

October 7, 2021

Holly R. Anderson, Clerk
Vermont Public Utility Commission
112 State Street, 4th Floor
Montpelier, Vermont 05620

Re: 19-0855-RULE

Dear Ms. Anderson:

The Mount Ascutney Regional Commission (MARC) appreciates the opportunity to comment on the potential changes to Rule 5.100. This letter is in response to post-workshop comments submitted by the Vermont Agency of Natural Resources (ANR) in a letter dated September 24, 2021.

We appreciate the concern about forest conversion. ANR recommends option 2, which involves prohibiting "excessive forest conversion" at preferred sites. MARC agrees that it is the preferable of their three options. We feel strongly that the "joint letter" option to determine preferred sites be kept under Section 5.103, clause 7. Repealing the "joint letter" would greatly limit solar development everywhere, not only in forests, and slow progress toward achieving local, regional and state energy and climate goals.

In ANR's letter, "forest" is not defined. MARC suggests defining forest as "high priority forestlands that are specifically identified as mapping constraints in the *Guidance for Regional Enhanced Energy Planning Standards* (VT Department of Public Service, 2017 or as most recently amended), including national wilderness areas, deer wintering areas, state-significant natural communities and rare, threatened and endangered species, and VT Conservation Design highest priority forest blocks."

In ANR's letter, excessive forest conversion is defined, but that definition does not speak to the locational aspect of the proposed clearing. It is critical to determine whether the proposed clearing is in the middle of a priority forest block or on the periphery where impacts may be more limited. Two Rivers-Ottawaquechee Regional Commission's (TRORC) proposed definition addressed that. MARC suggests adding to ANR's proposed definition:

Excessive forest conversion is defined as "forest clearing for the project that would result in a ratio of capacity, in kW, to acres of forest cleared that is lower than 500 to 1, and any interior forest block clearing further than 300 feet from an existing forest edge."

We also believe there should also be some allowance for limited clearing in areas specifically designated in local or regional plans for growth.

MARC recommends that towns and regions establish a written policy that describes the procedure and criteria for evaluating preferred site letter requests. This will allow for greater transparency and consistency in the granting of preferred site letters.

To assist in the preferred site determination, we encourage solar developers to provide, along with the typical site plan, information about potential impacts to the constraints listed in the *Guidance for Regional Enhanced Energy Planning Standards* (VT Department of Public Service, 2017).

Thank you for your consideration.

Sincerely,

Jason Rasmussen, AICP
Director of Planning