

**STATE OF VERMONT  
PUBLIC SERVICE DEPARTMENT**

**24 V.S.A. § 4352 Determination No. 9**

**DETERMINATION OF ENERGY PLANNING COMPLIANCE PURSUANT TO 24  
V.S.A. § 4352 FOR LAMOILLE COUNTY PLANNING COMMISSION'S REGIONAL  
PLAN**

**I. INTRODUCTION**

Today, in my capacity as the Commissioner of the Vermont Public Service Department (“Department”), I have issued the attached certificate memorializing my affirmative determination pursuant to 24 V.S.A. § 4352(a) that the Lamoille County Regional Plan (“LCRP”) complies with the requirements of 24 V.S.A. § 4352 for enhanced energy planning.<sup>1</sup> This determination is made solely as to whether the LCRP complies with the statutory planning requirements of 24 V.S.A. § 4352. This determination does not mean that the Department endorses the substantive policy judgments contemplated or promoted in these plans. Additionally, I hereby record the procedural history leading to the compliance determination, as well as a report of the public comments the Department received.

**II. PROCEDURAL HISTORY**

On May 24, 2018, the Lamoille County Planning Commission (“LCPC”) submitted the LCRP for a determination of compliance with the enhanced energy planning standards set forth in 24 V.S.A. § 4352.

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<sup>1</sup> The LCRP was amended and duly adopted on May 22, 2018.

On June 6, 2018, the Department solicited recommendations from the Secretaries of Agriculture, Food, and Markets; Commerce and Community Development; Natural Resources; and Transportation as to whether the LCRP should be certified as compliant with the requirements of 24 V.S.A. § 4352. None of these agencies have opposed certification of the LCRP.

On June 6, 2018, notice of a public hearing scheduled for July 9, 2018 was posted on the Department's website.

On June 6, 2018, notice of a public hearing scheduled for July 9, 2018 was mailed directly to the LCPC.

On June 14, 2018, notice of a public hearing scheduled for July 9, 2018 was published in The News and Citizen and Stowe Reporter.

On July 9, 2018, the Department convened a public hearing in the LCPC's Conference Room in Morrisville, Vermont.

### **III. AGENCY COMMENTS**

#### ***Agency of Transportation***

On June 15, AOT informed the Department that it does not have any recommendations for changes to, nor do they oppose certification of, the LCRP.

#### ***Agency of Agriculture, Food & Markets***

On July 2, AAFM filed comments with the Department noting that it is pleased to see that the LCPC addressed many of the Agency's comments on the draft plan and does not oppose certification of the LCRP. In addition, AAFM suggests that in light of the recent detection of emerald ash borer in three Vermont counties, when addressing woody biomass as part of a

strategy to promote decreased use of fossil fuels for heating, recommendations available at <https://vtinvasives.org/sites/default/files/images/SlowSpreadWoodVT.pdf> to slow the spread of the insect and provide greater protection for un-infested forests should be followed. For biomass and cogeneration facilities, recommendations include screening of storage and processing areas, limitations on the length of time unprocessed material can remain on-site before use, chipping logs at the harvest site rather than at the facility, careful selection of harvest areas and species used, timing of harvests to target periods when pests are less likely to be mobile, heat treatment, etc.

#### ***Agency of Natural Resources***

On July 5, ANR filed comments with the Department noting that the LCRP identifies specific preferred locations for energy generation and commits LCPC to helping member municipalities identify additional preferred areas. The Agency is supportive of this effort and finds it should help drive energy development toward already disturbed sites, but notes that site-specific investigation of preferred locations may reveal environmental constraints. LCPC and its member municipalities are encouraged to contact Agency staff for assistance analyzing such site-specific environmental constraints when identifying specific preferred locations. ANR does not oppose certification of the LCRP.

#### **IV. PUBLIC COMMENTS**

No comments were received from members of the public, either in writing or at the July 9 public hearing. During the July 9 public hearing, representatives of the LCPC described the robust engagement they had with members of the public during development of the LCRP and worked diligently to address those comments in the adopted LCRP. Therefore, I am confident

that there has been a full and fair opportunity for public review of and comment on the LCRP with regard to compliance with the enhanced energy planning requirements of 24 V.S.A. § 4352.

V. **CONCLUSION**

Based on my review of the LCRP, I have determined that the LCRP complies with the requirements of 24 V.S.A. § 4352.

Dated at Montpelier, Vermont this 12th day of July 2018.

VERMONT PUBLIC SERVICE DEPARTMENT



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June E. Tierney

Commissioner

Vermont Public Service Department