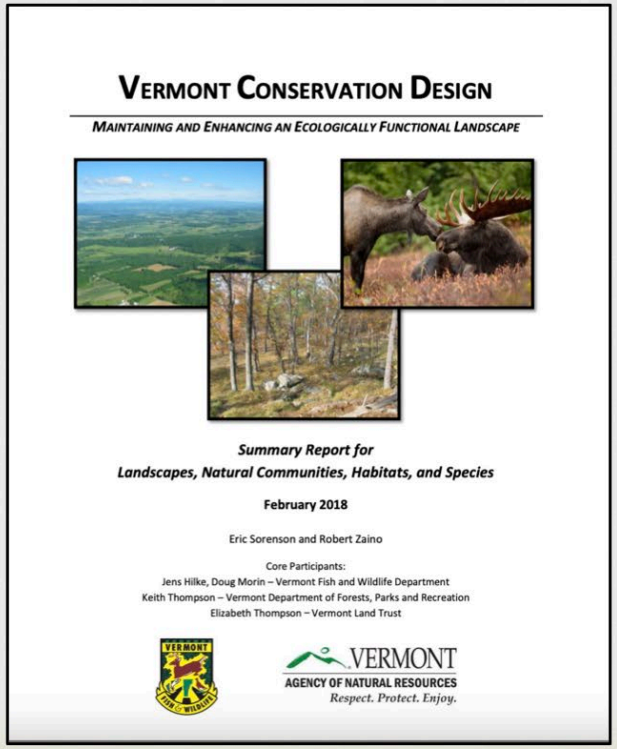
VNRC
VERMONT NATURAL RESOURCES COUNCIL
CELEBRATING 60 YEARS

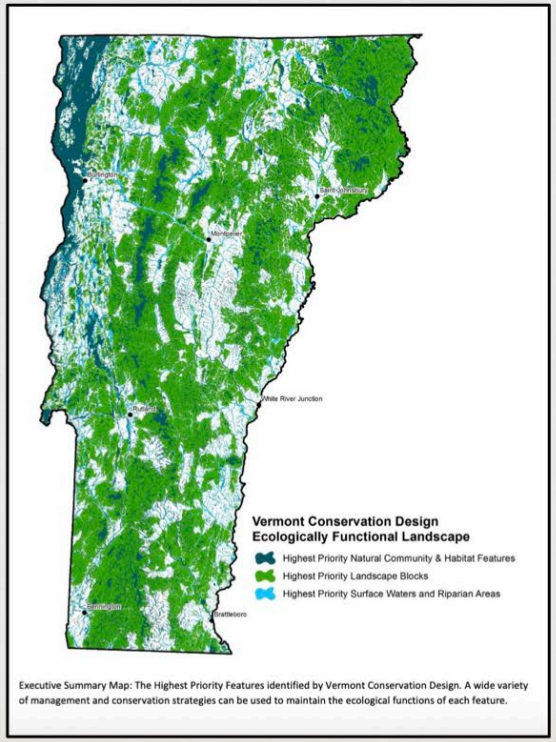
Built Environment and Intact Lands



Vermont Conservation Design

Vermont Conservation Design





Executive Summary Map: The Highest Priority Features identified by Vermont Conservation Design. A wide variety of management and conservation strategies can be used to maintain the ecological functions of each feature.

Parcelization

The breaking up of land into smaller and smaller parcels, usually through subdivision.

- Increased, potentially disjointed ownership of parent parcel;
- Step toward new development, housing and infrastructure that may fragment natural resources and intact forests depending on how it occurs;
- Less viable tracts for forestry; and

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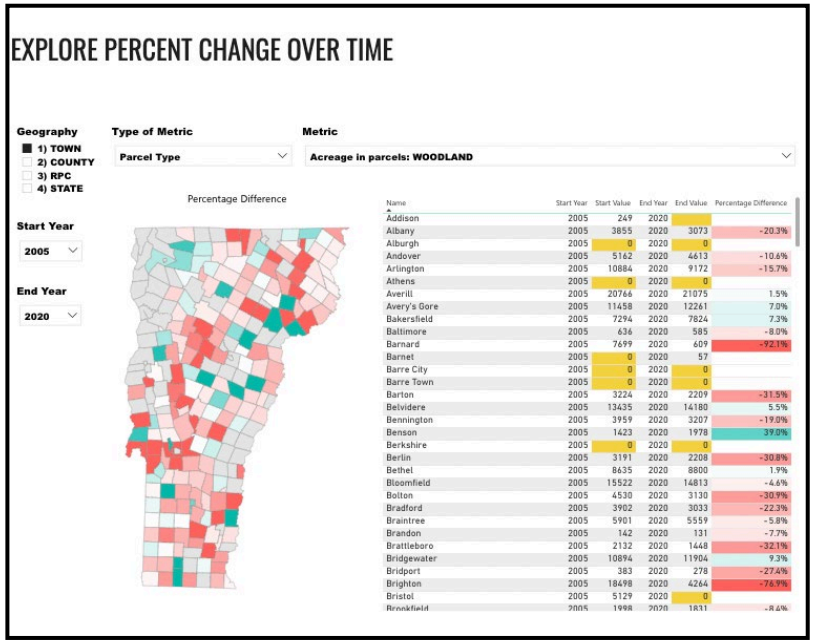
VNRC Parcelization Website

- Makes parcelization data accessible.
- Visualize change spatially.
- Generate geographically-specific reports
- Available at: www.vtforesttrends.vnrc.org



Recent trends illustrate the phenomenon of parcelization (the subdivision of land into smaller and smaller pieces and multiple ownerships) is gaining momentum in Vermont.

Vermont is the third most forested of the lower 48 states with approximately 4.6 million acres of forestland. Despite being so heavily forested, for the first time in over a century Vermont is actually losing forest cover due to parcelization, subdivision, and the subsequent development of land.

When land is broken up into smaller parcels from parcelization and subdivision, the result is typically an increase in the number of parcels with housing and infrastructure such as roads, septic and utility lines. When this development occurs, it "fragments" the landscape and can affect plant and animal species, wildlife habitat, water quality and recreational access. It can also affect the contiguous ownership and management of forest parcels, and thus

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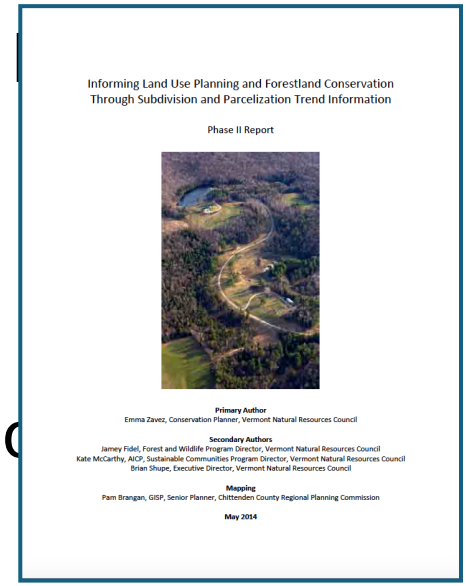
Background on VNRC Research

Phase 1 (2010) Statewide parcelization trends

on Grand List data, 2003 - 2009.


Informing Land Use Planning and Forestland Conservation
Through Subdivision and Parcelization Trend Information

Phase II Report

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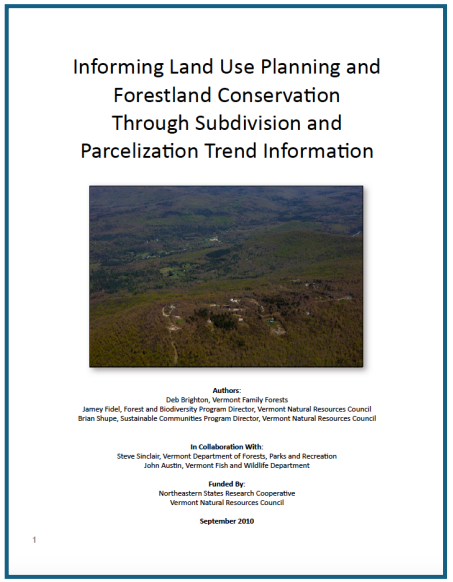
Brian Shupe, Executive Director, Vermont Natural Resources Council

Mapping
Pam Brangan, GISP, Senior Planner, Chittenden County Regional Planning Commission

May 2014


Informing Land Use Planning and Forestland Conservation Through Subdivision and Parcelization Trend Information

Authors:
Deb Brighton, Vermont Family Forests
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Brian Shupe, Sustainable Communities Program Director, Vermont Natural Resources Council

In Collaboration With:
Steve Sinclair, Vermont Department of Forests, Parks and Recreation
John Austin, Vermont Fish and Wildlife Department

Funded By:
Northeastern States Research Cooperative
Vermont Natural Resources Council

September 2010

1

Phase 2 (2014) Subdivisions in 22 case study to

Phase 3 (2018) Parcelization trends 2004 - 2016.

(state, regional planning commission, county, & town levels).

