

To: Vermont Public Utility Commission
112 State St. 4th Floor
Montpelier, VT 05620

Date: May 27, 2022

Re: Case No. 19-0855-RULE
Order Requesting Comments on Draft Rule
April 29, 2022

Vanasse, Hangen, Brustlin, Inc. (VHB) has reviewed the Public Utility Commission's (PUC) Order Requesting Comments on Draft Rule dated April 29, 2022 for the above-referenced Case. VHB appreciates the opportunity to provide its input on the proposed rulemaking and offers the following for the PUC's consideration.

VHB has significant and varied experience with the design and permitting of renewable energy projects of all sizes in Vermont, including net-metered solar projects in addition to larger solar and wind generation facilities. VHB has well-established scientific expertise in the assessment of natural resource features and functions, along with extensive experience collaborating with regulators and petitioners to avoid, minimize, and mitigate potential resource impacts from energy projects.

As we noted during the PUC's August 2021 workshop on issues related to forest clearing for net-metering projects, VHB does not view deforestation as a significant problem in the context of net-metering projects in general or of the granting of preferred-site status in particular. VHB agrees that Vermont's forested landscape should be protected from excessive conversion and fragmentation. However, the nature and scale of documented forest clearing from net-metering installations does not appear to pose a significant threat to the real and tangible benefits provided by forestland, including climate impacts, habitat, and habitat connectivity.

The PUC's Draft Rule would withhold preferred-site status from projects located on sites that "require significant forest clearing." While it is appropriate to incentivize the development of sites that do not require significant and consequential conversion of forest cover where possible, VHB is concerned that the Draft Rule as proposed – in particular, the definitions of "significant forest clearing" and "forest block" – could introduce unnecessary confusion and complication into the permitting process as well as unnecessary constraints on site selection. A "contiguous area of forest in any stage of succession" could include many areas not generally thought of as forest, including areas that have not been forested in many decades and the use of which for a net-metering project would be more appropriately thought of as maintenance of non-forested land than conversion of forest cover to non-forested development. At the very least, an application for preferred-site status on nearly any site that is not either developed or in exclusively and actively-maintained herbaceous cover (e.g. mowed field), could require detailed analysis of its successional status and result in differing interpretations of when a site did or did not begin a succession from a cleared to forested state. For example, a dormant hayfield that hasn't been cut in 3 to 5 years would be expected to host a variety of small saplings which could be interpreted by some to fit the above definition.

Given the above, VHB suggests that the final rule need not include limitations on preferred-site status based on forest clearing. However, if the PUC chooses to adopt a final rule that does base the granting of preferred-site status partly on whether it involves "significant forest clearing," the PUC should define the term more narrowly and simply, to include the conversion of existing mature forest cover greater than a specific area such that it should be expected to provide significant benefits equal to those provided by the proposed renewable energy installation. For example, forested lands within areas otherwise targeted for development in municipal or regional plans should not be excluded from receipt of preferred-site status based on clearing impacts.