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H.726

Introduced by Representatives Sheldon of Middlebury, Chesnut-Tangerman of
Middletown Springs, McCormack of Burlington, and Troiano
of Stannard

Referred to Committee on

Date:

Subject: Agriculture; energy; solar generation siting; pollinators

Statement of purpose of bill as introduced: This bill proposes to create a
voluntary standard for pollinator-friendly habitat on sites containing solar
electric generation. The voluntary standard would require the establishment
and maintenance of native perennial vegetation and foraging habitat that is
beneficial to game birds, songbirds, and pollinators.

An act relating to creating a voluntary pollinator-friendly standard for solar
arrays

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

~~Sec. 1. 6 V.S.A. chapter 217 is added to read:~~

~~CHAPTER 217. POLLINATOR-FRIENDLY SOLAR GENERATION~~

~~§ 5101. DEFINITIONS~~

~~As used in this chapter:~~

~~(1) "Agency" means the Agency of Agriculture, Food and Markets.~~

1 (2) “Native perennial vegetation” means native wildflowers, forbs, and
2 grasses that serve as habitat, forage, and migratory way stations for pollinators
3 and shall not include any prohibited or regulated invasive species as
4 determined by the Agency in consultation with the Departments of
5 Environmental Conservation and of Forests, Parks and Recreation.

6 (3) “Owner” means a public or private entity that has a controlling
7 interest in the solar generation site.

8 (4) “Pollinator” means bees, birds, bats, and other insects or wildlife
9 that pollinate flowering plants, and includes wild and managed insects.

10 (5) “Solar site” means a ground-mounted solar system for generating
11 electricity and the area surrounding that system under the control of the owner.

12 (6) “Vegetation management plan” means a written document that
13 includes short- and long-term site management practices that will provide and
14 maintain native perennial vegetation.

15 § 5102. SOLAR GENERATION SITE MANAGEMENT

16 An owner of a solar generation site may develop and implement a
17 vegetation management plan that:

18 (1) Provides native perennial vegetation and foraging habitat beneficial
19 to game birds, songbirds, and pollinators. To the extent practicable, when
20 establishing perennial vegetation and beneficial foraging habitat, the solar
21 generation site shall use native plant species and seed mixes.

1 ~~(2) Reduces stormwater runoff and erosion at the site.~~

2 § 5103. RECOGNITION OF BENEFICIAL HABITAT

3 An owner implementing site management practices under this chapter may
4 claim that the solar generation site provides benefits to game birds, songbirds,
5 and pollinators only if all of the following apply:

6 (1) The owner adheres to guidance set forth by the pollinator-friendly
7 scorecard published by the University of Vermont (UVM) Extension.

8 (2) The owner makes the site's completed pollinator-friendly scorecard
9 available to the public and provides a copy of the completed scorecard to the
10 UVM Extension.

11 (3) If the site has a vegetation management plan, the owner makes the
12 plan available to the public and provides a copy of the plan to the UVM
13 Extension.

14 Sec. 2. EFFECTIVE DATE

15 ~~This act shall take effect on July 1, 2018.~~

Sec. 1. 6 V.S.A. chapter 217 is added to read:

CHAPTER 217. POLLINATOR-FRIENDLY SOLAR GENERATION

STANDARD

§ 5101. DEFINITIONS

As used in this chapter:

(1) "Agency" means the Agency of Agriculture, Food and Markets.

(2) “Native perennial vegetation” means Vermont native wildflowers, forbs, and grasses that serve as habitat, forage, and migratory way stations for pollinators and shall not include any invasive species on the Agency’s Noxious Weed Rule under chapter 84 of this title, on the Vermont Invasive Exotic Plant Committee Quarantine and Watch List, or as determined by the Agency of Natural Resources.

(3) “Owner” means a public or private entity that has a controlling interest in the solar site.

(4) “Pollinator” means bees, birds, bats, and other insects or wildlife that pollinate flowering plants, and includes wild and managed insects.

(5) “Solar site” means a ground-mounted solar system for generating electricity and the area surrounding that system under the control of the owner.

(6) “Vegetation management plan” means a written document that includes short- and long-term site management practices that will provide and maintain native perennial vegetation.

§ 5102. BENEFICIAL HABITAT STANDARD

(a) This section establishes a standard for owners that intend to claim that, through the voluntary planting and management of vegetation, a solar site provides greater benefits to pollinators and shrub-dependent birds than are provided by solar sites not so managed.

(b) In order for the solar site to meet the beneficial habitat standard and

for the owner of a solar site to claim that the solar site is beneficial to those species or is pollinator-friendly, all the following shall apply:

(1) The owner adheres to guidance set forth by the Pollinator-Friendly Scorecard published by the University of Vermont (UVM) Extension.

(2) The owner shall make the solar site's completed Pollinator-Friendly Scorecard available to the public and provide a copy of the completed Scorecard to the UVM Extension.

(3) If the site has a vegetation management plan:

(A) The plan shall maximize the use of native perennial vegetation and native foraging habitat beneficial to pollinators consistent with the solar site's scorecard.

(B) The owner shall make the vegetation management plan available to the public and provide a copy of the plan to the UVM Extension.

(4) When establishing perennial vegetation and beneficial foraging habitat, the solar site shall use native plant species and seed mixes whenever practicable.

(c) Nothing in this chapter affects any findings that must be made in order to issue a State permit or other approval for a solar site or the duty to comply with any conditions in such a permit or approval.

Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2018.