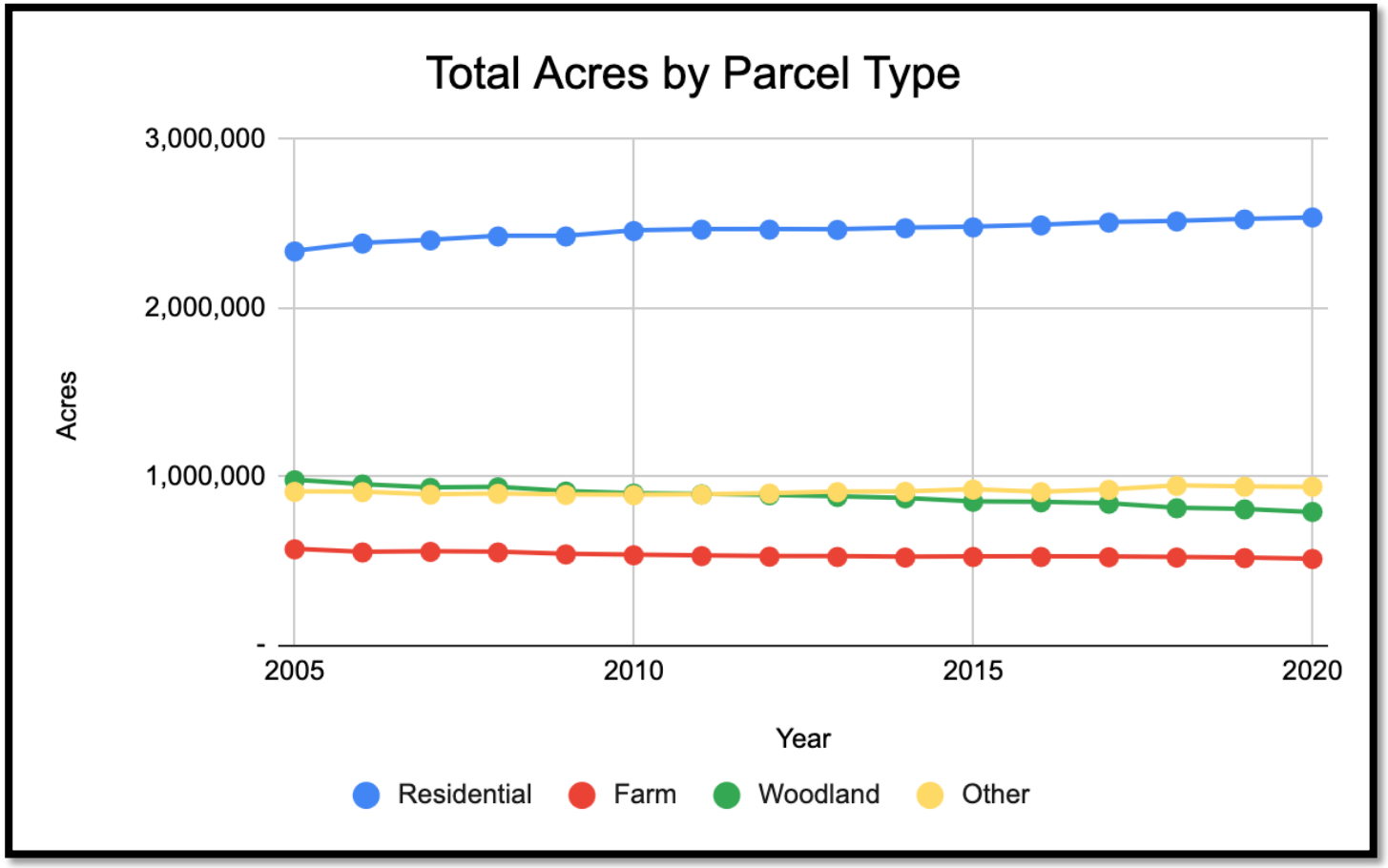
Phase 4 (2023) Updated comprehensive trends through 2020.

Uses & Limitations

Data can be used for...	Data should not be used for...
Identifying trends over time	Parcel-level decision making
Identify areas that may be vulnerable to forest loss	Reliance in real estate transaction
Inform municipal and regional planning	Estimating land value of individual parcels
Inform conservation planning	Conclusively estimating the exact percentage of a land type in a town/region (e.g., woodland, residential, etc.) due to possible inconsistencies between towns. CAN be used for trends in these metrics.
Target technical assistance	

Acreage by Parcel Type – Phase 4 - 2020

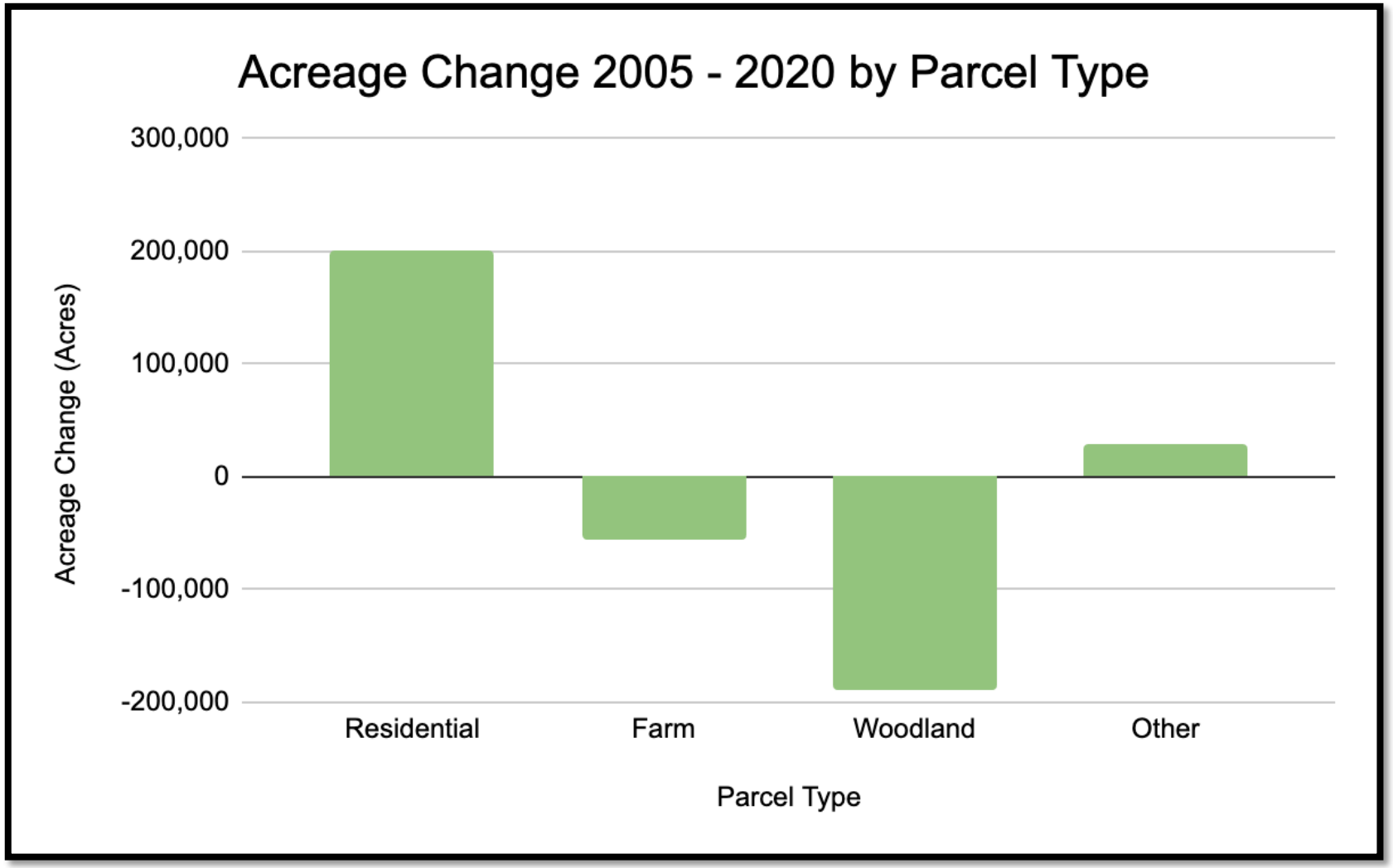
The number of acres in the "residential" category is increasing, while "farm" and "woodland" acreage is decreasing, with "woodland" acreage decreasing the fastest.



