

1 H.420

2 Introduced by Representatives Sheldon of Middlebury, Brumsted of
3 Shelburne, Conlon of Cornwall, Gonzalez of Winooski,
4 LaLonde of South Burlington, Masland of Thetford,
5 McCullough of Williston, and Scheu of Middlebury

6 Referred to Committee on

7 Date:

8 Subject: Public service; wildlife; solar siting; pollinators; game birds

9 Statement of purpose of bill as introduced: This bill proposes to require the
10 Secretary of Natural Resources to adopt site management practices to be
11 implemented by ground-mounted solar facilities with a generation capacity that
12 is greater than 15 kilowatts, when a facility is proposed to be sited on an
13 undeveloped tract. The site management practices would require the
14 establishment and maintenance of native perennial vegetation and foraging
15 habitat that is beneficial to game birds, songbirds, and pollinators. The bill
16 would also provide that before the Public Service Board may issue a certificate
17 of public good for a ground-mounted solar facility with a generation capacity
18 that is greater than 15 kilowatts and that is to be sited on an undeveloped tract,
19 the Board shall require the facility to have adopted a vegetation management
20 plan that implements the site management practices adopted by the Secretary
21 of Natural Resources.

1 An act relating to site management practices for solar siting

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

3 Sec. 1. 30 V.S.A. § 248c is added to read:

4 § 248c. SITE MANAGEMENT PRACTICES FOR GROUND-MOUNTED
5 SOLAR FACILITIES

6 (a) Site management practices. The Secretary of Natural Resources, after
7 consultation with the Chair of the Public Service Board, shall adopt site
8 management practices to be implemented by ground-mounted solar facilities
9 with a generation capacity that is greater than 15 kilowatts, when a facility is
10 proposed to be sited on an undeveloped tract. The site management practices
11 shall:

12 (1) require the establishment and maintenance of native perennial
13 vegetation and foraging habitat that is beneficial to game birds, songbirds, and
14 pollinators;

15 (2) require the owner of a facility to use native plant species and seed
16 mixes, to the extent practicable, when establishing perennial vegetation and
17 beneficial foraging habitat; and

18 (3) establish guidance for minimizing the use of fencing around a
19 ground-mounted solar facility.

20 (b) Claim of beneficial habitat. An owner of a ground-mounted solar
21 facility may claim, post, or advertise that the site of the facility provides

1 benefits to game birds, songbirds, and pollinators, provided that the site of the
2 facility complies with the site management practices adopted under this
3 section.

4 Sec. 2. 30 V.S.A. § 248(b) is amended to read:

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

8 * * *

9 (5) With respect to an in-state facility:

10 (A) will not have an undue adverse effect on aesthetics, historic sites,
11 air and water purity, the natural environment, the use of natural resources, and
12 the public health and safety, with due consideration having been given to the
13 criteria specified in 10 V.S.A. §§ 1424a(d) and 6086(a)(1) through (8) and
14 (9)(K), impacts to primary agricultural soils as defined in 10 V.S.A. § 6001,
15 and greenhouse gas impacts.

16 (B) with a generation capacity that is greater than 15 kilowatts and
17 that is to be sited on an undeveloped tract, has adopted a vegetation
18 management plan to implement the site management practices for native
19 perennial vegetation and foraging habitat adopted under section 248c of this
20 title.

21 * * *

1 Sec. 3. EFFECTIVE DATE

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