

## Written Comment — Vermont Conservation Plan

Vermont Housing and Conservation Board / Agency of Natural Resources

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Big Picture Farm, Townshend, Vermont · April 2026

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## Why This Comment Exists

Vermont's conservation tradition did not emerge from a policy brief. It grew from a nearly fifty-year compact between the state and its private landowners — a compact built on voluntary enrollment, economic incentive, professional oversight, and demonstrated commitment renewed year after year across 2.5 million acres of working farms and forests.

We operate Big Picture Farm in Townshend. Our land is enrolled in Current Use. Our woodlot is managed under a state-approved forest management plan. We are, in the language of Vermont's oldest conservation program, exactly what Vermont asked its working families to be: active stewards, maintaining the land in productive use, accepting a development restriction in exchange for property taxes that reflect what the land actually does rather than what a developer might pay for it. We are not unusual. We are the rule.

We submit this comment as that compact is being counted — or more precisely, as it is not being counted. The Vermont Conservation Plan is being built on a conserved lands inventory that does not include a single acre of Current Use enrolled land. Not because enrolled land fails ecologically. Not because the stewardship is insufficient. But because a permanence requirement embedded in §2801(6) of Act 59 excludes enrolled working lands by definition — regardless of how long they have been managed, what ecological function they provide, or what commitment their owners have demonstrated over decades of enrollment and annual renewal.

We have been working to understand how that definition entered the statute. What we found is that §2801(6)'s permanence requirement reflects a deliberate choice to use VCD's data architecture as the conservation accounting framework — but one based on a misreading of what that architecture was measuring. The drafters applied a development threat metric as a conservation standard, without recognizing that VCD's permanence-only data was never designed to answer the question they were asking.

Since we last submitted comments on the Conservation Plan, we have also completed a spatial analysis of Vermont's highest priority wildlife corridor using ANR's own public datasets. The findings bear directly on the Conservation Plan's §2803(b)(2) mandate to inventory how much conserved land fits each of the three statutory categories — because when you add the Current Use enrollment layer that the existing inventory omits, 73% of the corridor is already enrolled or permanently conserved. The data infrastructure was never designed to see that. The Conservation Plan can be.

We ask the Plan to carry four recommendations to the Legislature: amend §2801(6) to replace the permanence-only standard with a durability-and-function standard; simultaneously revise §2802's conservation targets to reflect what honest accounting produces; develop criteria under §2803(b)(1) that make enrolled working lands legible to the natural resource management area category; and recommend the establishment of a Wildlife Corridor Forestland category within Current Use as the operational mechanism that makes that legibility concrete. These are not requests to abandon the permanence instrument. They are requests to add the working lands instrument alongside it — the Both/And framework that Vermont's conservation tradition has always embodied and that the statute's own structure contemplates.

## 1. The Goal Was Set Wrong

Vermont entered the 30x30 conversation with something most states could only aspire to: a working landscape achievement without peer in the northeastern United States. By 2023, Vermont's forests covered 78% of the state — 4.6 million acres — a recovery from near-total deforestation in the late nineteenth century accomplished almost entirely through private working lands stewardship rather than public acquisition. The Current Use program, created in 1978, had grown to 2,587,956 enrolled acres across 19,821 parcels — a 21-fold increase from 119,900 acres at inception, achieved through 44 consecutive years of enrollment growth in a program with no exit penalty. Families and individuals care for more than 80% of Vermont's forests. Public lands make up just 19%. Vermont's conservation achievement is, overwhelmingly, a private working lands achievement.

That record warranted celebration. It also warranted honest accounting.

Instead, when the Legislature set Vermont's 30x30 goal in Act 59 of 2023, it defined "conserved" in a way that excluded every enrolled acre from the count. Under §2801(6), land counts toward Vermont's conservation goals only if it is permanently protected by deed restriction or fee acquisition. The 2,587,956 acres enrolled in Current Use do not count — not a single one — regardless of how long they have been managed, what ecological function they provide, or what commitment their owners have demonstrated over decades of enrollment and annual renewal.

The stated rationale, as we understand it, was aspiration: if enrolled working lands counted, Vermont would already meet or exceed 30% of its landscape in conservation, and there would be no gap to close. The goal was set narrowly so that it would require genuine new effort to achieve.

No comparable 30x30 framework has made this choice. California's program counts working ranches and forests managed for biodiversity — lands enrolled in long-term stewardship programs with no deed restriction requirement. The federal America the Beautiful framework counts Conservation Reserve Program lands enrolled in 10-to-15-year voluntary contracts at \$78 per acre annually. New Mexico counts traditionally managed working landscapes explicitly. Vermont is the only major 30x30 state that explicitly excludes long-term voluntary enrollment programs from its conservation accounting, despite having the most extensive state-administered voluntary working lands enrollment program in the northeastern United States — one covering more than a third of Vermont's entire land base.