Residential increased by 8.64%

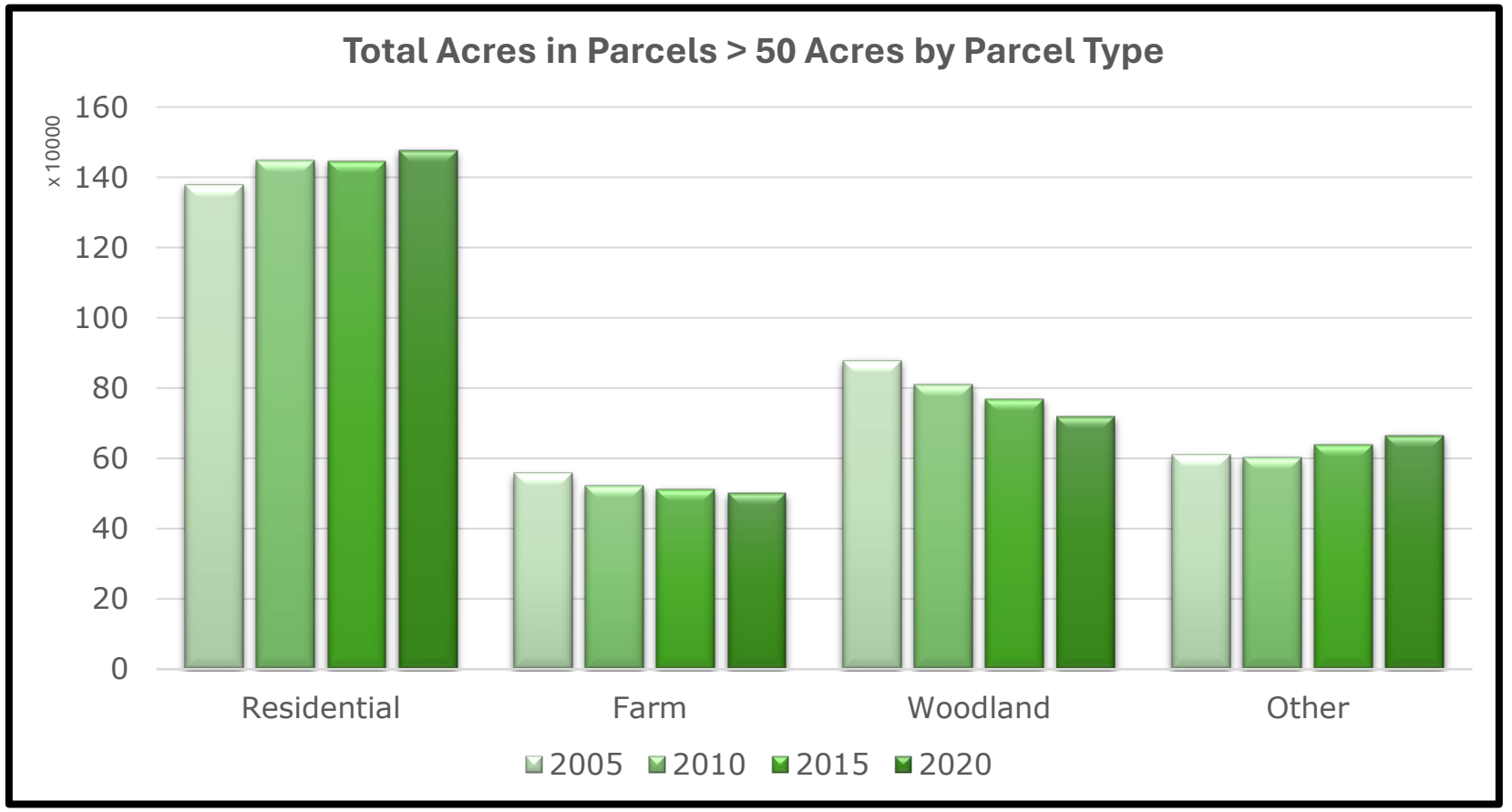
Woodland decreased by 19.32 %

VNRC Subdivision Study – Phase 4



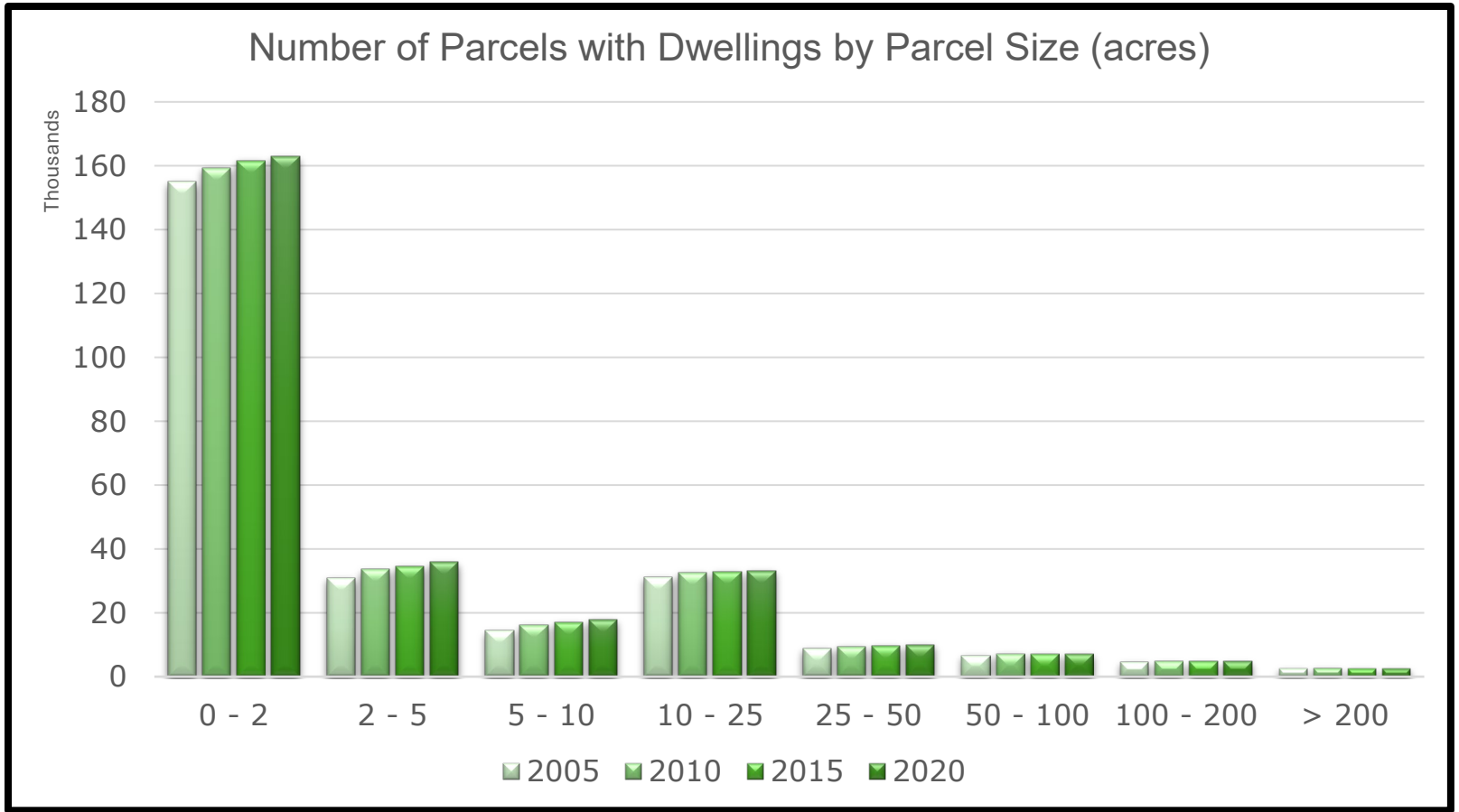
Acreage by Parcel Type – Large Parcels

The number of acres in the “residential” category is increasing, while “farm” and “woodland” acreage is decreasing, with “woodland” acreage decreasing the fastest.



Number of Parcels with Dwellings by Parcel Size

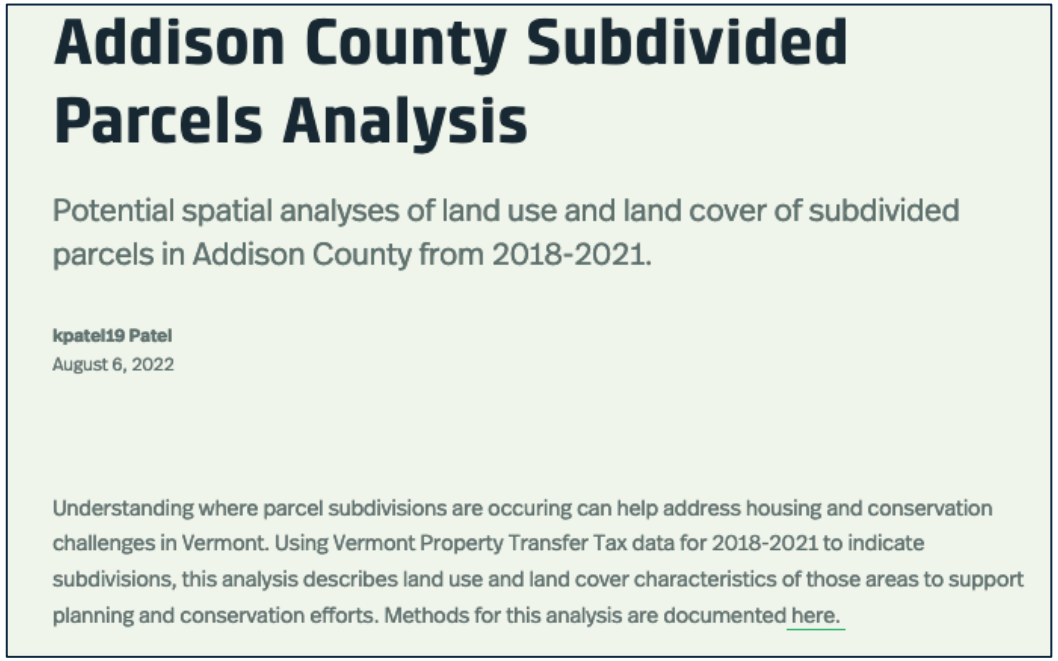
Parcels less than 50 acres in size with dwellings increased by 19,612 parcels from 2005 to 2020, which is an increase of 8.2% over the study period. More specifically, the number of parcels with dwellings in the 2-5 and 5-10 acre size categories, a size often used for “rural residential” house lots, increased by 16.1% and 24.2%, respectively.



