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ADMINISTRATION SIGNING STATEMENT: CONCERNS RELATED TO PROCESS, TIMELINE AND CONSTRUCT OF THE GLOBAL WARMING SOLUTIONS ACT

Montpelier, Vt. – Executive Branch members of the Vermont Climate Council today issued the following statement:

Climate change is real and accelerating. We cannot disregard the steps we can and must take to prepare for the effects and impact on our planet. We know we must work to correct our current course. That said, no member of the Administration supports the overzealous process established by the Legislature in the Global Warming Solutions Act nor each and every action in the Climate Action Plan issued today.

Despite significant reservations with many of the recommendations, we all support moving the conversation forward. From the beginning we have expressed concerns about the process, timelines and construct laid out in the Act. As the Governor noted in his initial veto message, the Act rightly should have committed to the Executive Branch the development and implementation of specific initiatives, programs and strategies to carry out legislative policy. Rather, the Legislature created an unelected body, unaccountable to the voters, a majority of which are its own appointees to take on this Executive function.

Further, the Legislature imposed an unrealistic timeframe on the work it expected this body to accomplish which has resulted in an unfortunate lack of transparency into the impact of the Plan, particularly on rural Vermont and disadvantaged communities. Economic impact is human impact, and there simply hasn't been enough time to accurately estimate and understand the cost of the recommended actions, individually and cumulatively. We cannot support proposals which impose a fiscal commitment beyond the means of most Vermonters.

We find ourselves in the untenable position of having to vote up or down on a package of proposals that is overly broad, with many tenets only loosely tied to this work, and lacks detail consistent with the Act's requirement for "specific initiatives, programs and strategies." Despite significant issues with the Act, the Governor committed Executive Branch expertise and significant resources necessary to support the work of the Council. Collectively, our teams, as well as each of us individually, have dedicated hundreds upon hundreds of hours of time participating and engaging in these important conversations. This Administration has always believed in collaboration and working together to find the most effective means to accomplish a common goal: we know our climate is changing and we must take action to address its effects.

Furthermore, we have identified four areas of specific concern (below) where we don't believe there is a path to a successful outcome. In addition, we cannot support policy proposals which are impractical or infeasible. Our concerns with many of these proposals have been made clear during extensive deliberations in an effort to reach consensus and compromise.

Nearly every one of the more than 230 actions identified in the Plan needs some amount of additional study and scrutiny. Fortunately, and perhaps inevitably, the vast majority of the Plan's actions require Legislative process and action – the appropriate course for policy deliberations and appropriations under our Vermont Constitution. Vermonters must understand the impacts and support these ideas as a people. Without the informed and broad support of the people, this must not move.

Our votes today are neither a wholesale endorsement nor a total rejection of the Plan as presented. We reserve the right to support or oppose initiatives once further examined and detailed through the necessary, deliberative legislative process. As individual proposals are taken up by the Legislature, careful consideration will be given to how each can be structured to support the economy, the workforce and the most vulnerable.

To be clear, we are committed to continuing these important conversations with the Council and look forward to working with the Legislature to flesh out the details, the costs and benefits, and doing so in a public, deliberative, transparent process. We are especially grateful for the enormous commitment of time and capacity that so many Vermonters have invested in bringing us to today.

Specific Issue Dissents

Identified below are four significant areas of concern that we have raised in the course of the Council's deliberations and for which we don't believe there is a path to a successful outcome. This is not an exhaustive list, and it is possible that there will be other shared concerns about specific actions raised by fellow Councilors over the next several weeks.

Pathways for Adaptation and Building Resilience in Natural and Working Lands, Pathway 4, Strategy 2, Action d: Recommendation to Amend Use Value Appraisal (UVA) Program

We dissent from the recommendation that the Legislature make significant changes to the Use Value Appraisal (UVA or current use) Program, most notably the dramatic expansion of the opportunity for privately held parcels with 'Forever Wild' easements to be enrolled in the UVA Program. Changes to the UVA program have significant implications and consequences for tax policy and revenue that require careful examination. In short, an apparently simple tweak can have dramatic, unforeseen impacts on this tax program, effecting both landowners enrolled in the UVA Program and, more broadly, all Vermont taxpayers.

Pathways for Adaptation and Building Resilience in Natural and Working Lands, Pathway 4, Strategy 2, Action c: Consider establishing a state policy of no net-loss of natural and working lands

We dissent from the majority decision to recommend a state-wide goal of "no net loss" of natural and working lands, without the foundational building block: a clear definition of "natural lands." Absent a functional definition of "natural lands," the majority recommendation is overly broad, and overlooks how a "no net loss" goal is to be reconciled with the pressing needs to construct more housing and more renewable energy generation identified elsewhere in the plan. The goal as presently articulated leaves little room for economic development in the rural parts of Vermont, where such activity is desperately needed. Thus, absent further refinement, the "no net loss" goal at its worst translates to a moratorium on future development that could damage Vermont's ability to achieve sustainable prosperity. It also raises the prospect of hurting our efforts to mitigate climate change. Before advancing such an action, there is need for



significant discussion and careful consideration around choices to protect natural and working lands and their carbon sequestration abilities, choices to use that land in other ways to promote emissions reductions, resiliency, adaption, and an equitable approach to economic development throughout our state.

Cross-Cutting Pathways, Compact Settlement, Pathway 1, Strategy 2, Action b: Support the development of a statewide land use planning policy and implementation plan

We dissent from the majority decision to recommend state-level land use planning. Vermonters have repeatedly rejected a centralized approach to land stewardship in the past and advancing this action would be a distraction from other important work needed to implement the Climate Action Plan (CAP). Local leadership is critical when deciding how to use and develop land. Over many decades, Vermont has put in place numerous avenues for addressing land use planning, such as Act 250, and regional and local planning bodies. While these existing approaches have challenges and flaws, they are consistent with Vermont’s culture of respecting the will of local communities. Vermonters would be best served by the CAP focusing on measures that foster improved governmental coordination, which is both possible and necessary.

Transportation Pathways for Mitigation, Pathway 1, Strategy 4, Action a: Join the Transportation and Climate Initiative Program (TCI-P) when regional market viability exists

We dissent from the majority decision to recommend that the General Assembly spend time and resources during the coming session to pass legislation so that Vermont is “ready to act swiftly and join TCI-P as a participating jurisdiction.” Given the recent withdrawal of both Connecticut and Massachusetts from TCI-P, effectively rendering it inviable, this recommendation is premature and, if implemented, would needlessly foreclose the consideration of alternatives to TCI that may prove more conducive to promoting the best interests of Vermont on the timeline demanded by the Global Warming Solutions Act for attaining the Greenhouse Gas (GHG) emissions reductions. This turn of events has also been instructive, as it has laid bare the risks associated with relying on plans for reducing transportation GHG emissions that are not within Vermont’s control, such as the evolving discourse and judgments about TCI in other jurisdictions.

The majority rightly notes in the CAP that “the regional implementation timeline of the TCI-P remains uncertain” but stops short of acknowledging two critical implications of this uncertainty: first, that “uncertain” in fact may prove to be “never,” and second, that Vermont has no ability to predict or control whether or when there will be a TCI to join – a serious planning impediment when faced with statutory mandates for emissions reductions on a fixed timeline.

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