We understand the impulse toward aspiration. But we think it reflects a fundamental misreading of what Vermont had already built — and what kind of conservation effort the state actually needs.

Vermont did not need a goal defined to exclude its greatest achievement in order to have something worth working toward. It needed a goal commensurate with that achievement — one that said: Vermont has demonstrated, over nearly fifty years, that voluntary working lands stewardship can hold an entire landscape intact. Now let's build on that foundation, strengthen it, extend it to the genuinely at-risk acres, and set goals that honor the full spectrum of what conservation looks like here. We know precisely what that accounting shows because we ran it. Using the VCGI Use Value Appraisal parcel layer and the Vermont Protected Lands Database — both ANR public datasets, processed in QGIS 3.44 using a Union and Dissolve methodology — we calculated the deduplicated statewide area covered by enrolled or permanently conserved parcels. The result: 3,615,600 acres — 61.3% of Vermont's land area — is already enrolled in Current Use or permanently conserved under a corrected accounting. Vermont is not at 27% conserved. It is at 61.3% durably stewarded. The right goals were not 30% permanent protection by 2030 and 50% by 2050. They were: 30% permanently conserved by 2030 — keeping the permanence goal intact; 70% conservation mosaic by 2030 — enrolled working lands and permanently conserved lands counted together, requiring roughly 513,000 additional acres of new stewardship above the corrected 61.3% baseline; and 80% mosaic by 2050 — a generational goal requiring Vermont to bring its genuinely at-risk landscape into durable stewardship over 25 years.

We ask the Conservation Plan to recommend that the Legislature correct this simultaneously with fixing the definition. The corrected statewide inventory shows Vermont is already at 61.3% enrolled or conserved — 3,615,600 acres. The targets in §2802 should be revised to reflect what that accounting

shows and what genuine ambition requires: 30% permanently conserved by 2030, maintaining the existing permanence goal and its urgency; 70% conservation mosaic by 2030, a real 8.7-percentage-point stretch above the corrected baseline requiring roughly 513,000 additional acres of new enrollment or protection; and 80% conservation mosaic by 2050, a generational commitment to bring Vermont's at-risk landscape into durable stewardship. These are harder goals, not softer — because they require Vermont to steward the genuinely at-risk land.

The permanence-only standard has not remained confined to 30x30 accounting. It has propagated through Vermont's conservation and planning infrastructure, shaping downstream regulatory and planning instruments in ways that compound its original effect. The Conservation Plan has a narrow window — before that pattern further compounds — to correct the definition at its source.

## **2. The Compact Vermont Made in 1978 — and What It Built**

Current Use was created by the Vermont Legislature in 1978 with a straightforward purpose: to prevent the conversion of Vermont's working farms and forests to development by relieving landowners of property taxes set at speculative market values incompatible with agricultural and forestry income. In exchange for enrollment, landowners agree to maintain the land in active use, manage it according to state-approved plans, file annual activity reports, and pay a land use change tax — currently 10% of fair market value — if they ever develop it.

The statutory purpose, written directly into Vermont law, is unambiguous: the Use Value Appraisal Program exists “to preserve the working landscape, preserve the rural character of Vermont, and protect the natural ecological systems and natural resources of the forestland of Vermont.” Conservation and working landscape are not in tension in the statute's own language. They are the same sentence.

The program worked — by any measure, remarkably well. Vermont's forests now cover 78% of the state, a figure that has remained largely stable since the 1980s, reversing the near-total deforestation of the late nineteenth century. Today, families and individuals care for more than 80% of Vermont's forests. Public lands make up just 19%. Vermont leads New England in per capita state funding for land conservation — and yet the dominant conservation instrument is not a deed. It is an enrollment form renewed annually by a family that chose to stay.

We are that family. We operate Big Picture Farm in Townshend — a working goat dairy and artisanal confectionery enrolled in Current Use, managed under a state-approved forest management plan, in the West River valley within Vermont's highest priority wildlife corridor. We are not unusual. We are the rule. The landscape that frames our daily life and our children's sense of place has been held together for decades by the voluntary stewardship compact that our neighbors renew every year alongside us — not because they are legally required to, but because they chose Vermont and chose the land, and the program made that choice financially viable.

That is what Vermont built. The Conservation Plan should build on it — not redefine it out of existence.

## **3. How Permanence Entered the Statute: A Case of Mistaken Identity**

Vermont's 30x30 conservation definition reflects a deliberate choice to use VCD's data architecture as its accounting framework — but a choice based on a misreading of what that architecture was measuring. The drafters did not set out to declare that enrolled working lands stewardship is insufficient to count as conservation. They set out to use VCD as their reference framework, and in doing so applied a development threat metric as a conservation standard without recognizing that is what they were doing.

To understand how, it is necessary to go back to 2014.