VNRC Subdivision Study – Phase 4

Also examined new data sets such as property transfer tax return information in addition to Grand List.

Case Study using Property Transfer Tax Returns – Captures Majority of Subdivisions



Addison County Subdivided Parcels Analysis

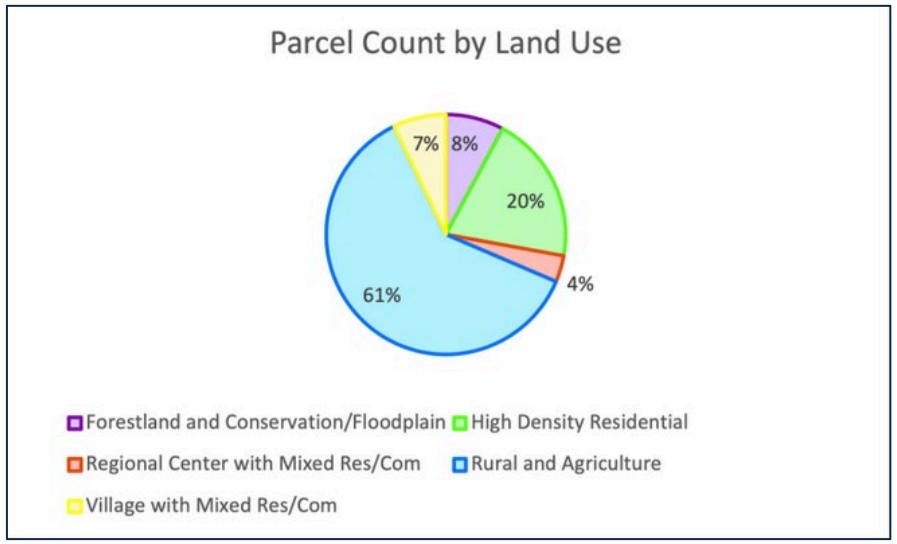
Potential spatial analyses of land use and land cover of subdivided parcels in Addison County from 2018-2021.

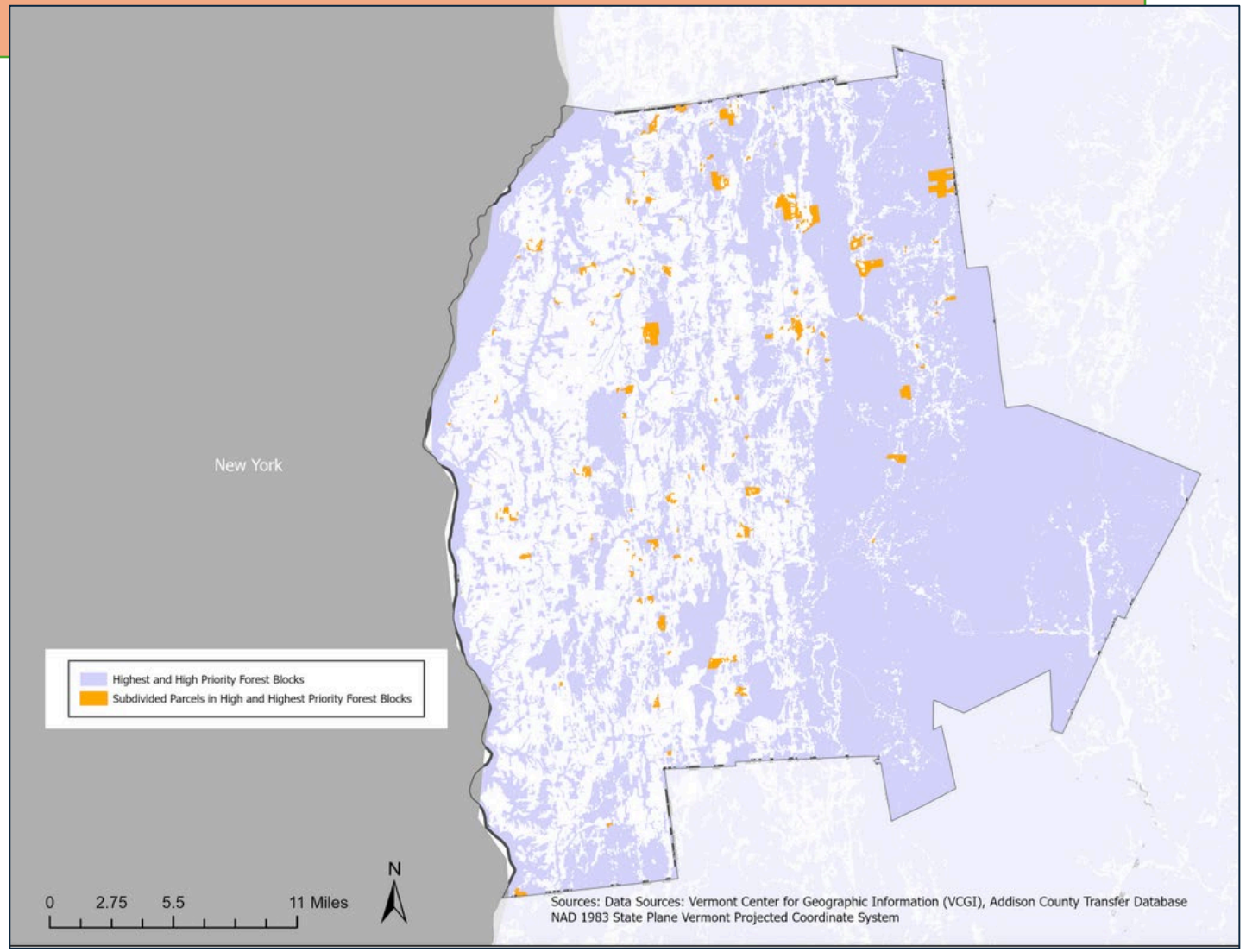
kpatel19 Patel
August 6, 2022

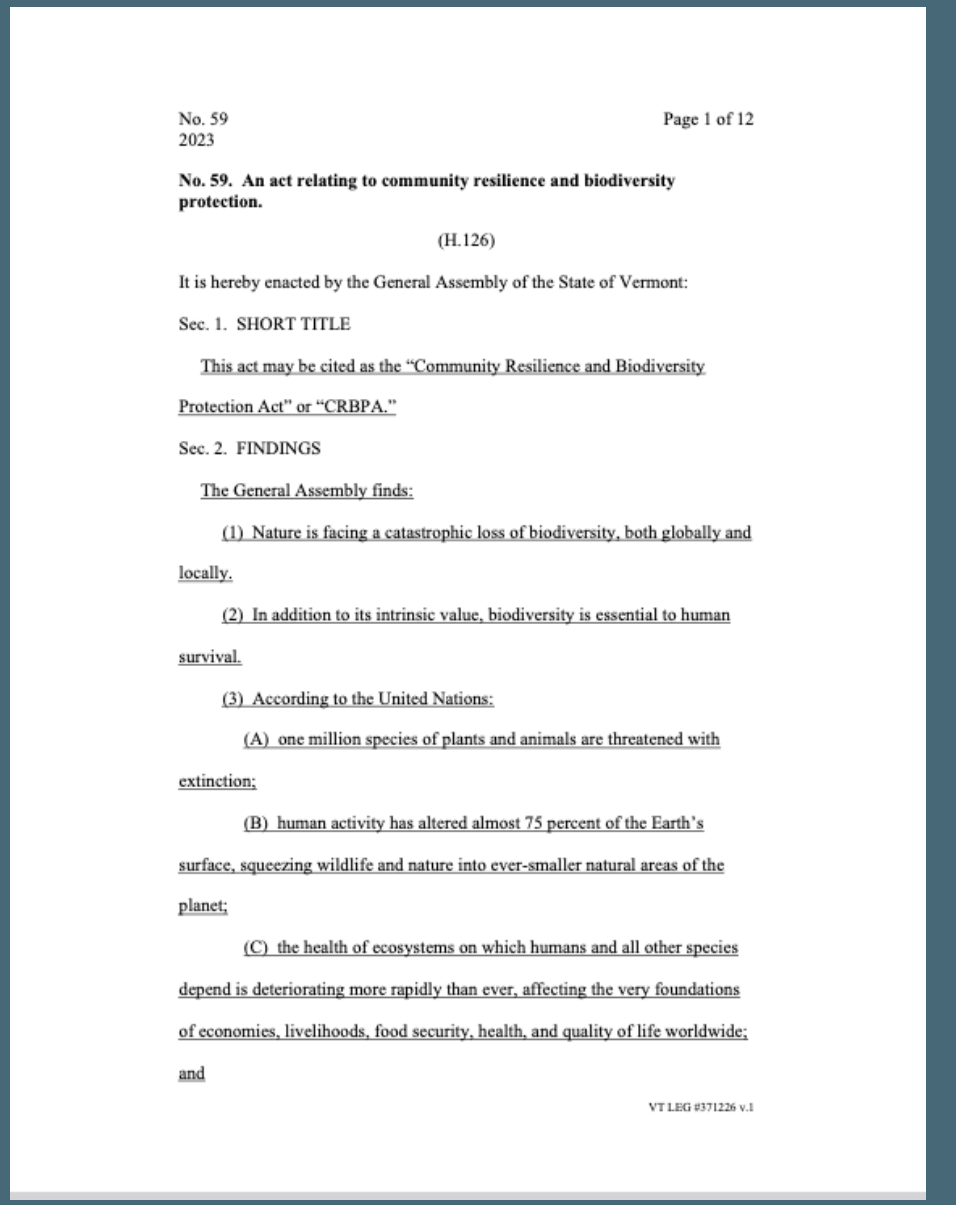
Understanding where parcel subdivisions are occuring can help address housing and conservation challenges in Vermont. Using Vermont Property Transfer Tax data for 2018-2021 to indicate subdivisions, this analysis describes land use and land cover characteristics of those areas to support planning and conservation efforts. Methods for this analysis are documented here.

