



Vermont Agency of Natural Resources

Office of Planning

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August 13, 2021

Holly R. Anderson, Clerk

Vermont Public Utility Commission

112 State Street – 4th Floor

Montpelier, VT 05620-2701

Re: 19-0855-RULE, Request for Presentation at Workshop on August 24, 2021

Dear Ms. Anderson:

The Public Utility Commission intends to discuss standards for forest clearing at the net-metering rulemaking workshop scheduled for August 24, 2021. The Agency of Natural Resources (“Agency”) requests approximately 20 minutes at the workshop to present on this topic. Specifically, the Agency proposes to present: (1) data regarding forest clearing at net-metering projects; (2) forest values and conservation policies; and (3) options to revise the net-metering rule to restrict forest clearing at preferred site net-metering projects. The Agency recommends that at least 10 minutes be set aside for discussion and submits the attached document as optional advance reading.

The Agency has other certificate of public good application process-related comments on the net-metering rule, including comments related to site plan requirements, wetland delineations, application and registration forms, standard certificate of public good conditions, and discovery limits. Rather than request a separate block of time to present on these topics, the Agency will address them as the Commission works through its agenda for the workshop or through written comments submitted after the workshop.

The Agency would like to use a slideshow for its presentation on standards for forest clearing. Please contact me if that will not be possible.

Respectfully submitted,

/s/ Kevin Anderson

Kevin Anderson

Regulatory Policy Analyst

Vermont Agency of Natural Resources

Encl: (1)

cc: Service List (by ePUC only)

Suggested Options to Reduce Forest Conversion for Net-Metering Development

Vermont Agency of Natural Resources, August 13, 2021

Option 1: Prohibit Preferred Site Development at Forested Sites

Revise the definition of preferred site in Rule 5.100 (“Rule”) to exclude forested sites. Define forested site in the Rule. For example:

“Preferred Site” means a site that is not a forested site and is one of the following...

“Forested Site” means a contiguous area of forest in any stage of succession and not currently developed for nonforest use.

The above definition of forested site is based on the definition of forest block in 24 V.S.A. §4303.

This option is the most restrictive, essentially preventing all forest conversion, though would only apply to Category II and III systems, *i.e.*, those systems that must be on, and receive beneficial siting adjusters for being on, preferred sites. Category I and IV systems would be unaffected. If desired, this prohibition could be targeted to specific preferred sites rather than all preferred sites.

Option 2: Prohibit Excessive Forest Conversion at Preferred Sites

Revise the definition of preferred sites in the Rule to prohibit “excessive” forest conversion. For example, append to the end of the definition of preferred sites, “provided the net-metering system would not result in excessive forest conversion,” then define excessive forest conversion as one or a combination of the following:

“Excessive Forest Conversion” means forest clearing for the project in an amount greater than X acres.

“Excessive Forest Conversion” means forest clearing for the project in an amount greater than X times the area occupied by the energy generation component of the project.

“Excessive Forest Conversion” means forest clearing for the project that would result in a ratio of capacity, in kW, to acres of forest cleared that is lower than X:1.

This option allows for limited forest conversion but requires identification of a threshold for excessive. Option 2 only applies to Category II and III systems and could be targeted to specific preferred sites.

Option 3: Repeal Joint Letter or Enact Standards Requiring Consideration of Forest Impacts

70 percent (143 acres) of forested acres proposed for clearing at net-metering projects since July 1, 2017 would occur at preferred site (7) – municipal plan designation/joint letter of support. Just 6 of these 101 projects were municipal plan designations (*i.e.*, not joint letter of support projects). Repealing the joint letter option as proposed in the April 15, 2019 draft of potential changes to the Rule may curb forest conversion. Alternatively, enacting standards that require local and regional bodies to consider project impacts on forests—as articulated in Title 24, Chapter 117¹—may result in less support letters being issued for projects that would involve forest conversion.

¹ See 24 V.S.A. §4348(a)(2)(F) and 24 V.S.A. §4382(a)(2)(D).