In April of that year, Eric Sorenson and Jon Osborne, funded by the U.S. Fish & Wildlife Service, published a report ranking Vermont's habitat blocks for biological value and potential threat from fragmentation. Their purpose was conservation prioritization: identifying which blocks most needed protection investment. To measure development threat, they introduced a field called `cons_pct` — embedded in the Vermont habitat blocks layer, accessible today through ANR's live map service — recording the proportion of each block covered by permanently protected land. The logic was scientifically defensible: a block with more permanently protected land inside it was less threatened by development. Higher permanent conservation equaled lower threat.

Current Use enrollment was not counted. The reason was narrow and technically correct: enrolled land can be withdrawn and developed at any time, so it does not permanently reduce development threat. From a threat-scoring perspective, this was the right call. Sorenson and Osborne were not making a statement about what counts as conservation. They were building a tool to identify where conservation investment was most urgently needed. The field names in the live ANR map service confirm the original intent exactly: `cons_pct` is aliased “% PERM. CONS.” and `threatF4` is aliased “% PERM. CONS. RC” — permanent conservation as a proxy for reduced development threat, nothing more.

The Vermont Conservation Design (2015, 2018, 2023 updates) was built on this habitat block framework and inherited `cons_pct` as an attribute. Importantly, the Highest Priority block designations within VCD were based primarily on ecological quality and size within each biophysical region — which blocks were largest and most ecologically significant, calibrated regionally so that a smaller block in the Champlain Valley could qualify as Highest Priority because large intact blocks are relatively rare there. The priority designations were not based on `cons_pct` specifically. But the VCD's purpose was different from the 2014 study in any case — it was a conservation planning vision, not a threat ranking tool. And the VCD documents were consistent and explicit that working lands were the primary stewardship mechanism holding the corridor together. The 2018 VCD Summary Report names working lands, forest management, and landowner incentives alongside conservation easements and public ownership as equivalent tools for achieving the conservation vision. ANR's own VCD implementation working group said it plainly at the 2024 UVM FEMC Annual Meeting: “permanent land conservation is just one of many tools for achieving VCD.” VCD never claimed the corridor was unprotected. It relied on working lands to hold it — it just never measured that reliance in `cons_pct`, because measuring stewardship contribution was never the field's job.

This distinction matters because the VCD was a planning tool, not an accounting standard. It was designed to identify where ecological function exists and where conservation investment should go — not to define what counts as conservation for statutory purposes. When its data architecture was promoted first into Act 59's permanence-only definition and then into the Tier 3 maps derived from the same VCD framework, nobody asked whether a planning methodology built around threat assessment was appropriate for either a statutory conservation standard or a regulatory map. The question the VCD was designed to answer is: where are the corridors? The question Act 59 needed to answer is: what counts as conserved? The question a regulatory map needs to answer is: where is unprotected land that needs intervention? These are three different questions. The VCD methodology was designed for the first. It was never designed for the second or the third. The Conservation Plan has the authority and the obligation to name that mismatch — and to recommend the correction.

When Act 59's drafters turned to the existing data infrastructure to define “conserved” for 30x30 purposes, they encountered a data architecture that had always reflected permanence-only coverage. The VPLD, BioFinder, the VCD — all of them show permanent protection because that is what they were built to track. The drafters chose VCD as their reference framework thinking it defined conservation as permanent protection. It didn't. VCD was saying: permanent protection is what reduces development threat. The drafters heard: permanent protection is what counts as conservation. Those are different claims. The first is a threat assessment. The second is a conservation standard. Applying one as the other — without recognizing that is what was happening — is the category error at the heart of §2801(6).

The result is a statute with an internal contradiction that has paralyzed the Conservation Plan process. §2803(b)(1) directs the Plan to develop criteria for what agricultural and working lands count as natural resource management areas — which presupposes that working lands can count. §2804(b)(4) directs the

Plan to recommend strategies enhancing Vermont's commitments to working lands enterprises and rural landowners. But §2801(6)'s permanence definition forecloses both mandates: no matter how well an enrolled working lands parcel meets the natural resource management area criteria ecologically and managerially, it cannot be "conserved" under the statute if it lacks a deed restriction. ANR and VHCB are navigating this contradiction in real time. Working lands groups and the agency cannot reach agreement not because they disagree about the ecology — they largely don't — but because the definition makes agreement impossible within its current terms.

The Legislature made a deliberate choice to use VCD's permanence-only data architecture as its conservation accounting framework — and a deliberate choice to make the 30x30 goal aspirational rather than declaratory. But it made those choices based on a misreading of what VCD was measuring. VCD's permanence-only data did not reflect VCD's definition of ecological conservation. It reflected VCD's measure of development threat reduction. The result is a statute that codified a threat metric as a conservation standard — not because the Legislature decided that enrolled working lands don't count, but because the instrument it chose to count them with was never designed to see them. The Conservation Plan has both the authority and the obligation under §2803(b)(1) to correct it.