Subdivisions Are Occurring in Forest Blocks

Spatial analysis from a case study in Addison County, Vermont shows that 91% of subdivisions that occurred from 2018 to 2021 intersected with forest blocks mapped by the Agency of Natural Resources.







No. 59 Page 1 of 12
2023

No. 59. An act relating to community resilience and biodiversity protection.

(H.126)

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

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

VT LEG #371226 v.1

ACT 59: An Act Relating to Community Resilience and Biodiversity Protection

A Vision for Vermont

Act 59 of 2023, The Community Resilience and Biodiversity Protection Act, set forth a vision to maintain an ecologically functional landscape that:

- Sustains biodiversity
- Maintains landscape connectivity
- Supports watershed health
- 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.

Act 181 - An Act Relating to Community Resilience and Biodiversity Protection

10 V.S.A. § 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, supports watershed health, 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**

Act 181 - An Act Relating to Community Resilience and Biodiversity Protection

10 V.S.A. § 2803. CONSERVED LAND INVENTORY

On or before July 1, 2024, the Vermont Housing and Conservation Board, in consultation with the Secretary, 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.*

10 V.S.A. § 2803. CONSERVATION PLAN

On or before December 31, 2025, the Vermont Housing and Conservation Board, in consultation with the Secretary, shall develop ***a plan*** *to implement the conservation goals of Vermont Conservation Design and* ***to meet the vision and goals*** *established in section 2802 of this title.*

H.126 - An Act Relating to Community Resilience and Biodiversity Protection

10 V.S.A. § 2803. CONSERVATION PLAN

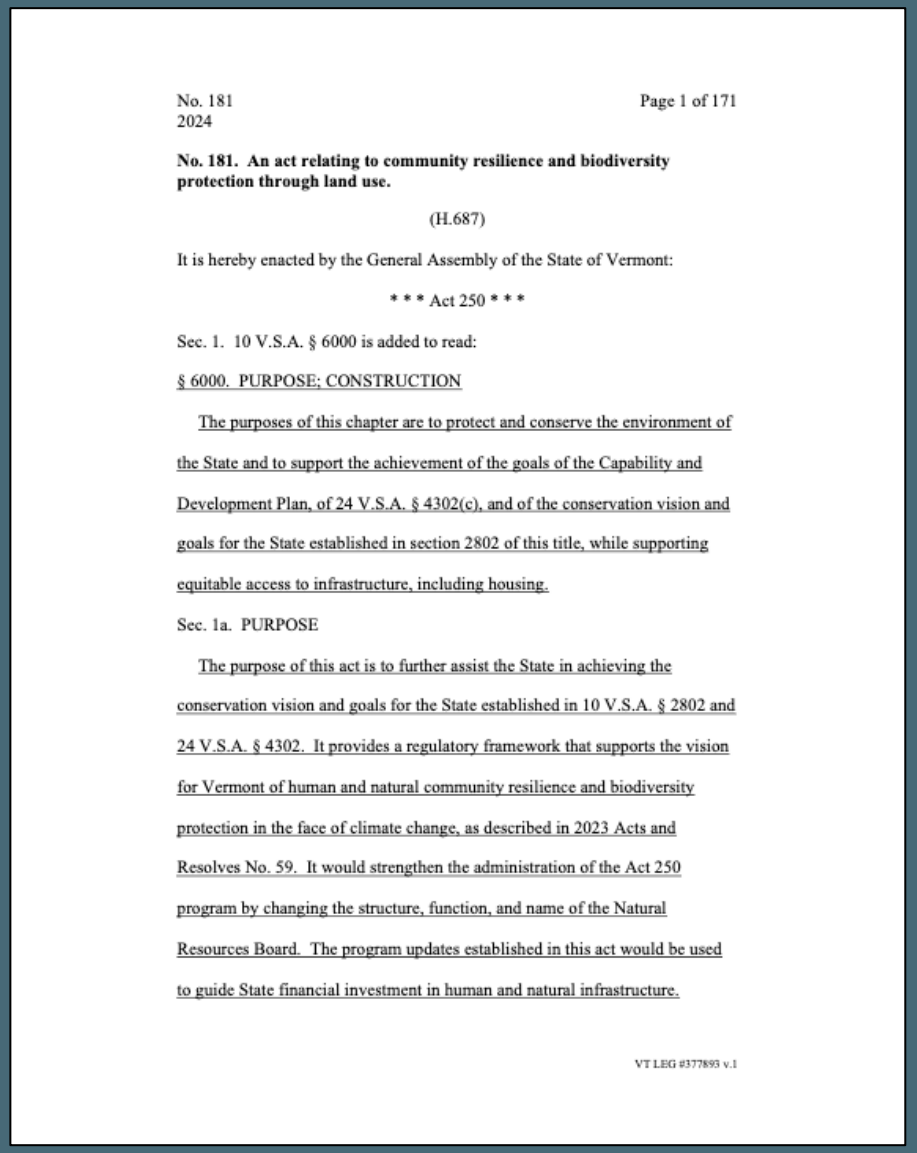
The plan shall include:

(1) ***a comprehensive strategy*** *for achieving the vision and 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 provide and increase equitable access to protected and conserved lands and land-based enterprises,*** *including recreational access to and use of conserved lands; 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,*



No. 181 Page 1 of 171
2024

No. 181. An act relating to community resilience and biodiversity protection through land use.

(H.687)

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

* * * Act 250 * * *

Sec. 1. 10 V.S.A. § 6000 is added to read:

§ 6000. PURPOSE; CONSTRUCTION

The purposes of this chapter are to protect and conserve the environment of the State and to support the achievement of the goals of the Capability and Development Plan, of 24 V.S.A. § 4302(c), and of the conservation vision and goals for the State established in section 2802 of this title, while supporting equitable access to infrastructure, including housing.

