

Vermont Conservation Strategy Initiative – Agriculture Working Group
Meeting #6, March 6th 2024, 11 am – 1 pm on Zoom
Meeting Notes

Meeting Recording:

<https://us02web.zoom.us/rec/share/7EACKvsoix7D2lr2PiB1vbSsl82BJ1VJntH9xCCQCRiONisRY4el1go6RTeKdGXX.-HcGg8glqbiSc4sw>

Passcode: 4d8@@JpL

Notes taken by Holly McClintock, VHCB

Co-Chair and facilitator: Stacy Cibula (VHCB)

Co-Chair: Ryan Patch (VAAFAM)

In attendance:

- David Blodgett (NRCS)
- Isaac Bissell (VHCB)
- Jennifer Byrne (White River Natural Resources Conservation District)
- Eric Clifford (Dairy Farmer, Champlain Valley Farmer Coalition)
- Caroline Gordon (Rural Vermont)
- Stephen Leslie (Cedar Mountain Farm, Vermont Healthy Soils Coalition)
- Scott Magnan (Franklin/Grand Isle Farmers Watershed Alliance)
- Jen Miller (NOFA-VT)
- Tyler Miller (Vermont Land Trust)
- Ryan Patch (VAAFAM)
- Judson Peck (VAAFAM)
- Mike Snow (Connecticut River Watershed Farmers Alliance)

Stacy opened by discussing the goal for the meeting, which will be a review of the redrafted mission statements (edited to incorporate feedback from the group in the last meeting). These redrafted statements were provided to the group prior to the meeting and can be found on the VCSI website: [3-6-24 Meeting Materials -Draft Revised Position Statements and Survey Responses.pdf \(vhcb.org\)](#).

In response to the group's request for more data from the last meeting, Judson Peck with the Vermont Agency of Agriculture, Food, and Markets (VAAFAM) began the meeting by presenting a GIS analysis of key data points on farmland in the state.

Judson shared his screen.

This data was originally provided by The Nature Conservancy, compiled via a geospatial overlay that evaluated only land that is permanently secured for agricultural use.

In Vermont, **226,623** acres of agricultural land are protected via an agricultural conservation easement. Breakdown of land use within this broader "conserved agricultural land":

- **Agriculture:** 127,744 acres (56%)

- **Forest***: 75,932 acres (34%)
- **Wetland**: 22,947 acres (10%) (*Class I & II Wetlands: 6%*)

**Unable to determine geospatially – area as reported was calculated by subtracting wetland acres and cropland acres from the total conserved acreage.*

As of 2016, within the 127,744 acres of “agriculture”, the breakdown of crop type is as follows:

- **Hay**: 94,998 acres (74%)
- **Crops**: 31,433 acres (25%)
- **Pasture**: 1,314 acres (1%)

Soils on conserved agricultural land:

- **Statewide**: 96,124 acres (42%)
- **Not Prime, State, or Locally Significant**: 90,007 acres (40%)
- **Prime**: 40,178 acres (18%)
- **Local**: 314 acres (0%)

Act 250 Proposed Critical Resource Areas include the following: 1) River Corridors, 2) Wetlands, 3) Elevation >2,000 ft, and 4) Areas with > 15% Slope and Shallow Depth to Bedrock (<20 inches).

- **Conserved agland within a CCA**: 52,510 acres (23%)
- **Conserved agland NOT within a CCA**: 174,113 acres (77%)

Judson also included some takeaways about agricultural land across the state, conserved AND non-conserved:

- 10% of all agricultural land sits on Prime, Statewide, or Local soils of agricultural significance.
- 18% of all agricultural land in Vermont is protected within a conservation easement.
- 2% of all agricultural land is within a Critical Resource Area.

Judson states that the reason forest type is blank on the right side of the screen is because he was unable to process geospatially the amount of forested land within non-conserved agricultural parcels.

Caroline would like an expansion of Judson’s data on all agricultural land in the state (including land that has not been conserved). This may include exact acreages within soil classifications, land use, land within a floodplain, and participation in additional forms of protection, such as enrollment in Current Use or certified organic. This data would be helpful to evaluate the potential for future farmland conservation.

