

1 H.251

2 Introduced by Representatives Browning of Arlington, Graham of
3 Williamstown, Lefebvre of Newark, Potter of Clarendon,
4 Quimby of Concord, and Viens of Newport City

5 Referred to Committee on

6 Date:

7 Subject: Conservation and development; energy; public service; natural
8 resources; fish and wildlife; wind generation; trout habitat

9 Statement of purpose of bill as introduced: This bill proposes to require that a
10 certificate of public good may be issued for a wind generation facility
11 exceeding 500 kilowatts only if the applicant demonstrates the proposed
12 location does not drain into waters that provide habitat for native eastern brook
13 trout or are managed as fisheries for wild brown trout.

14 An act relating to wind generation and trout habitat

15 It is hereby enacted by the General Assembly of the State of Vermont:

16 Sec. 1. 30 V.S.A. § 248 is amended to read:

17 § 248. NEW GAS AND ELECTRIC PURCHASES, INVESTMENTS, AND
18 FACILITIES; CERTIFICATE OF PUBLIC GOOD

19 * * *

1 (b) Before the Public Service Board issues a certificate of public good as
2 required under subsection (a) of this section, it shall find that the purchase,
3 investment, or construction:

4 * * *

5 (12) With respect to an in-state facility that produces electric energy
6 using wind and has a plant capacity as defined in section 8002 of this title
7 greater than 500 kilowatts, will not drain into waters that provide habitat for
8 native eastern brook trout (*Salvelinus fontinalis*) or that serve as a tributary to
9 any water that is managed as a fishery for wild brown trout (*salmo trutta*) or
10 possesses the habitat characteristics necessary to function as such a fishery.
11 Notwithstanding any contrary provision of law, the Board shall not issue a
12 certificate of public good for such a wind generation facility unless the
13 evidence demonstrates that a positive finding should be issued under this
14 subdivision (12).

15 Sec. 2. EFFECTIVE DATE

16 This act shall take effect on July 1, 2017.