

COMPARISON: S.205 & S.230
**PROVISIONS ON PRIMARY AGRICULTURAL SOILS, FORESTS,
AND PARTICIPATION OF AAFM**

Office of Legislative Council March 16, 2016

§	S.205 (Sen. Agriculture Report)	§	S.230 (Sen. Natural Resources Report)
1	<p><i>AAFM has duty to participate in Section 248 proceeding if generation project > 150 kW on a tract containing primary agricultural soils, otherwise has right to participate:</i></p> <p style="text-align: center;"><u>(F) The following shall apply to the participation of the Agency of Agriculture, Food and Markets in proceedings held under this subsection:</u></p> <p style="text-align: center;"><u>(i) In any proceeding regarding an electric generation facility that will have a capacity greater than 150 kilowatts and will be sited on a tract containing primary agricultural soils as defined in 10 V.S.A. § 6001, the Agency shall appear as a party and provide evidence and recommendations concerning any findings to be made under subdivision (b)(5) of this section on those soils, and may provide evidence and recommendations concerning any other matters to be determined by the Board in such a proceeding.</u></p> <p style="text-align: center;"><u>(ii) In a proceeding other than one described subdivision (4)(F)(i) of this subsection, the Agency shall have the right to appear and participate.</u></p>	20	<p><i>AAFM has right to participate in Section 248 proceeding:</i></p> <p style="text-align: center;"><u>(F) The Agency of Agriculture, Food and Markets shall have the right to appear as a party in any proceedings held under this subsection.</u></p>
1	<p><i>PSB must consider and make findings on Act 250 criteria re primary agricultural and forest soils and on impacts to forest health:</i></p> <p style="text-align: center;">(5) With respect to an in-state facility, will not have an undue adverse effect on esthetics, historic sites, air and water purity, the natural environment, the use of natural resources, and the public health and safety, with due consideration</p>	20	<p><i>Application for generation > 15 kW must show presence and disturbance of primary agricultural soils; PSB retains discretion on whether to consider</i></p> <p style="text-align: center;"><u>(ii) the presence and total acreage of primary agricultural soils as defined in 10 V.S.A. § 6001 on each tract to be physically disturbed in connection with the construction and operation of the facility and the amount of those soils to be</u></p>

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	having been given to the criteria specified in 10 V.S.A. §§ 1424a(d) and 6086(a)(1) through (8) and <u>(9)(B), (9)(C), and (9)(K)</u> , <u>impacts to forest health and integrity</u> , and greenhouse gas impacts.		<u>disturbed</u> ;
2	<i>Authority of AAFM to retain experts and legal counsel in Section 248 proceedings and allocate costs to applicant</i> (Text not reprinted; identical in both)	26	<i>Authority of AAFM to retain experts and legal counsel in Section 248 proceedings and allocate costs to applicant</i> (Text not reprinted; identical in both)
	<i>No fee</i>	25	<p><i>Establishes fee to support AAFM participation in Section 248 proceedings:</i></p> <p><u>§ 248c. FEES; AGENCY OF AGRICULTURE, FOOD AND MARKETS; PARTICIPATION IN ENERGY SITING PROCEEDINGS</u></p> <p><u>(a) Establishment. This section establishes fees for the purpose of supporting the role of the Agency of Agriculture, Food and Markets (the Agency) in reviewing applications for in-state facilities under section 248 of this title. These fees are in addition to the fees under section 248b of this title.</u></p> <p><u>(b) Payment. The applicant shall pay the fee into the State Treasury at the time the application for a certificate of public good under section 248 of this title is filed with the Public Service Board in an amount determined in accordance with this section. The fee shall be credited to a special fund that shall be established and managed pursuant to 32 V.S.A. chapter 7, subchapter 5, and which shall be available to the Agency to offset the cost of participation in proceedings under section 248 of this title.</u></p> <p><u>(c) Application. The fee established under this section shall apply only if any generation equipment, utility lines, roads, or other improvements associated with an</u></p>

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			<p><u>in-state facility seeking a certificate of public good under section 248 of this title will be located on a tract of land that contains primary agricultural soils as defined in 10 V.S.A. § 6001.</u></p> <p><u>(c) Amount. The fee shall be 10 percent of the amount calculated in accordance with subsection 248b(d) of this title.</u></p>