## 4. What the Data Actually Shows: The Spatial Reality

Since submitting our initial Conservation Plan comment, we have completed a spatial analysis of Vermont's highest priority wildlife corridor using ANR's own public datasets in QGIS 3.44. We are presenting these findings here because they speak directly to the Conservation Plan's §2803(b)(2) mandate to inventory how much conserved land fits each of the three statutory categories — and because the findings reveal, with precision, what the existing inventory is missing.

Our analysis focused on the Vermont Conservation Design Highest Priority Connectivity Blocks — 433 blocks covering 2,837,622 acres, the primary scientific basis for Vermont's wildlife corridor mapping. We used three datasets, all publicly available from the Vermont Open Geodata Portal: the VCD connectivity blocks layer, the VCGI Protected Lands Database, and the Use Value Appraisal parcel layer. Our methodology used QGIS's Difference spatial operation to subtract enrolled and conserved geometry from the corridor blocks, measuring the land area not covered by any enrolled or conserved polygon. We welcome scrutiny of the methodology and are prepared to share our full QGIS project files upon request.

The core finding: 73% of Vermont's highest priority wildlife corridor — 2,072,617 acres — is already enrolled in Current Use or permanently conserved. The genuinely at-risk land is 765,005 acres, 27% of the corridor.

The existing Act 59 conserved lands inventory, built on the VPLD, shows 36.8% of the corridor as permanently conserved — ANR's own `cons_pct` figure. Our analysis finds 73.0% enrolled or conserved. The 36-percentage-point gap between those two figures is the enrolled working lands the inventory was never designed to see. It is not a data error. It is the direct consequence of building the inventory on a data infrastructure that measures permanent protection only — because that is what `cons_pct` was designed to track.

The four-way parcel classification makes the structure of that gap visible. Of the 58,013 parcels within the corridor, 6,413 (11.1%) are both enrolled and permanently conserved — the most durable category, voluntarily enrolled and deed-restricted. 17,365 (29.9%) are enrolled only — no easement, no deed restriction, purely voluntary stewardship renewed annually. 5,754 (9.9%) are permanently conserved but not enrolled. And 28,481 (49.1%) are neither enrolled nor conserved — the genuinely at-risk population. Together the first three categories account for 73% of corridor land area — 2,072,617 acres — enrolled, conserved, or both. The at-risk population represents the remaining 765,005 acres (27%). Precise per-category acreage within the enrolled and conserved populations requires sub-parcel spatial analysis beyond what parcel boundary data supports; we report the combined figure from our QGIS spatial Difference operation as the authoritative measure.

The enrolled-only category — 17,365 parcels held by nothing but the annual voluntary choice to stay enrolled — is the most consequential finding for the Conservation Plan. These are the parcels the inventory cannot see. They function ecologically as corridor habitat, have been stewarded for decades without legal compulsion, and are invisible to Vermont's 30x30 accounting because §2801(6) requires permanence. Our tenure analysis of this population shows that 53.7% of enrolled-only corridor program acres have been enrolled for 20 or more years — 328,168 acres — with no legal obligation to stay. 25.1% have been enrolled for 30 or more years. The median entry year is 2008. These are not recent or tentative enrollments. They are multigenerational stewardship commitments made in the absence of any instrument stronger than the voluntary compact.

The statewide enrollment record corroborates what the corridor data shows. The VCGI Current Use Program Properties dataset — published April 1, 2026 as the first official public dataset joining enrollment data with parcel geometry — records 2,587,956 enrolled acres statewide across 19,821 parcels for the 2025 tax year. This represents 44 consecutive years of enrollment growth in a program with no exit penalty. Owners can leave at any time at zero cost. They do not leave.

This data speaks directly to the §2803(b)(2) inventory mandate. The Conservation Plan is required to account for how much conserved land fits each of the three statutory categories. Under the current permanence-only definition, the natural resource management area category — the category designed for actively managed working lands — shows effectively zero enrolled working lands acreage, because §2801(6) requires a deed restriction that enrolled lands do not have. Under a durability-and-function standard, the same category would show more than 2 million acres in the highest priority corridor alone, held by demonstrated stewardship commitments averaging more than two decades in duration. The inventory is not incomplete because the land isn't there. It is incomplete because the definition cannot see it.

## 5. Who Bears the Cost

The permanence definition did not fall equally on Vermont's communities. It fell on a land type — and that land type is distributed across the state in a pattern that is anything but random.