Judson doesn’t have Current Use or organic data, but says that he can look into this as requested. He shares his screen to share figures in relation to prime soils, critical resource areas, and total acreages.

Jennifer asked about forests, which account for 34% of land within an agricultural easement, but framed as being siloed within this dataset. She asked what the practical difference is between forests that are conserved within an *agricultural* easement, and forests that are conserved in a *forest* easement.

Isaac answered that there is not much of a difference in forest conversion potential between these two types of easements. It depends on the terms of the easement, but generally, >25 acres in an agricultural

easement requires a Forest Management Plan that restricts harvesting and conversation, and it is logistically very difficult to convert forests into agricultural land in other ways as well. Tyler agrees.

Seeing this data, Jennifer is concerned that the inventory may not accurately represent the reality of how agricultural land is used across the state. She suggests diving deeper into the nuances of these numbers to flesh this out.

Ryan pointed out that conservation goals of protecting prime soils has been effective, as captured in this data. 15% of prime or statewide soils have been conserved, which is good progress, but as one group member points out, there's a long way to go. Stacy added that this is not only a statewide priority, but a priority for federal funding programs.

There's a request that all of the data shown today be shared with the group for each individual to analyze [which was later emailed to the entire working group].

Caroline expressed that a high proportion of conserved land is used for hay is a positive sign, though some of the documented land may also be used for pasture. She recommended including this in the report, since the science points to the great biodiversity benefit of haylands and grasslands.

Isaac opened a discussion about the revised statements that were sent to the group for review. These are available for viewing on the VCSI website: [3-6-24 Meeting Materials -Draft Revised Position Statements and Survey Responses.pdf \(vhcb.org\)](https://www.vhcb.org/files/3-6-24%20Meeting%20Materials%20-Draft%20Revised%20Position%20Statements%20and%20Survey%20Responses.pdf)

Isaac explained that the newly-revised statements address two primary goals, summarized on his shared slides and below:

- 1. "All agricultural lands are a critical resource that is increasingly under threat of development. The protection of this resource furthers Vermont's food security, climate resilience, and the Conservation Vision described in section 2802(1) of Act 59."**

Isaac elaborated; the intent with this point is to convey the importance of agricultural land beyond just biodiversity.

- 2. "Even without having a firm definition for 'protecting and restoring biodiversity', the majority of the acreage associated with agricultural easements will always either be forested or otherwise utilized in a manner that supports and restores biodiversity."**
 - At present, lands protected by agricultural conservation easements are 33% forested, 43% pasture or hay, 14% in annual crop production, and 10% wetlands.
 - While agricultural conservation easements allow for the limited conversion of forestland to agriculture, the areas of conserved agricultural lands where conversion to agriculture is possible, legally allowed, and practical are very limited.
 - There are significant portions of land in active agricultural production that are presently supporting and restoring biodiversity. Due to the trajectory of agricultural practices and

regulations, we feel confident that the percentage of productive agricultural land supporting and restoring biodiversity will increase over time.”

Isaac elaborated; this second point is a larger assessment of how farmland is being used, and how it may be defended for biodiversity even without a clear definition of the term.

It would be complicated to do further analysis of exact contributions based on the type of operation; and since the legislation also allows for recommendations of “complementary uses”, these statements don’t go into that kind of extensive parcel-by-parcel detail. Even without further parsing out those numbers, the majority of protected agricultural land is used in a way that fits within or complementary to the definition of “protecting or enhancing biodiversity”.

Isaac’s proposed conclusions read as follows:

1. “Section 2803(b)(1) of Act 59 provides for the ability to develop any modifications or additions to the three conservation categories defined in Section 2801 provided they maintain or complement the core concepts of the three conservation categories.
2. The majority of the lands subject to agricultural conservation easements will always be managed in a manner that is supporting and restoring biodiversity, and those productive agricultural soils that are temporarily being managed in a manner that has the potential to harm biodiversity are critical natural resources that are worthy of protection for the sake of supporting food security, climate resilience, Vermont’s rural landscape, and working lands economy.
3. On this basis, the working group recommends including a category for conserved agricultural lands that will be included towards the goals of Act 59 due to the fact that all agricultural lands maintain or complement the three original categories.”