Sec. 1a. PURPOSE

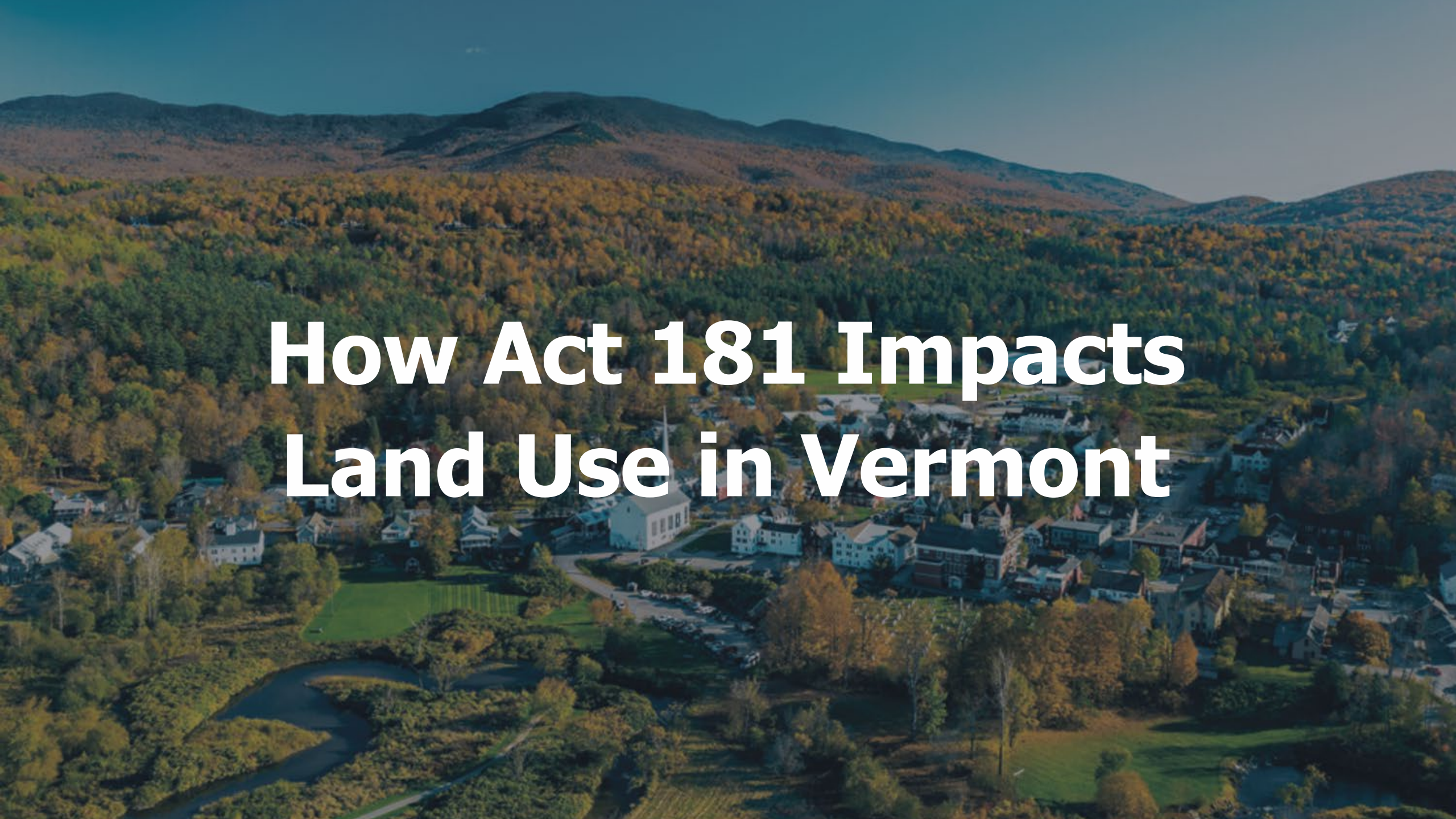
The purpose of this act is to further assist the State in achieving the conservation vision and goals for the State established in 10 V.S.A. § 2802 and 24 V.S.A. § 4302. It provides a regulatory framework that supports the vision for Vermont of human and natural community resilience and biodiversity protection in the face of climate change, as described in 2023 Acts and Resolves No. 59. It would strengthen the administration of the Act 250 program by changing the structure, function, and name of the Natural Resources Board. The program updates established in this act would be used to guide State financial investment in human and natural infrastructure.

VT LEG #377893 v.1

ACT 181: An Act Relating to Community Resilience and Biodiversity Protection Through Land Use

Sec. 1 (Purpose; construction).

- **"[P]rotect and conserve the environment** of the State and to support the achievement of the goals of the Capability and Development Plan, of 24 V.S.A. § 4302(c), and of the conservation vision and goals for the State established in section 2802 of this title, **while supporting equitable access to infrastructure, including housing**."



How Act 181 Impacts Land Use in Vermont

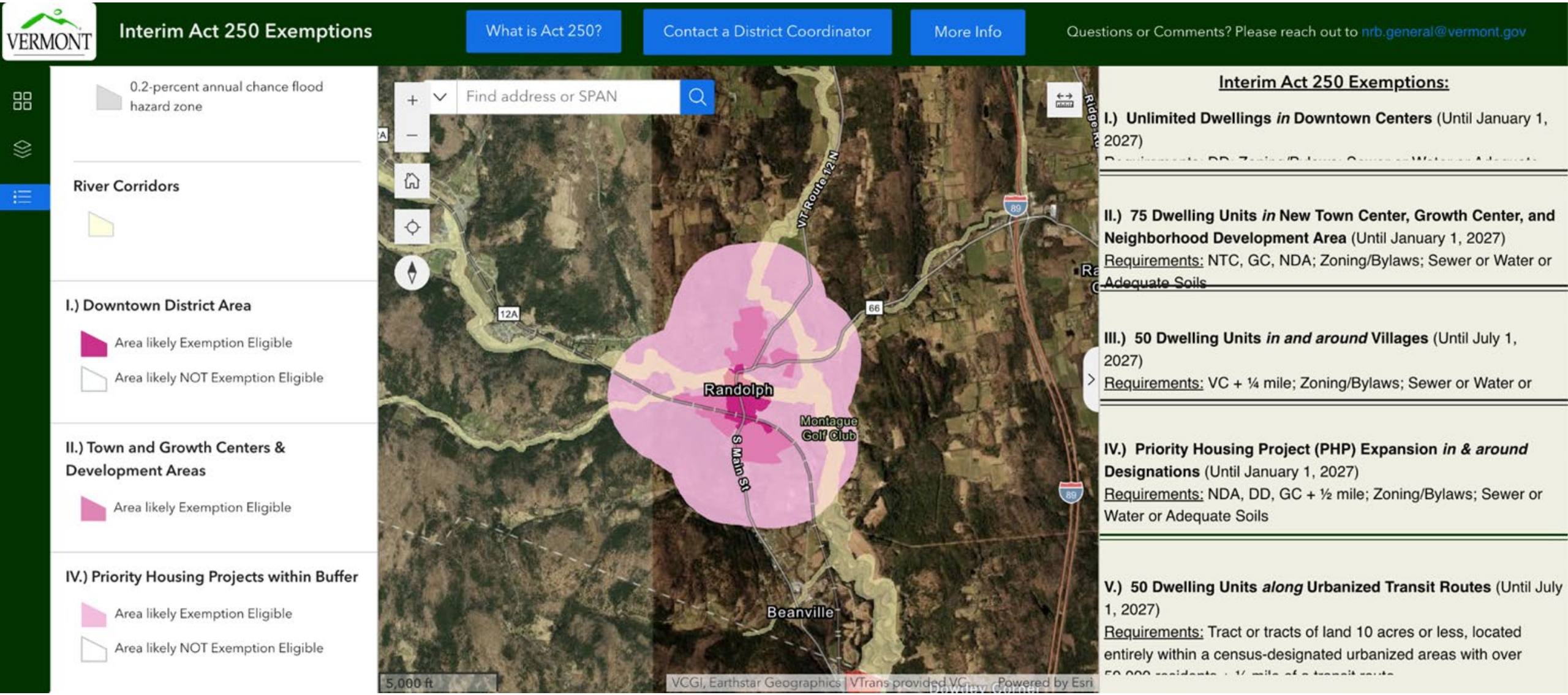
Act 250 Location-Base Jurisdiction

- ★ Changes Act 250 jurisdiction from size → location
- ★ Location-based "tiers" will be identified, helping to:
  - Streamline environmental review;
  - Promote housing in well-planned areas like downtowns and village centers; and,
  - Reduce harm to critical natural resource areas, farms and forests

Act 250
Location-Based Jurisdiction

Tier 1A	Tier 1B	Tier 2	Tier 3
Transitions Act 250 jurisdiction for planned growth areas to towns with capacity	Limits Act 250 jurisdiction to encourage smart growth housing	Status quo jurisdiction with addition of "Road Rule" to reduce sprawl and fragmentation	Enhances jurisdiction to protect VT's most critical natural resources
Areas based on RPC maps; towns apply	Areas based on RPC maps; towns request	Areas that are not identified as Tier 1 or Tier 3	Areas based on Land Use Review Board & Working Group
Requires adequate town planning, land use regulations, capital budgeting & infrastructure	Requires some level of town planning, land use regulations, & infrastructure		

Interim Act 250 Exemptions



NEW CRITERION 8(C): FOREST BLOCKS AND HABITAT CONNECTORS

Forest blocks and habitat connectors. A permit will not be granted for a development or subdivision within or partially within a forest block or habitat connector unless the applicant demonstrates that a **project will not result in an undue adverse impact on the forest block or habitat connector.**

If a project as proposed would result in an undue adverse impact, a permit may only be granted if effects, including **fragmentation effects, are avoided, minimized, or mitigated** as allowed in accordance with rules adopted by the Board.

Rules, to be informed by a stakeholder process, will address how forest blocks and habitat connectors will be defined (size and location) and identified, and the standards for avoiding and minimizing impacts through proactive site design and mitigating impacts if undue impacts can't be avoided or minimized.

Unpaved recreational trails, logging, forestry, and agriculture are exempt from this criterion.

NEW JURISDICTIONAL TRIGGER: ROAD RULE

Road rule. [C]onstruction of a road or roads and any associated driveways to provide access to or within a tract of land owned or controlled by a person. . . . Jurisdiction under this subdivision shall not apply unless the length **of any single road is greater than 800 feet, or the length of all roads and any associated driveways in combination is greater than 2,000 feet**.

Does not apply to Tier 1 areas, state or municipal roads, utility corridors, or roads used primarily for farming or forestry. Does not include routine maintenance and repairs to Class 4 roads.

Act 181 authorizes rulemaking for implementation.

