

**STATE OF VERMONT  
PUBLIC SERVICE DEPARTMENT**

**24 V.S.A. § 4352 Determination No. 13**

**DETERMINATION OF ENERGY PLANNING COMPLIANCE PURSUANT TO 24  
V.S.A. § 4352 FOR SOUTHERN WINDSOR COUNTY REGIONAL 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 Southern Windsor County Regional Planning Commission’s (“SWCRPC”) Regional Plan 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 Regional Plan 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 July 20, 2018, the SWCRPC submitted the Regional Plan 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 SWCRPC’s Regional Plan was amended and duly adopted on June 25, 2018.

On July 25, 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 Regional Plan should be certified as compliant with the requirements of 24 V.S.A. § 4352. None of these agencies have opposed certification of the Regional Plan.

On July 27, 2018, notice of a public hearing scheduled for September 4, 2018 was posted on the Department's website.

On July 31, 2018, notice of a public hearing scheduled for September 4, 2018 was mailed directly to the SWCRPC.

On August 15, 2018, notice of a public hearing scheduled for September 4, 2018 was published in The Rutland Herald.

On September 4, 2018, the Department convened a public hearing at Martin Memorial Hall in Ascutney, Vermont.

### **III. AGENCY COMMENTS**

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

On July 27, 2018, AOT informed the Department that it does not have any recommendations for changes to, nor does it oppose certification of the Regional Plan.

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

On August 30, 2018, AAFM filed comments with the Department noting that overall, the Regional Plan meets the Act 174 requirements with some concern for mapping requirements (for clarity, it would be helpful to separate Constraints and Possible Constraints; also, the source used

for identifying and mapping primary agricultural soils is not clear, and rural designation is not primary agricultural soils).

The Agency also provided updated information on woody biomass for heating and invasive species concerns in light of the recent detection of emerald ash borer in three Vermont counties, and requests that the region continue to be vigilant of invasive species updates to quarantines while implementing the plan. When addressing woody biomass for heating, AAFM suggests consulting recommendations that can be found 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 August 31, 2018, ANR filed comments with the Department noting that the Regional Plan commits the SWCRPC to providing technical assistance to municipalities to identify preferred sites and local constraints. The Agency is supportive of this effort and notes that sub-regional and/or site-specific investigation of preferred sites may reveal environmental constraints or natural resource issues. SWCRPC and its member municipalities are encouraged to contact Agency staff for assistance analyzing environmental constraints and natural resource values when identifying preferred sites and local constraints. The Agency also suggests that the SWCRPC's prohibition on utility-scale wind could be better supported by mapping resources

and land use policies in relation to prime and secondary wind potential areas. ANR does not oppose certification of the Regional Plan.

**IV. PUBLIC COMMENTS**

During the September 4 public hearing, several individuals spoke in support of the plan. One member of the public described several challenges the region faces in achieving its energy goals, including the need for incentives for weatherization, advanced wood heating, transit, and electric vehicle charging stations.

**V. CONCLUSION**

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

Dated at Montpelier, Vermont this 14th day of September 2018.

VERMONT PUBLIC SERVICE DEPARTMENT

  
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June E. Tierney  
Commissioner  
Vermont Public Service Department