

1 H.326

2 Introduced by Representative Campion of Bennington

3 Referred to Committee on

4 Date:

5 Subject: Public service; natural resources; certificate of public good; criteria;
6 wind energy generation facility; impacts on migratory birds

7 Statement of purpose of bill as introduced: This bill proposes to require the
8 Public Service Board to review the impacts of proposed wind energy
9 generation facilities on migratory birds before issuing a certificate of public
10 good. The bill also proposes to require that certificates of public good for such
11 facilities contain conditions to monitor bird mortality and establish a threshold
12 number of bird mortalities for each monitoring period which, if exceeded,
13 would result in a penalty.

14 An act relating to the impacts of wind energy generation facilities on
15 migratory birds

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

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

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

20 * * *

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

4 * * *

5 (12) with respect to a wind energy generation facility, will not have an
6 undue adverse effect on migratory birds, migratory bird habitat, and migratory
7 bird corridors.

8 * * *

9 (q) Unless granted under subsection (j) of this section (facilities of limited
10 size and scope), a certificate of public good issued under this section for an
11 in-state wind energy generation facility shall:

12 (1) require the post-construction monitoring of bird mortalities by a
13 qualified entity approved by the Agency of Natural Resources and paid for by
14 the person granted the certificate that follows current best practices in the
15 industry and lasts until the project no longer generates electricity; and

16 (2) set a threshold number of bird mortalities over the course of a
17 monitoring period, which if exceeded shall result in an imposition by the Board
18 of a \$100,000.00 penalty on the person granted the certificate for each
19 exceedance.

20 Sec. 2. EFFECTIVE DATE

21 This act shall take effect on July 1, 2013.