In summary: Most agricultural lands will support or enhance biodiversity. Any land that does not explicitly enhance biodiversity is still critically important for “complementary” reasons. For these reasons, all agricultural land is worthy of inclusion based on the definitions of the Act.

Isaac opens up to questions.

Ryan thought that the statements as written are thoughtful and appropriate. He recommended putting the conclusion first, potentially leading with a declarative statement such as: “*All conservation easements should count toward statewide conservation goals as articulated in Act 59 (2023)*”. He pondered how strongly the group wants to answer the question. He hopes other groups read the entirety of document, but they may not, so the group should carefully choose which statement leads.

Caroline asked about the process for providing formal feedback from the group on the recommendations before the document is finalized. She asked if this is intended to be the group’s sole deliverable to be included in the inventory, or if there will be more added, taking into consideration the group’s other charge to provide data about existing funding opportunities. She stated that the group still has not had a discussion about including a statement opposing about carbon markets and financing of farmland.

Isaac clarified that these statements are intended to be one portion of the deliverable, and there is still another discussion to be had about those lingering questions regarding existing conservation programs.

Isaac reminded the group that there is a public information session that) was scheduled for March 12th [note this has since been rescheduled to March 21], and asks whether or not the group would feel comfortable bringing this document before the public or not.

Stephen believed that the statements cover much of the existing discussion. To inform the conversation, he would like to see data on current participation levels of programs such as Current Use and carbon offsets.

- Isaac said that it's unclear if anyone is actually aggregating this carbon market data in the state, but the inquiry has been posed to partners. He believes that there's likely more involvement in the forestry sector compared to ag.

Scott wondered if the statements in the third paragraph allow for too much flexibility for a decision to be made by another party. In particular, the sentence about time constraints in particular could be strengthened.

- Jennifer agreed, pointing out the statement "*it is unnecessary to determine which agricultural lands and practices support and restore biodiversity in order to come to a conclusion*", and asked why this is unnecessary to determine.

As a bigger-picture question, Jennifer asked how these statements are going to go beyond "stating the obvious" that all conserved land should count as conserved; specifically, her interpretation of the group's role was to go beyond this question, and suggest other means of protection beyond perpetual easements that may be considered in the inventory or as future mechanisms for conservation. She did acknowledge that there may not be enough time to have this conversation robustly.

- Isaac countered that it's not obvious in the legislation that all agricultural land counts in the inventory. Part of the question is whether or not the inventory should be delineating which conserved parcels contribute to biodiversity and which ones don't. The point that these statements are trying to make are 1) most lands already will support or enhance biodiversity, and 2) the ones that don't are lands that are so critical for other reasons that it should be counted toward the state's conservation goals. He reminds the group that this is for consideration in a category beyond the three that were initially proposed in the legislation.

Two group members questioned the existence of this new category, saying that they were unaware that this category had been proposed.

Isaac reminded the group that the Conservation Categories Working Group (CCG) has been working on a parallel track as the AWG, and will be suggesting two additional categories in their recommendations to the Science and Policy Group: One for agriculture, and another for other lands that don't fit within the other four categories.

Jennifer is concerned that the Ag Working Group is being asked to respond to the decisions of other Committees without having access to their discussion, and without knowing who makes up those groups. She said it's not clear how the decisions of the other groups were made, and not communicated how those decisions intersect with the work of the Ag Working Group.

Caroline's memory of a previous conversation was that the AWG chose not to create an existing category, but rather to opt to provide an interpretation of how agricultural land fit in the Natural Resource Management category as defined in the legislation. Rural Vermont's participation in this work is contingent on fitting in the parameters of the Bill as written, and they are concerned about the other groups making the decision to splinter off agriculture.

