

Municipal Energy Survey FAQs

- **What is the difference between “protected lands” on the regional possible constraints map and the “municipal protected lands” on the regional constraints map?**

The protected lands layer on the Possible Constraints map is the State protected lands layer. These lands are fee ownership lands owned by the State of Vermont or protected by Vermont Land Trust. Municipal protected lands are not included in this layer.

The municipal protected land layer on the Regional Constraints Map was generated using CVRPC’s future land use map. This data consists of both private and public protected land and includes Town Forests and Land Trust Easements. The Future Land Use map was generated with input from the Towns.

- **What is the latest update on the protected lands dataset? (Some folks thought some conserved parcels might be missing.)**

The original protected lands dataset is from 2009. There was an update completed in 2016 however it sounds like the update consisted of taking the 2009 dataset and adding some of the larger new protected parcels from VT Land Trust.

If a municipality has municipally owned, protected lands that are not included in the protected lands dataset, the RPCs can help to add parcels to the State dataset.

- **Why would hydric soils be a possible constraint, but class 3 wetlands be a preferred location?**

I believe when we spoke last week we talked about why class III wetlands were included as a suggestion in the preferred locations question. This had to do with the state permitting renewable energy development on class III wetlands, however, after talking with Dan further about the constraints, we found that class III wetlands are included in the advisory layer of the wetlands known constraints. This makes it highly unlikely that development will be listed as preferred in class III wetlands. Hydric soils are a possible constraint because they have the potential to be jurisdictional wetlands.

Given the responses we have been getting to the surveys, it will be very likely that the energy plan will discourage development in class III wetlands or areas that have hydric soils.

- **What does a “preferred location” actually mean?**

I took the following text directly from Act 174, the definition starts on page 29 of the Act.

“Preferred location” means a site within the State on which a renewable energy plant will be located that is one of the following:

(I) A new or existing structure whose primary use is not the generation of electricity or providing support for the placement of equipment that generates electricity.

(II) A parking lot canopy over a paved parking lot, provided that the location remains in use as a parking lot.

(III) A tract previously developed for a use other than siting a plant on which a structure or impervious surface was lawfully in existence and use prior to July 1 of the year preceding the year in which an application for a certificate of public good under section 248 of this title for the plant is filed or in which the plant seeks an award of a contract under the standard offer program under this section, whichever is earlier. To qualify under this subdivision (III), the limits of disturbance of a proposed renewable energy plant must include either the existing structure or impervious surface and shall not include any headwaters, streams, shorelines, floodways, rare and irreplaceable natural areas, necessary wildlife habitat, wetlands, endangered species, productive forestlands, and primary agricultural soils, all of which are as defined in 10 V.S.A. chapter 151.

(IV) Land certified by the Secretary of Natural Resources to be a brownfield site as defined under 10 V.S.A. § 6642.

(V) A sanitary landfill as defined in 10 V.S.A. § 6602, provided that the Secretary of Natural Resources certifies that the land constitutes such a landfill and is suitable for the development of the plant.

(VI) The disturbed portion of a gravel pit, quarry, or similar site for the extraction of a mineral resource, provided that all activities pertaining to site reclamation required by applicable law or permit condition are satisfied prior to the installation of the plant.

(VII) A specific location designated in a duly adopted municipal plan under 24 V.S.A. chapter 117 for the siting of a renewable energy plant or specific type or size of renewable energy plant, provided that the plant meets any siting criteria recommended in the plan for the location.

(VIII) A site listed on the National Priorities List (NPL) established under the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. chapter 103, if the U.S. Environmental Protection Agency or the Agency of Natural Resources confirms each of the following:

(aa) The site is listed on the NPL.

(bb) Development of the plant on the site will not compromise or interfere with remedial action on the site.

(cc) The site is suitable for development of the plant.

(IX) A new hydroelectric generation facility at a dam in existence as of January 1, 2016 or a hydroelectric generation facility that was in existence but not in service for a period of at least 10 years prior to January 1, 2016 and that will be redeveloped for electric generation, if the facility has received approval or a grant of exemption from the U.S. Federal Energy Regulatory Commission.

- **What does “developed infrastructure” in Q6 mean? (I know we discussed this yesterday, but I forgot by the meeting!)**

In this sense “developed infrastructure” means existing electricity infrastructure, ie. transmission and distribution lines and substations.