



H.B. LOGGING LLC



27 May 2022

Holly R. Anderson
Clerk of the Commission
112 State Street
Montpelier, VT 05620-2701
(802) 828-2358

Re: Proposed Amendments to PUC Rule 5.100 Pertaining to the Construction and Operation of Net-Metering Systems

Via Email: puc.clerk@vermont.gov

Dear Ms. Anderson:

As a principal of HB Logging, a large employer, landowner, hunter, outdoorsman and resident, we are concerned with the proposed rule changes by the Public Utility Commission regarding construction and operation of Net Metering Systems with the state of Vermont. At HB Logging, we have been fortunate to have some success in cultivating a talented staff by offering stable year-round employment. Most of our logging operations occur in the wintertime when the ground is frozen; the hard ground allows for the successful harvesting and removal of timber while minimizing erosion potential. Part of our success can be attributed to working in the renewable industry, which allows us to maintain staff in the springtime by shifting to renewables work when logging sites traditionally shut down for Vermont's mud season.

As a recently recognized professional in the forest industry, we would like to point out some discrepancies with the proposed rules, accepted forestry practice, and perhaps in our view common sense. The proposed rule changes are highlighted by underline in the following text, and our comments will follow in *'italics.'* We offer the following comments.

"Preferred Site" means one of the following, provided that the site does not require significant forest clearing.

"Significant Forest Clearing" means clearing of more than one acre of a forest block. For purposes of this rule, the term forest block means a contiguous area of forest in any stage of succession and not currently developed for non-forest use. A forest block may include recreational trails, wetlands, or other natural features that do not themselves possess tree cover, and uses exempt from regulation under subsection 4413(d) of Title 24.

We find the proposed wording of "significant forest clearing" to be overly broad, unduly burdensome, vague and contrary with forest management practices. A 'significant forestry block' is proposed to be defined as being larger than an acre. True forestry management practices allow for and requires cultivation and harvesting of timber on a rotational basis. Forest clearing is an integral component of forest management. We ask why is the renewable industry unreasonably restricted, when an ordinary landowner can harvest the timber off their parcel of say 10 -25 acres in size? In our experience, it is not unusual for a typical three-bedroom single family home with on-site water supply, wastewater disposal, driveway, and garage to require

"Five generations of timber harvesting"

more than one acre of clearing. Does this restriction preclude the landowner for installing a net metering array?

The inclusion of recreational trails in the definition of a forest block unduly encumbers a landowner. Often trails are established by hunters, hikers, or neighbors, and are used continuously sometimes with but mostly without landowner permission. While landowners are somewhat protected if someone gets injured on their property, we fear language indicating that even the existence of a trail on a property may constitute a forest block would encumber said property should a landowner wish to develop it in the future. This regulation may force a landowner to post and prevent public access of their property to preserve future development rights. We feel this is contrary to the Vermont tradition of open access.

The wording "forest in any stage of succession" in the above definition also prohibits a parcel that has been in normal management rotation from being eligible to install renewable attributes. Again, we find the wording "any stage of succession" to be overly broad, far reaching and confusing. If the timber is harvested from a parcel, and the landowner wanted to establish a pasture, is the installation of a renewable attribute now prohibited? What if the landowner wanted to build a single-family dwelling, are they prohibited from installing a 20-kW solar array? Does the PUC intend to take jurisdiction over all forested lands greater than one acre in size?

Statistics may vary but we feel that Vermont has about 75% to 85% forested lands. At the current rate of timber harvesting, we will not create any noticeable reduction in the amount of forested vegetation. By putting additional restrictions on forested lands, the state will put additional development pressure on agricultural lands.

Large landowners must often do creative financial things to maintain their holdings. While there are certainly programs that help to preserve the "current use" of a parcel eventually a landowner expects a return on their investment. Revenue generating things like harvesting the timber, of leasing of a sugarbush, or leasing a portion of their holding to incorporate a solar array can provide long term income and prevent parcel and in turn forest fragmentation.

It has been our experience that not all forestland is good for the forest, and lack of, or poor management practices only prolongs the period until the forest becomes productive. We make our living on the forest and pride ourselves on good forestry management and harvesting practices. We would encourage the PUC to eliminate the proposed restrictions on forestland development in the current rulemaking process.

Respectively Submitted

Heath Bunnell
President, HB Logging