Bob Zaino, as one of the co-chairs of the Conservation Categories Group (CCG), sees the two discussions as being intrinsically distinct. The CCG was tasked to evaluate the definitions of the three categories as they were proposed in the Act, making sense of them and proposing additional categories if it would be helpful.

The CCG is not deciding which categories are included in the inventory; they are simply interpreting the categories themselves. The CCG has been clear all along that deciding which agricultural lands count within each category is not their jurisdiction; that is the decision of the Ag Working Group.

As for publically available information, he stated that there has been a public roundtable, in addition to a draft document explaining their decision on the VCSI website that should be available to everyone. He encouraged the AWG to review the document if they have not already.

Bob explained the CCG's justification for creating an additional category for agriculture. The three categories as written relate to a specific kind of land; land that is made up of "natural cover". He says that agricultural land has a whole suite of other values and benefits beyond "natural cover", but they may not always fit within those "natural cover" groups. That said, it was important to provide an opportunity for those other values to count in another way for what they are. It was not a judgement on what their role is in supporting biodiversity, but to more accurately categorize land in Vermont.

Caroline asked for additional clarification. The description made it sounds like there was still the possibility that *some* agricultural land may be counted in one of the three initial categories, in addition to the land counted in the agriculture-only category.

Isaac clarified that the draft AWG position statements that he presented are recommending that all conserved agricultural land be counted in the newly-suggested agriculture category. He said that after hearing this, the group may take a step back to re-evaluate the question of whether or not there is justification for placing agriculture in the Natural Resource Management, or another of the initial three categories, but the AWG would need to be able to strongly defend the assertion that the land would enhance or support biodiversity. Isaac's take is that this would be a more challenging argument to make, as opposed to the argument in support of the complementary benefits of agriculture that would fall in that new category.

Caroline asked for clarification about which of the categories, as recommended by the CCG, are designated for agriculture.

Bob clarified the intention of the two new recommended groups:

New category #1: Conserved agricultural land that is supporting or enhancing biodiversity.

New category #2: Conserved land that may not necessarily support or enhance biodiversity, but provides critical other benefits that deserve inclusion in the inventory.

He reminded the group that the CCG is making *recommendations* to the Science and Policy Group in the same manner that the AWG group is; the CCG is not making any decisions. The two groups do not need to recommend statements that are fully in agreement. It is the job of the S&P group to synthesize the information from all groups.

Caroline responds to this from Rural Vermont's perspective. Rural Vermont requests a statement at the top of the document saying the following:

1. AWG is against tokenization of foreign engagement through parceled stakeholder groups within which the AWG is not at the table. Rural Vermont ties into this conversation specifically in relation to carbon markets, because the group will never have the authority to make a decision about how the land conservation that is being proposed through this 30x30 is financed.
2. The AWG agrees with the findings of the Payment for Ecosystem Services working group, and respects the jurisdiction of the Agency of Agriculture over agricultural practices. She does not want permanent conservation to be dictating agricultural practices, since that is the purpose of the Required Agricultural Practices (RAPs).
3. Agricultural land should be counted in the Natural Resource Management Category as a form of sustainable land management, regardless of the practices that are occurring on that land. She says that this would facilitate farmland access for farmers, instead of supporting private conservation groups attempting to purchase farmland.

There was some agreement with Caroline's third point, with one group member pointing out that many farms are working toward their own goals and improvements, and those efforts should be supported no matter where on the spectrum of "agriculture" those lands fall into currently.

Ryan thinks that the group could absolutely try to make the argument that sustainable land management can include agriculture.

Ryan shared his screen to provide some context on how the term "conversion" is defined, saying that the Payment for Ecosystem Services Working Group spent three years researching the different benefits of agriculture. His personal definition of conversion is "protection about permanent development of land to impervious surface", whereas other groups, such as The Nature Conservancy, define it differently (focusing more broadly on "development" and not impervious surface, since impervious surfaces may be managed on agricultural land.)