Communities where conservation runs through deed restrictions and easement transactions — Stowe, Woodstock, the Champlain Valley towns with active land trust relationships and VHCB-supported conservation projects — have the institutional infrastructure to execute permanence-based protection. Their conserved acres count under §2801(6). Their landscapes are well served by a definition built around the permanence instrument, because the wealth and professional networks required to access that instrument are present. A conservation easement requires legal counsel, title work, transaction costs, and ongoing stewardship monitoring. It is accessible primarily to landowners with the financial resources and professional connections to navigate that process.

Communities where conservation runs through forest management plans, county forester oversight, and annual stewardship commitments — Townshend, Moretown, Cabot, the working hill towns where families have maintained forestland under state oversight for decades and where the economics of active forestry are already marginal — face the definitional failure from both sides simultaneously. Their enrolled acres do not count toward Vermont's conservation goals. And when they engage regulatory processes to push back against instruments built on the permanence-only standard, they cannot invoke their enrollment as conservation standing — because the statute they have complied with for decades has declared it insufficient. The community that built Vermont's working landscape conservation record is the community that has been stripped of the legal language to defend it.

The stakes of that definition extend beyond the Conservation Plan itself. Act 181 of 2024 — Vermont's comprehensive land use reform — explicitly names the conservation vision and goals established in §2802 of this title as part of its own statutory purpose (10 V.S.A. §6000). Act 181 is downstream from Act 59 by design. The Tier 3 maps currently in rulemaking draw their ecological framework from Vermont Conservation Design — the same data infrastructure that Act 59's permanence-only definition inherited

and encoded. A definition that makes enrolled working lands invisible to Act 59's conservation accounting has already made them invisible to Act 181's regulatory maps. The Conservation Plan is not just setting conservation goals. It is setting the definitional foundation for Vermont's entire land use framework.

Our spatial analysis makes this concrete. The sub-25-acre at-risk parcels — the genuinely unprotected corridor land where development pressure is real — are concentrated in high-growth resort communities. Stowe at \$95,398 per acre average with 45% out-of-state ownership. Ludlow at \$48,912 per acre with 87% out-of-state ownership. Dover, Stratton, and Killington showing similar profiles. These are parcels where the permanence instrument is appropriate — where development intent is plausible, where capital is available to navigate conservation transactions, and where the economic incentive to develop is real.

The enrolled working lands population is concentrated in a different kind of community entirely. Townshend recorded 37 deaths and 12 births in 2025 (Town of Townshend Annual Report, Town Meeting Day 2026). The central challenge for communities like ours is not managing rapid growth. It is keeping enough working families here to sustain the community at all. In these communities, a family's enrolled forestland is not a speculative asset. It is the primary collateral for farm operating loans, the financial foundation for succession planning, and often the only thing making continued stewardship economically viable.

The threat to the corridor in slow-growth working communities is not the willing seller — the landowner who wants to cash out and develop. It is the unwilling seller: the working family that never planned to develop, enrolled in Current Use precisely to keep the land forested, but whose economic margin is thin enough that rising costs, thinning timber markets, or additional regulatory burden tips the balance. That family doesn't withdraw because they want to. They withdraw because they have no choice. And when they do, Vermont loses an enrolled steward who was maintaining the corridor voluntarily for decades — and gains an unprotected parcel.

The causal chain runs in one direction: viable forest economics keep landowners enrolled; enrolled landowners keep land forested; forested land produces the conservation outcomes Vermont's corridor is meant to protect. A conservation definition that makes working landscape stewardship invisible to the accounting — and a policy infrastructure built on that definition — disrupts the first link in that chain. It does not produce more conservation. It produces more development, from the families least equipped to absorb additional burden and most dependent on the voluntary compact to survive.

The communities most exposed to the consequences of the permanence definition are not the communities that shaped it. They are the communities that were not in the room. The Conservation Plan has an obligation — written directly into §2804(b)(4)'s mandate to recommend strategies enhancing Vermont's commitments to working lands enterprises and rural landowners — to ask whether that absence was appropriate. And to correct it.

## **6. Vermont's Definition Is a Statutory Outlier — and a Missed Opportunity**

Vermont's §2801(6) permanence definition is not a reflection of national best practice. It is the most restrictive conservation accounting standard in any major 30x30 framework in the country — and the contrast with comparable programs is not subtle.

California's 30x30 program, the most fully implemented in the United States, uses a "durably protected and managed" standard that explicitly includes working forests and agricultural lands enrolled in long-term stewardship programs. Working ranches managed for biodiversity count. Forest lands under sustained management plans count. The instrument of commitment matters less than the ecological outcome it produces.

The federal America the Beautiful framework counts Conservation Reserve Program enrollments — 10-to-15-year voluntary contracts at \$78 per acre annually, with no deed restriction, no permanent commitment, and an explicit expectation that the land returns to agricultural use at contract expiration. If a

temporary voluntary contract with a federal payment counts toward America the Beautiful's working lands accounting, it is difficult to explain why a 44-year unbroken record of voluntary enrollment in Vermont Current Use — with a land use change tax that creates genuine financial commitment — does not count toward Vermont's 30x30 goal.

