

1 S.230

2 Senator Bray moves that the report of the Committee on Natural Resources
3 and Energy be amended as follows:

4 First: In Sec. 11, 30 V.S.A. § 248(b), in subdivision (1), by striking out
5 subdivision (C) and inserting in lieu thereof a new subdivision (C) to read:

6 (C) With respect to an in-state electric generation facility, the Board
7 shall give substantial deference to the land conservation measures and specific
8 policies contained in a duly adopted regional and municipal plan that has
9 received a certificate of energy compliance under 24 V.S.A. § 4352. In this
10 subdivision (C), “substantial deference” means that a land conservation
11 measure or specific policy shall be applied in accordance with its terms unless
12 there is a clear and convincing demonstration that other factors affecting the
13 general good of the State outweigh the application of the measure or policy.

14 Second: In Sec. 20, 30 V.S.A. § 248(t) and (u), by striking out subsection
15 (t) and inserting in lieu thereof a new subsection (t) to read:

16 (t) A certificate under this section for an in-state facility shall require the
17 following with respect to all measures to be undertaken to mitigate the impacts
18 of the facility on aesthetics and scenic beauty:

19 (1) The certificate holder shall obtain a certification from a qualified
20 expert that all required mitigation measures have been undertaken and all
21 required plantings have been installed.

1 (2) The certificate holder shall have control over all vegetation used to
2 demonstrate that the facility will not have an undue adverse effect on aesthetics
3 and all locations on which mitigation plantings are to be installed. As used in
4 this subdivision, “control” means that the certificate holder has an enforceable
5 right to install and maintain plantings and to manage vegetation.

6 (3) For three years after installation of all required plantings, the
7 certificate holder annually shall submit documentation by a qualified expert
8 that the plantings have been maintained in accordance with the approved plans.

9 (4) The certificate holder shall have an ongoing duty to maintain the
10 plantings in accordance with the approved plans and replace dead or diseased
11 plantings as soon as seasonably possible.

12 (5) The Board shall choose each qualified expert employed to issue a
13 certification under this subsection. However, a qualified expert retained by the
14 Department of Public Service shall be the one to make the certification if the
15 Department has retained such an expert during the course of the proceeding
16 leading to issuance of the certificate.