Ryan shared his screen to remind the group of the following definitions as they are used in Act 59:

1. **“Ecological Reserve Area** – An area having permanent protection from conversion and that is managed to maintain a natural state within which ecological processes and disturbance events are allowed to proceed with minimal interference.
2. **Biodiversity Conservation Area** – An area having permanent protection from conversion for the majority of the area and that is managed for the primary goal of sustaining species or habitats. These areas may include regular, active interventions to address the needs of particular species or to maintain or restore habitats.
3. **Natural Resource Management Area** – An area having permanent protection from conversion for the majority of the area but that is subject to long-term, sustainable land management.
4. **Conversion** – A fundamental change in natural ecosystem type or habitat, natural or undeveloped land cover type, or natural form and function of aquatic systems.
5. **Sustainable land management** – The stewardship and use of forests and forestlands, grasslands, wetlands, riparian areas, and other lands, including the types of agricultural lands that support biodiversity, in a way, and at a rate, that maintains or restores their biodiversity, productivity, regeneration capacity, vitality, and their potential to fulfill, now and in the future, relevant ecological, economic, and social functions at local, State, and regional levels, and that does not degrade ecosystem function. “

Ryan said that all agricultural land could fit within the Natural Resource Management category if a holistic view is taken toward the definition, but those who work in agriculture every day have a different worldview on the function than those who are not strictly within the sector.

For statements to support the point, he gave the following examples:

1. “Natural” is seen in the eye of the beholder; In the 1880s, almost all trees in Vermont were cut down, and these have since regrown.
2. There is biodiversity on croplands (bears use farms as important habitat)
3. A vast amount of forestland is managed by farmers, and the resources from the cropland are what enable the farmer to hold onto that land instead of selling it for development.

He does believe that agricultural land may very well just end up in its own category, which may lead farmers to feel disenfranchised, like their efforts are not being acknowledged.

Isaac said that there are two paths forward: 1) The AWG may go back to the drawing board to define all of the biodiversity benefits on every acre of agricultural land, regardless of practice, or 2) they may take the other path that was provided with the separate category, and emphasize all of the other benefits of farmland beyond just biodiversity. He believes that the former would be the more difficult of the two.

Jennifer agreed with Ryan, believing that the group should be bold in their statements. Ryan’s comment about The Nature Conservancy’s definition of “conversion”, may be leveraged that to argue how agriculture counts within the Natural Resource Management category.

On a broader note, she stated that the heart of the issue is exclusionary, and if 50% of land is protected for nothing but natural regrowth, it leaves very little area to grow food. She finds this especially problematic when private money, such as hedge funds, get involved, noting that it’s happening already

in Vermont. She believes that this is what The Nature Conservancy and the Vermont Land Trust want in the future, and may already be doing. She is not comfortable with this document or the statement itself if supporting those paths is the direction that the group wants to take.

Jen Miller asked if agriculture would be counted in the 30x30 inventory and plan if it's in that separate category. Isaac clarified that the statements as written attempt to make the argument that it should, based on the biodiversity benefits on most of the land, *and* the critical resources on farmland beyond explicitly biodiversity.

In that case, Jen asked if there is a real risk of a division in future funding opportunities if agriculture is within a separate category, adding that this take could be incredibly beneficial, or it could be dangerous.

Isaac stated that the legislation beyond the biodiversity question is supportive of agriculture.

Given that, Jen asked if there are ways to strengthen the farmland access component, or ways to promote and support programs that compensate farmers for additional practices to enhance biodiversity (with the premise that these are not permanent protection methods).

Caroline remarked on the following that she would recommend adding to build a stronger stance:

1. A statement about future policy development as it relates to future agricultural conservation, since she sees the siloing of agriculture as a threat to the group's autonomy.
2. More data and verbiage looking at the whole picture, including data referencing how much land is within agriculture, what the potential is, etc.
3. A statement against corporate land-grabs.
4. Calling out grasslands, which make up a significant portion of conserved land and are specifically highlighted in the definition of sustainable land management.
5. She does *not* support a statement that focuses solely on easements as a vehicle to facilitate conservation. She thinks if a definition is offered about the term, it offers a vehicle about the potential of incentives for farmers for conservation practices, without requiring them as per the definitions.