New Mexico's 30x30 executive order explicitly counts traditionally managed working landscapes. Maine counts working forest easements. Massachusetts counts agricultural preservation restrictions. Oregon, Washington, and Colorado all recognize functional conservation standards that extend beyond fee acquisition and deed restriction.

Vermont stands alone. And it does so in a state that has, by any honest accounting, achieved more voluntary working lands conservation than any of them.

The explanation is not that Vermont's Legislature made a more conservative policy choice than California or the federal government. Vermont's drafters made a deliberate choice to use VCD's data architecture as their conservation accounting framework — partly to create an aspirational gap that required new conservation investment to close. But they misread what that architecture was measuring. VCD's permanence-only data did not reflect VCD's definition of ecological conservation. It reflected VCD's measure of development threat reduction — where the land would be lost if investment didn't follow. The drafters applied a threat metric as a conservation standard, thinking they were applying VCD's conservation definition. Every other state that adopted a functional 30x30 standard looked at its working landscape and asked: does this land function ecologically? Vermont looked at its data infrastructure and asked: does this land have a deed? The answers pointed in opposite directions.

The missed opportunity is not merely definitional. It is strategic. Every state that has adopted a functional conservation standard has done so because it recognized that deed-based protection alone cannot reach most of the at-risk landscape — that the landowners who hold the ecologically significant private land are not, in most cases, the landowners who can access conservation easement transactions. Vermont knew this. The Current Use program was built on exactly that recognition in 1978. The program's 47-year track record confirmed it year after year.

The Conservation Plan cannot undo that choice unilaterally. But it can recommend the correction. §2803(b)(1) directs the Plan to review the three conservation categories and suggest modifications that maintain or complement their core concepts. §2804(b)(4) directs the Plan to recommend strategies enhancing Vermont's commitments to working lands enterprises and rural landowners. A recommendation to amend §2801(6) to adopt a durability-and-function standard would fulfill both mandates directly, resolve the contradiction the Legislature embedded in the statute, and align Vermont with the functional conservation standards that comparable states have already adopted.

Vermont should not be the last state to count what it built.

## **7. The Ecology Supports Both/And**

The permanence-plus-passivity standard — as reflected in §2801(6) and as advocated most explicitly by the organizations that shaped it — rests on an ecological assumption: that passive management produces better conservation outcomes than actively managed working forests. That assumption is contested in the scientific literature and contradicted by Vermont's own institutional record.

Vermont's forests are predominantly second- and third-growth northern hardwood systems. They are not old growth. They evolved under conditions of natural disturbance — hurricanes, wind, flooding, fire, beaver activity, Indigenous land management — that maintained a mosaic of forest ages, structures, and successional stages. That mosaic is what produced the biodiversity Vermont is known for. The US Forest Service's own research concludes that passive management does not necessarily remedy degradation from past management, and that at the landscape scale, passive management that ignores restoration needs may be self-fulfilling prophecies of forest fragmentation and landscape dysfunction. Vermont Fish and Wildlife is direct: young forests resulting from natural disturbance or logging regenerate to aspens

and cherries that are especially important for ruffed grouse, American woodcock, chestnut-sided warbler, and bobcat — species that cannot be sustained in a uniformly mature closed canopy. Vermont’s own Department of Forests, Parks and Recreation states plainly that active forest management improves wildlife habitat, carbon sequestration, biodiversity, forest health, and water quality.

A peer-reviewed study of temperate forest ownership patterns found that mixed-ownership landscapes — actively managed working forests alongside reserve areas — cover a more diverse mosaic of habitats than landscapes of any single ownership type. Federal research on private lands conservation concludes unambiguously that public lands alone are insufficient to address the needs of most at-risk wildlife species in the eastern United States, and that engagement with private landowners is essential.

None of this argues against old growth, passive management, or forest reserve areas. Those are genuinely valuable. The argument is that neither passive nor active management alone produces the best ecological outcomes. The science consistently points toward heterogeneity — the mosaic, the both/and. Vermont’s Current Use framework, as it has evolved over 47 years, already embodies this. Managed Forestland supports active management and structural heterogeneity. Reserve Forestland allows stands to develop old-growth characteristics. The Wildlife Corridor Forestland category we propose in Section 8 would bridge the two — providing a stewardship pathway calibrated specifically to corridor ecological function. The permanence-plus-passivity standard sacrifices one half of that mosaic. It does not protect Vermont’s ecology. It narrows it.

## 8. What We Are Asking

The Conservation Plan has both the authority and the obligation to recommend the following four actions to the Legislature. The first two require statutory amendment — the same legislative vehicle, introduced together. The third and fourth are administrative actions the Plan itself can direct.