TIER 3: CRITICAL RESOURCE AREAS

Areas consisting of the state's most critical natural resources to be identified through a rulemaking and stakeholder process.

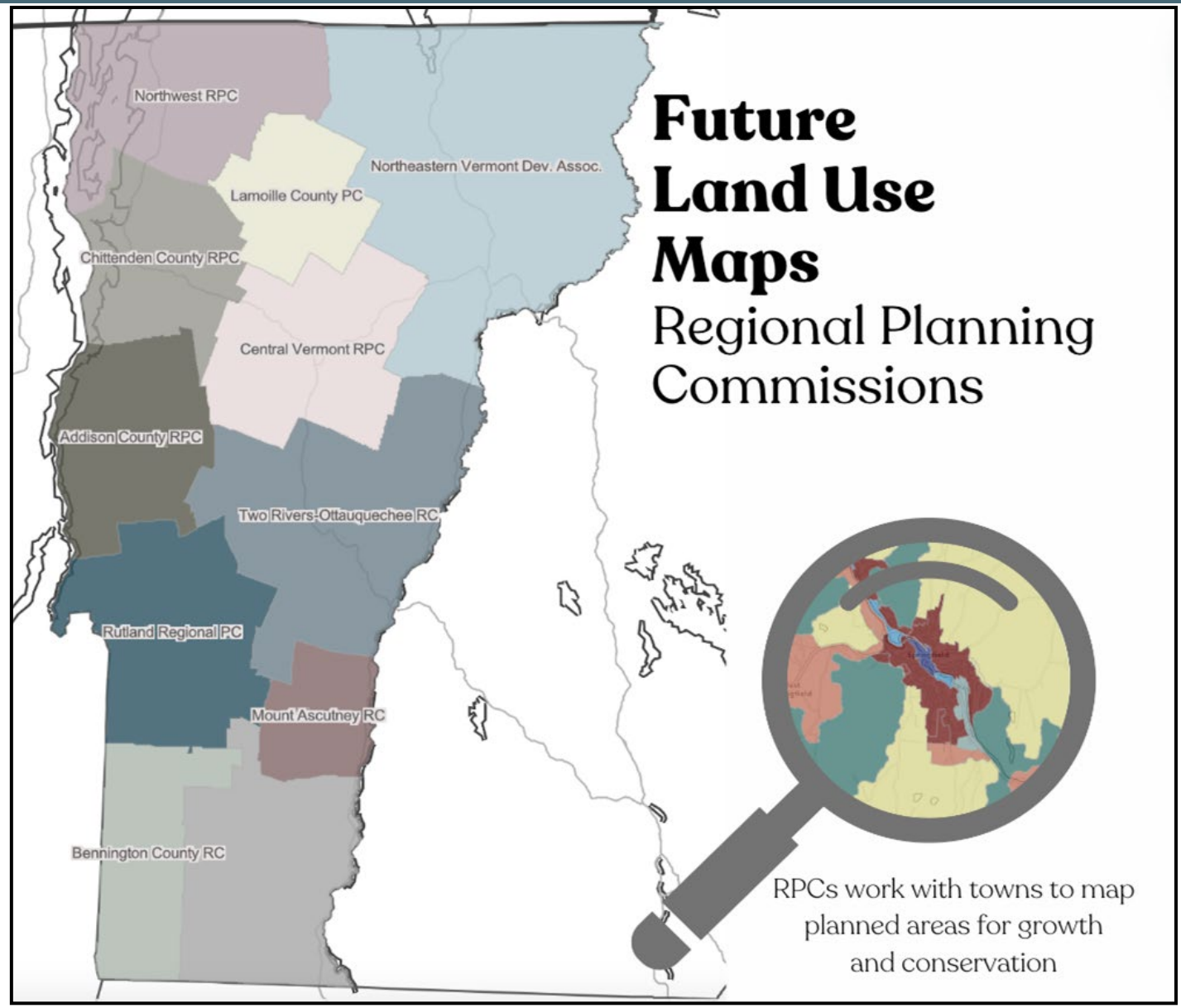
Areas to consider include river corridors, headwater streams, habitat connectors of statewide significance, riparian areas, class A waters, natural communities.

Jurisdiction over "construction of improvements for commercial, industrial, or residential purposes" to be determined through the rulemaking and a stakeholder process.

Tier 3 does not necessarily mean automatic jurisdiction. Other policies or programs may be identified to protect critical resource areas.

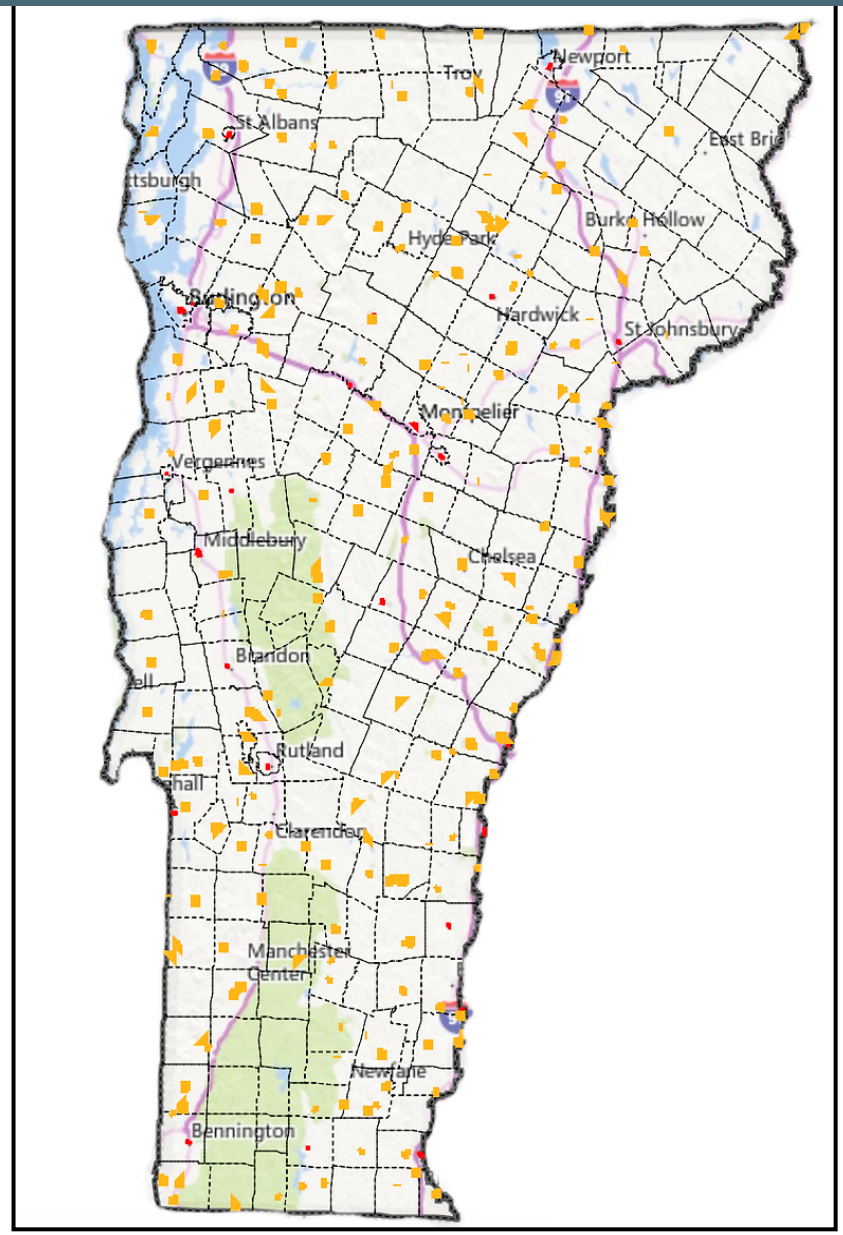
Regional Planning

- Strengthens regional land use planning and mapping to guide regulation, conservation, housing, and investments.
- Aligns local, regional & state land use planning.
- Strengthens requirements for equity and inclusion in citizen participation.



State Designation Program

- Changes based on Designation 2050 Report & public engagement.
- Improves compatibility with local and regional plans.
- Improves accessibility for lower-capacity communities, including simplifying the designation requirements and benefits.