Ryan agreed with Isaac that it may be difficult to argue that all agricultural land should count. He posits whether or not it would be suitable to make the strong statement that all agricultural land should count, and suggesting that it *should* all be within the Natural Resource Management category, but ultimately leave it up to the legislature to decide where. He believes that the vagueness of the statements in the legislation provide ample flexibility to argue that land counts in any category. Isaac thinks that doing an "if this, then that" scenario could be useful.

Jennifer opposed this, saying that this approach would give decision makers an out.

Isaac responded that there's a chance that including all land would be rejected, so this provides an opportunity for us to pre-emptively respond.

Jennifer asked who the decision-making bodies are that may ultimately reject the statement, to which Isaac responds that ultimately, the lawmakers and the committees who drafted the legislation will read this from their own lens. Stacy backs this up.

Bob responded that his understanding of the process was that ultimately, VHCB and ANR will be the ones to draft the report that goes before the legislature. Isaac agreed.

- Later in the discussion, Ryan noted that while VHCB and ANR are ultimately writing the report, the legislature would be the one to add the additional categories that are being proposed. If the new categories are not added, it would open the door to agriculture not being counted in the Natural Resource Management area and thus not counted in the inventory.

The group broke for ~5 minutes.

Scott asked more about the potential pushback from decision makers and how it may play out. In particular, how can the AWG most effectively fend off concerns before they're presented?

Isaac responded that a potential point of pushback from his perspective involves monocropping of corn and the use of chemicals. The statements as originally drafted attempt to sidestep that conversation. He says it's an interesting question to consider.

Stephen believes that, from his experience, the state has made good steps forward over time and is generally on a good trajectory (neonics as a step back, but work is being done on these). He thinks that the RAPs are addressing water quality which then trickles down to soil quality, which he thinks should be changed. He asks why food security and resiliency were not originally proposed as primary goals, and why a resolution was needed to include these values. This leads him to question what the priorities and future of this work will entail.

Mike followed up that no matter how positive agricultural practices may be, the legislation still calls for "natural cover", and all agricultural land is "managed" in some way. He questions how the land could be logically counted in this literal reading of the Act.

- Ryan acknowledged that this is true (and noted that managed forests are also just that, managed by humans), but corrected that the legislation calls for natural cover or undeveloped. A couple of group members seconded adding a statement clarifying this distinction.

In response to a comment about how best to "push back" on opposition, Jennifer and Caroline reject the notion that our statements will be "pushing back". They believe that these recommendations are intended to be the AWG's interpretation of the legislation as written.

Isaac thinks that there is latitude for some framing conversations in these statements, as long as a statement is made about categorization, since that's the charge that we are asked to respond to. Isaac remarks that while it is important for agricultural land to remain in agriculture, there's also a strong argument for retaining some land for the sake of purely biodiversity.

The group pivots to logistics.

Stacy reminded the group that there is a public listening session on March 12th, but given that the group seems to need more time to come up with a stance to present, she recommends pushing back the listening session. There were no objections. The listening session was ultimately rescheduled for **Thursday, March 21st from 6pm-8pm.**

Jennifer opened a conversation about whether or not the group is comfortable being the only committee that is recorded and posted on the website. She is concerned that there has been a lack of transparency from the other groups.

Caroline stated that in a private meeting with Zoraya Hightower, she was promised that all of the meetings would be made available online. She also expressed disappointment that only the AWG meetings are posted online.

Stacy is happy to bring this request back before the larger group, and asked if any other group members agree. The following agreed:

- Dave
- Mike
- Tyler
- Eric
- Jen
- Ryan

Jennifer expressed that she doesn't feel comfortable being recorded until the other groups are recorded as well. Stacy says that she was told that it was the decision of each group whether or not to be recorded, and the recordings are essential for note-taking purposes and for group members who are unable to make a meeting.

- Jen noted the difference between recording for internal use and posting publically.

Several group members supported continuing to post recordings and materials, saying that the AWG is setting an example for other committees to follow suit.

The group decides to meet on March 13th, from 11-1 to continue this conversation before the public listening session.

Group adjourned.