### Ask 1: Amend §2801(6) — Replace Permanence-Only with Durability-and-Function

We ask the Plan to recommend that the Legislature amend 10 V.S.A. §2801(6) to replace the permanence-as-deed standard with a durability-and-function standard modeled on California’s 30x30 framework. The amendment should recognize that land durably protected and actively managed to sustain functional ecosystems — including land enrolled in long-term stewardship programs with enforceable commitments and demonstrated compliance — counts toward Vermont’s conservation goals.

The amendment resolves the statutory contradiction at the heart of the Conservation Plan process. §2803(b)(1) directs the Plan to develop criteria for what working lands count as natural resource management areas — which presupposes working lands can count. §2804(b)(4) directs the Plan to recommend strategies enhancing Vermont’s commitments to working lands enterprises and rural landowners. §2801(6)’s permanence definition forecloses both mandates. Amending the definition unlocks them — without requiring restructuring of the three conservation categories, which remain intact. It simply allows enrolled working lands to be counted within the natural resource management area category where they ecologically and managerially belong.

Proposed statutory language:

*“Conserved” means durably protected and managed to sustain functional ecosystems, and meeting the definition of ecological reserve area, biodiversity conservation area, or natural resource management area as defined in this section, or meeting criteria established by the Secretary for working forest and agricultural lands that are enrolled in long-term stewardship programs, subject to enforceable commitments and public accountability, and that demonstrably support the connectivity and biodiversity goals of Vermont Conservation Design.*

## **Ask 2: Simultaneously Revise §2802 — Set Goals Commensurate with Vermont's Achievement**

The definition amendment should be accompanied by a simultaneous revision to §2802's conservation targets. A statewide spatial analysis using the VCGI Use Value Appraisal parcel layer and the Vermont Protected Lands Database — both ANR public datasets, processed in QGIS 3.44 using a Union and Dissolve methodology — shows that 3,615,600 acres of Vermont — 61.3% of the state's land area — is already enrolled in Current Use or permanently conserved under a corrected accounting. Vermont is not at 27% conserved. It is at 61.3% durably stewarded. Goals set to create an aspirational gap that excluded Vermont's greatest conservation achievement should be revised accordingly. We recommend three parallel targets: 30% permanently conserved by 2030 — maintaining the existing permanence goal and the urgency of conservation investment on genuinely at-risk land; 70% conservation mosaic by 2030 — enrolled working lands and permanently conserved lands counted together, requiring roughly 513,000 additional acres of new enrollment or permanent protection above the 61.3% baseline; and 80% conservation mosaic by 2050 — a generational commitment requiring Vermont to bring approximately 1,100,000 additional acres into durable stewardship over 25 years.

These are not softer goals. The 70% mosaic target alone requires more new stewardship than the entire genuinely at-risk corridor population — 765,005 acres — plus an additional 250,000 acres statewide. The 80% mosaic target is a genuine generational stretch. They are honest goals because they count the working landscape compact that actually built this state's conservation record. Vermont should not be the state that set the lowest ambition for the tool it perfected.

## **Ask 3: Develop Criteria Under §2803(b)(1) — Make Enrolled Working Lands Legible to the Natural Resource Management Area Category**

§2803(b)(1) directs the Plan to develop criteria for what agricultural and working lands qualify as natural resource management areas. We ask the Plan to develop those criteria using two standards: location within a VCD Highest Priority Connectivity Block, and compliance with a state-approved stewardship commitment — either an existing Current Use forest management plan or the Wildlife Corridor Forestland category described in Ask 4. These criteria do not require waiting for the statutory amendment — the Plan can develop them administratively and recommend their adoption contingent on the §2801(6) fix.

The VCGI Current Use Program Properties dataset, published April 1, 2026 as the first official public dataset joining enrollment data with statewide parcel geometry, provides the technical infrastructure to apply these criteria immediately. ANR and VHCB can identify which enrolled parcels fall within VCD corridor blocks, classify them under the natural resource management area category, and produce an inventory that reflects what Vermont's working landscape actually looks like. The data exists. The statutory mandate exists. The definition fix is what connects them.

## **Ask 4: Recommend the Establishment of the Wildlife Corridor Forestland Category Within Current Use**

The operational mechanism that makes Ask 3 concrete — and that fills the enrollment gap our spatial analysis reveals — is a new third forestland enrollment category within Current Use: a Wildlife Corridor Forestland category sitting alongside the existing Managed Forestland and Reserve Forestland categories.

