

Dear Senators:

Since 2001, Renewable Energy Vermont (REV) has served as the non-profit trade association representing the many businesses working in Vermont's renewable energy sector. During this time, Vermont has seen a remarkable growth in good paying careers in the clean energy field, become a national leader in decarbonizing its electric sector while offering consistently low electric rates compared to New York and the rest of New England.

The provisions in S.323 are not necessary to protect Vermont's agricultural soils and would instead undermine Vermont's clean energy goals, raise electric rates, and threaten good-paying local jobs. Solar development is already carefully regulated and represents only a small fraction of farmland loss, making this bill a solution in search of a problem.

Specifically, there are three parts of S.323 that, if enacted, jeopardizes this progress with little added benefit to the laudable goal of protecting Vermont's most important agricultural lands from unwise solar development.

#### S.323 Creates New Requirements Applied Only to Renewable Energy

1. For all renewable energy projects greater than 50kW and energy storage projects greater than 1MW, in addition to the current law requiring the application to include information on the disturbance of any primary agricultural soils, it must now include the amount of acreage of "secondary and local importance agricultural soils" as defined by the Natural Resources Conservation Service (NRCS).

If enacted, renewable energy projects would be the only form of development subject to these criteria in their application. Adding the requirement to include information on secondary and local importance designation to a CPG application will simply increase the cost and time necessary to deploy renewables at a time when our region is desperate for affordable new electric resources.

#### S.323 Adds Unnecessary Time, Money and Uncertainty to the Existing Public Utility Commission Process

2. Before the Public Utility Commission can grant a CPG, the applicant must hire an engineering firm approved by the Vermont DEC to perform "... a full-spectrum audit of energy payback time and carbon dioxide emissions at the cost of the applicant. The audit shall include a cradle-to-grave calculation, including resource extraction; mining and procurement; production manufacturing and transportation; deployment and of all technologies required, including solar panels concrete, footings, transformers, and batteries; forest ecosystem destruction; foregoing 25 years of agricultural crops; and construction and landscaping of the project."

The Public Utility Commission already reviews new solar projects to ensure they have no undue adverse effect on "aesthetics, historic sites, air and water purity, the natural environment, the use of natural resources, and the public health and safety." (title 30, Sec 248(b)(5). They also give specific consideration to primary agricultural soils as defined in 10 V.S.A. § 6001 and to greenhouse gas impacts including energy payback time. These unnecessary additional requirements would supersede the already robust and extensive review of projects by the PUC while adding potential six figure costs, uncertainty, and burden to new solar projects in Vermont.

Renewable energy projects would be the only form of development subjected to this requirement in their application process.

### S.323 Would Effectively End Distributed Solar in Vermont

3. Before the Public Utility Commission can grant a CPG it must consider "... agricultural soils of statewide importance or local importance as defined in 10 V.S.A. § 6001 and as designated by the Natural Resources Conservation Service, and greenhouse gas impacts. The siting of a facility or group of physically adjacent or interrelated facilities such that facility structures and related infrastructure preclude the tilling of soil, seeding, growing, or harvesting of agricultural crops on greater than five acres primary, statewide, or local importance agricultural soils, or reduce future Vermont-based food security or will result in the destruction of forest ecosystems, forest soils and their unique biology, or increased volatilization and release of forest soil carbon on more than five acres shall be considered undue and not in the public good."

Simply put, enacting this language would end solar development of more than 1MW in size in Vermont. Distributed solar 1-5MW in size is currently the cheapest and fast to deploy new energy resource available in New England. The end effect of this language is Vermonter's electric bills would significantly increase as utilities would be forced to buy more expensive power, both from renewables and non-renewables elsewhere

Renewable energy projects would be the only form of development subjected to this requirement in their application process.

### Solar Is Not the Driver of Farmland Loss in Vermont

Important context to the proposed language in S.323 is that solar development represents a tiny fraction of agricultural land that is converted to development.

According to the 2022 USDA Agriculture Census from 2017-22, Vermont lost 19,547 acres of "land in farms"- an average of 3,909 acres per year.

From 2023-2025, CPG applications for solar projects to meet Vermont's in state Renewable Energy Standard requirements:

- 47 acres of prime agricultural soils where within the area of disturbance for solar 150kW-500kW
- 371 acres of prime agricultural soils where within the area of disturbance for solar 500kW-5MW

If you compare the average number of acres lost in a two-year period (7,818) to the average number of acres in the area of disturbance for solar (418), it represents 5.3% of the total land area.

It is worth noting that land located within the "area of disturbance" can still be used for agricultural purposes that the all CPG applications required any prime agricultural soils that are disturbed be stored on site so if a project is decommissioned and returned to agricultural production, these soils can again be utilized on site.

In addition, in testimony last week to the House Agriculture Committee, the American Farmland Trust stated that by 2040, Vermont will lose 41,200 acres of farmland to residential and commercial development with

another 1,200 acres converted to solar. Solar represents 2.8% of the projected farmland loss in Vermont over the next fifteen years.

Solar energy is not the reason for Vermont's loss of primary agricultural soils. S.323 places the blame on the solar industry in Vermont, when more than 97% of the projected loss in farmland between now and 2040 will be caused by other forms of development. The noble goal of stemming the loss of farmland will not be solved by legislatively ending utility scale solar in Vermont, but it will cause real harm to our renewable energy goals, an industry with strong, good paying jobs, and keeping our electric rates the lowest in the region.

Sincerely,

A handwritten signature in black ink that reads "Peter Sterling".

Executive Director, Renewable Energy Vermont