How Data Can Be Useful

- Informing Act 59 Inventory and Conservation Plan
- Informing various rules and studies related to Act 181
- Informing regional planning and designation process that will drive housing and conservation decisions
- Providing regional context for VT policies and conservation and land use planning
- Many other applications

DISCUSSION

1) What are situations/issues/initiatives where regional analysis could be helpful. Where are the priorities/tensions/active issues? *Help guide future work.*

2) Considering how each state in the region does or should address some similar concerns, what successes are there to share out with regional relevance? *Share places that deserve amplification and replication.*

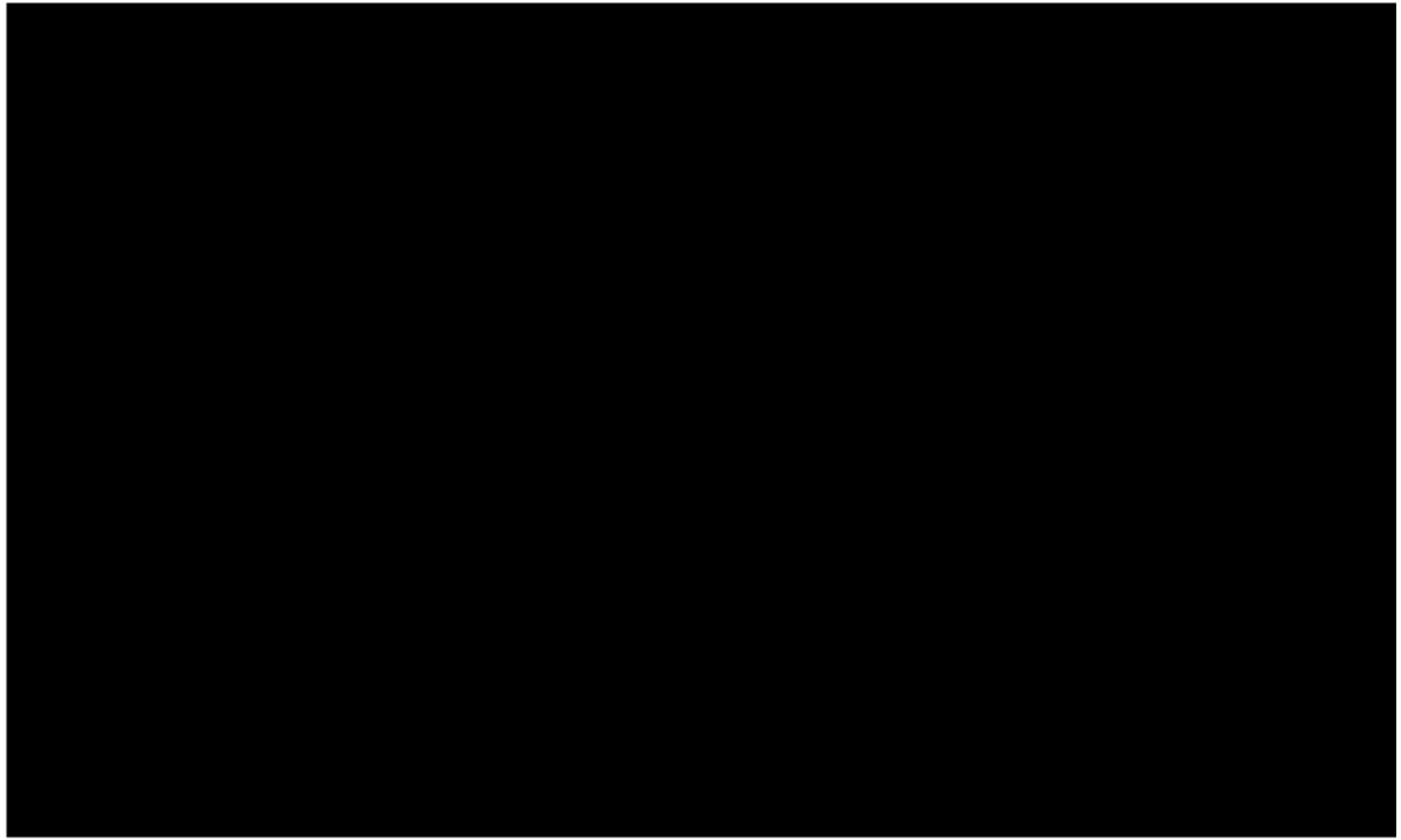
Connect with us!

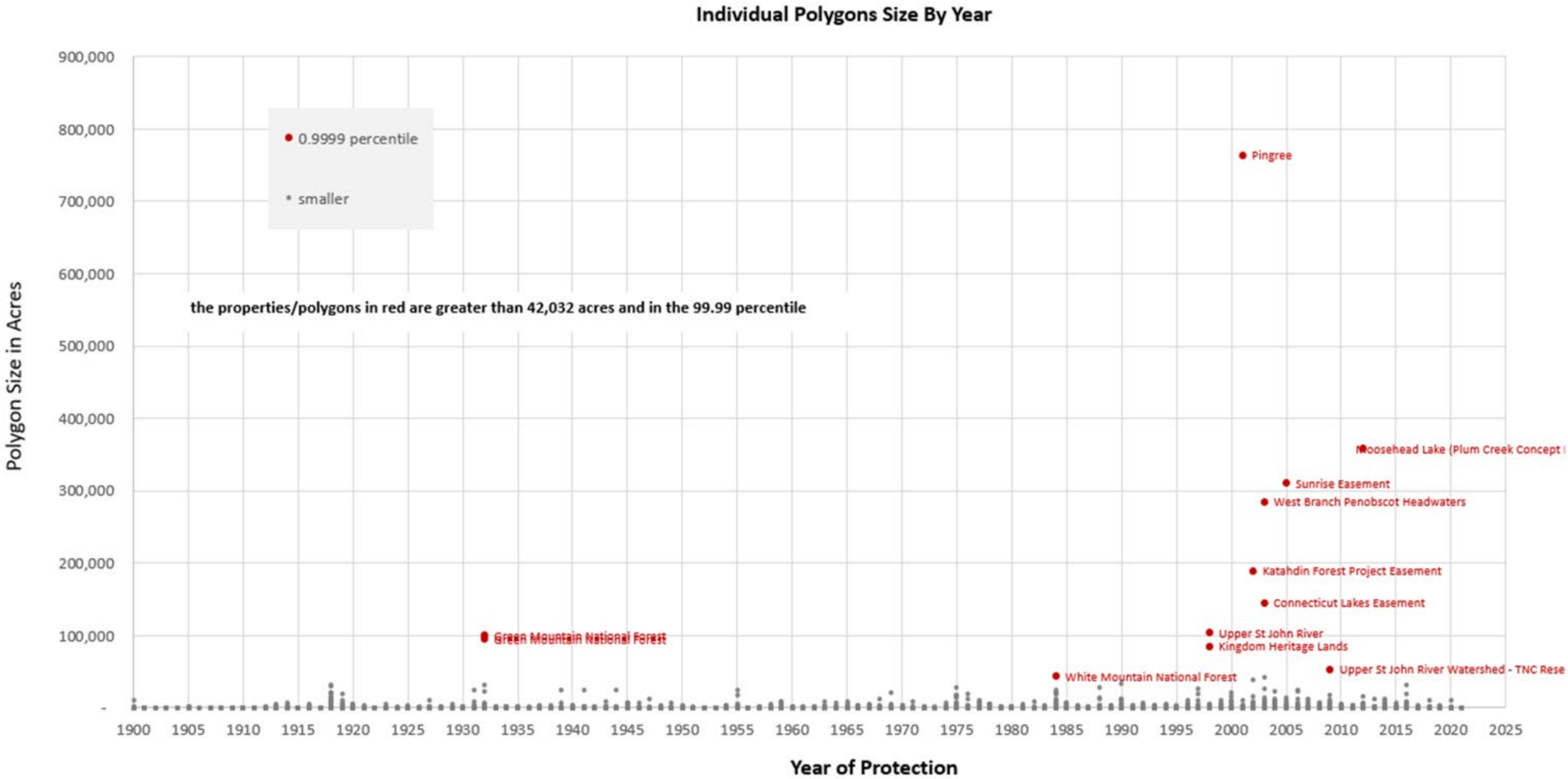
Partnership NETWORK | Gathering

to fill out the

SESSION EVALUATION FORM

We Welcome Your Feedback




Individual Polygons Size By Year
0.9999 percentile
smaller
the properties/polygons in red are greater than 42,032 acres and in the 99.99 percentile
Polygon Size in Acres
900,000
800,000
700,000
600,000
500,000
400,000
300,000
200,000
100,000
-
Pingree
Moosehead Lake (Plum Creek Concept I
Sunrise Easement
West Branch Penobscot Headwaters
Katahdin Forest Project Easement
Connecticut Lakes Easement
Upper St John River
Kingdom Heritage Lands
Upper St John River Watershed - TNC Rese
White Mountain National Forest
Green Mountain National Forest
Green Mountain National Forest
1900 1905 1910 1915 1920 1925 1930 1935 1940 1945 1950 1955 1960 1965 1970 1975 1980 1985 1990 1995 2000 2005 2010 2015 2020 2025
Year of Protection

LCMAP DEVELOPED LAND

See table next slide.

Developed land covers x acres or Y % of New England. Development has increased steadily with 6,850 new acres of development each year, which represents a 0.22% increase annually.

States vary significantly in the extent of development from a high of 30% in RI to a low of 2% in VT and ME.

The development rate is greatest in NH (.34%) and MA (.24%) and lowest in VT (.11%).

Massachusetts accounts for 40% of the new development each year in New England (2,775/6,850).

The development rate is substantially less than the rate of forest loss, so we will want to explore that a bit as well as what is being developed. BH: Yes, done later. See the "fate", "source" , and "net change" (1986 and 2021) slides. Those only look at 2 years, but if we wanted we could do the change by year although that would be time consuming so we would want to give that more consideration.