Vermont's two existing forestland categories leave a significant gap. Managed Forestland requires a forest management plan oriented toward "growing and harvesting repeated forest crops" — a timber production framework that does not fit a landowner who wants to steward their forest for wildlife habitat, water quality, and ecological connectivity without committing to a harvest schedule. Reserve Forestland, added by Act 146 in 2022, has narrow eligibility criteria: parcels under 100 acres must have 50% or more of enrolled land meeting sensitive and significant ecological conditions. Only 6,225 acres are enrolled statewide. The result is a gap that no existing category reaches — the Vermont family that owns 40 or 60 or 80 acres of corridor forest, wants to steward it thoughtfully, has no interest in development, but also

has no interest in a timber harvest schedule and cannot qualify for Reserve Forestland. They show up in our spatial analysis as 25+ acre at-risk corridor parcels — parcels whose land values are indistinguishable from enrolled working lands, whose owners are overwhelmingly in-state Vermont families, but who have no enrollment pathway that fits their stewardship intent.

A Wildlife Corridor Forestland category would address this directly. It would require a stewardship plan — not a forestry plan — oriented toward ecological function: habitat connectivity, water quality, invasive species management, and wildlife corridor maintenance. Plans would be approved by the county forester or a qualified resource professional. Active timber harvesting would not be required. Eligibility would be tied to location within a VCD priority corridor block, making the corridor science the enrollment criterion rather than the regulatory trigger.

The category's primary enrollment population is the 25+ acre at-risk corridor parcels — 2,708 parcels, 168,450 acres, eligible for Current Use today but lacking a category that fits their stewardship intent. Their average land value of \$2,523 per acre is essentially identical to the \$1,739 per acre average for enrolled corridor land — confirming these are working lands in character held by families without a voluntary pathway that matches what they are trying to do.

A secondary ask, which can be advanced independently, is a reduced acreage minimum for the Wildlife Corridor Forestland category. 90.5% of at-risk corridor parcels — 25,773 of 28,481 — fall below the 25-acre Current Use enrollment minimum. They are structurally ineligible for the voluntary pathway regardless of owner intent. The case for a lower threshold has three parts. First, scale: if nine of ten genuinely at-risk corridor parcels cannot access the voluntary stewardship pathway because of the acreage threshold, the threshold is structurally working against the corridor's ecological function. Second, behavioral evidence: these sub-25-acre parcels are inside VCD highest priority connectivity blocks, which by definition are mapped as contiguous unfragmented forest. They are still forested. If their owners had development intent, the forest would already show fragmentation. Intact forest cover on high-value land is behavioral evidence of stewardship disposition — owners making de facto conservation choices without any program relationship with the state. Third, program logic: if the purpose of the Wildlife Corridor Forestland category is ecological function within VCD-mapped corridor blocks, the acreage threshold should be calibrated to that ecological goal rather than inherited from a timber production framework designed for a different purpose. A lower threshold — whether set at 10 acres, 15 acres, or another ecologically defensible minimum — would extend the voluntary pathway to the structurally ineligible population.

The sequencing is straightforward: establish the Wildlife Corridor Forestland category first to reach the willing 25+ acre landowners already eligible but lacking a fitting category; pursue the acreage threshold reduction as a follow-on to reach the sub-25-acre population. Vermont's 44-year unbroken record of enrollment growth — in a program with no exit penalty — is the strongest evidence available that the voluntary compact works. The at-risk population is an enrollment gap, not a stewardship failure. It calls for an enrollment solution, not a regulatory one.

## 9. Conclusion

Vermont's conservation tradition is Both/And. It always has been. The Green Mountains were not saved by deed restrictions alone — they were saved by working families who enrolled in a voluntary compact, renewed it year after year, and built the most successful private working lands conservation record in the northeastern United States. That tradition deserves to be counted. It deserves to shape the goals Vermont sets for itself. And it deserves a Conservation Plan that builds on it rather than one that, by the accident of a data misreading promoted into a statutory definition, declares it insufficient.

The permanence requirement in §2801(6) entered the statute through a deliberate choice to use VCD's data architecture as the accounting framework — but a choice based on a misreading of what that architecture was measuring. VCD was tracking development threat, not defining conservation. The drafters applied a threat metric as a conservation standard without recognizing that is what they were

doing. The result is a statute that treats Vermont's most successful conservation instrument as invisible — and a Conservation Plan process paralyzed by a contradiction the Legislature embedded without intending to.

The correction is within reach. Amend §2801(6) to adopt a durability-and-function standard. Revise §2802's targets to reflect what honest accounting shows. Develop the criteria that make enrolled working lands legible to the natural resource management area category. And recommend the Wildlife Corridor Forestland category as the operational mechanism that fills the enrollment gap the spatial data reveals.

Vermont built something remarkable over fifty years. The corridor is not failing. It is being held by enrolled working lands families who have renewed their voluntary commitment year after year, in a program with no exit penalty, for 44 consecutive years of unbroken growth. A Conservation Plan that sees them — that counts them, that builds on what they built, that sets goals commensurate with their achievement — would be the most honest and the most ambitious conservation plan Vermont has ever produced.

We are trying to remain intact as communities as much as landscapes. The Conservation Plan should help us do both.

Respectfully submitted,

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