

## Energy Constraint Survey FAQ

### **Should we answer the survey questions from the town perspective or the regional perspective?**

The intent of the survey is to gather municipal level responses (from the perspective of the town entities) that will then be used to discern trends in energy across the Central Vermont region. The responses from this survey will be used for the regional level mapping and energy analysis, however we only expect towns to comment on issues and opportunities facing their own town.

### **Many of these questions require a level of knowledge that our body does not feel we have to answer the survey. How do you suggest approaching this when answering the survey questions?**

As stated above, the intent of the survey is to gather municipal level responses (from the perspective of the town entities) about the issues and opportunities concerning energy that face the Central Vermont region. These responses will then be used to discern trends in energy across Central Vermont. CVRPC will be using the responses from this survey to prioritize the pathways and policies that the Regional Energy Plan focuses on, so any comments, responses and concerns that a municipal entity can include in the survey response will be helpful. It was understood that many of the questions asked in this survey were technical and may seem to require a high level of knowledge on renewable energy development. The intent is to gather all responses and questions that might arise from the survey to highlight the regional energy trends that will be highlighted in the Regional Energy Plan.

### **What type of renewable energy development is under consideration in this survey and the Regional Energy Plan?**

CVRPC has only been given targets for wind and solar renewable generation, however, all types of renewable energy generation are under consideration in the survey and the Energy Plan. There is guidance that is being developed that will allow for 'trading' between renewable generation sources. Municipal entities taking the survey are encouraged to discuss type of generation, size and scale when answering the survey.

In addition, all scales of renewable generation will be discussed in the Regional Energy Plan. There is not a limit, minimum or maximum capacity of project that will be addressed in the Regional Energy Plan.

### **How are the 'regional' constraints different from the 'known' and 'possible' constraints?**

The known and possible constraints were provided to CVRPC by the State to use as renewable energy generation constraint layers. CVRPC has the option of adding additional constraint layers that are not included on the State's list and that the Region feels need some level of protection. The constraint layers displayed on the 'Regional' map are those currently proposed by CVRPC and under consideration by the Regional Energy Committee, the Regional Commission and the member municipalities. The layers that are selected by the Region will be incorporated into the 'known' or 'possible' constraint maps.

**What is the difference between “protected lands” on the 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.

**Why is municipal lands a possible constraint?**

Municipal lands might include things like the town garage where solar could go on a roof, but could also be a town forest where wetlands exist that would limit the development potential. Similar to the answer above, municipal lands can come in many shapes, sizes, and uses therefore they may be appropriate for energy development but maybe not so they should be evaluated on a case-by-case basis.

**What is the latest update on the protected lands dataset?**

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

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

**In Question 4 of the survey, there are only two choices offered: either accept all constraints suggested; or, add new constraints. Can there be a third option of expressing preference for fewer constraints. Did the state mandate that all constraints listed be included?**

To a certain extent, yes, those constraint layers must be included. The state mandates that the ‘known’ constraints remain ‘known’ due to state regulations. The ‘possible’ constraints can remain ‘possible’ or be elevated to ‘known’, however they cannot be removed completely. The suggested ‘regional’ constraints under consideration are suggested additional constraints proposed by the Regional Energy Committee. These ‘regional’ constraints can either be incorporated into the ‘known’ or ‘possible’ layer, or not incorporated at all. The results from this survey will aid in the final selection of ‘regional’ constraints.

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

This definition was taken 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:*

*(1) 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:*

*(a) The site is listed on the NPL.*

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

*(c) 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.*

Under the State's new net metering rules, projects of up to 500 kilowatts – the largest the program supports – will be allowed and encouraged through financial category siting adjustors in the preferred locations listed above. Net metering will not remain an option for developers who wish to build projects larger than 150 kilowatts outside preferred locations.

**How are each municipalities 'requirements' for wind and solar generation being calculated? Will municipalities be held to these targets?**

For the purposes of planning, we allocated a percentage of the region's target for wind and solar production (based on Megawatts) to each municipality based on population and land area that contains prime resource production values for wind and solar. This is being done to ensure that the region's targets can be adequately met throughout the entire region. It is not the expectation that each municipality develop renewable energy to meet the allocations described by the region. Rather it should be used as a measuring stick to determine if adequate land exists that could be developed.

**Where does the policy of restricting renewable development means restricting all types of development come from?**

If you prohibit development of renewable energy, you need to prohibit all development. This comes from the Energy Planning Standards that were released by the Department of Public Service in 2016. The exact wording states, *"if locations are constrained for the development of renewable energy due to the desire to protect a locally designated resource (whether a natural resource or community-identified resource, like a view), then the land use policies applicable to other forms of development must be similarly restrictive"*.

Related to that is the question of scale of development. A municipality or the Region could limit the development of a renewable energy above a certain size therefore still allowing smaller renewable projects to be built.

**What does "developed infrastructure" mean in Question 6 of the Energy Survey?**

In this question "developed infrastructure" means existing electricity infrastructure, ie. transmission and distribution lines and substations.