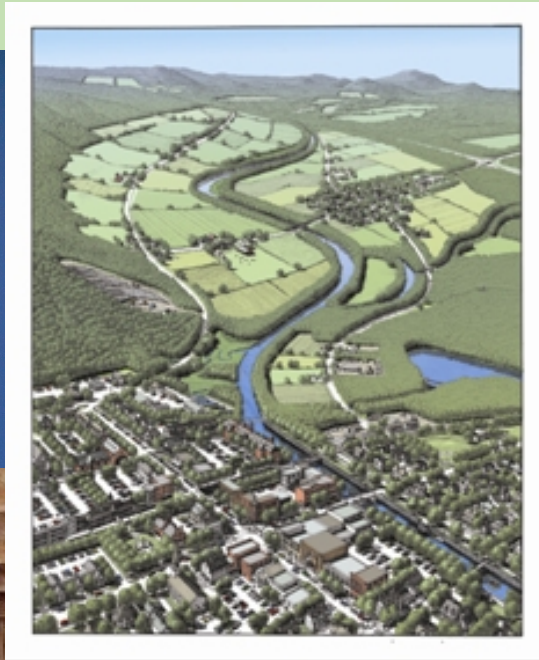


Energy Planning and Act 174



Act 174 of 2016 – What is it?

- *Among other things*, establishes a new, voluntary municipal and regional energy planning paradigm
- Tasks DPS with creating recommendations and standards for ensuring plans are consistent with state energy goals and policies
- If a regional or municipal plan is determined to be consistent with the standards, it will receive substantial deference in Section 248 for its land conservation measures and specific policies, when the PSB looks at orderly development
- Asks regions and towns to look and plan for future energy use across all energy sectors; and to identify “potential areas for the development and siting of renewable energy resources” and “areas that are unsuitable for siting those resources or particular categories or sizes of those resources”
- Is based on planning already underway in all 11 regions

Standards Development

- Focus groups on transportation, efficiency, and generation held over the summer
- Survey (150 responses received)
- Cross-cutting forum (60 attendees)
- Draft standards & CEP recommendations posted for comment in September
- Oct. 11 public hearing
- Detailed written comments received from regions, municipalities, organizations, and individuals
- Standards and recommendations published Nov. 1

How Does it Work?

- **Optional**; if municipalities choose not to pursue, then status quo. RPCs required to increase baseline energy planning. If municipalities pursue, must increase baseline energy planning like RPCs.
- Regions: submit adopted plan to DPS for determination of energy compliance. If affirmative, regional plan gets substantial deference in 248.
- Municipalities: submit adopted plan to RPC (if RPC itself has an affirmative determination) for determination of energy compliance. If affirmative, municipal plan gets substantial deference in 248.
- Until July 1, 2018, if RPC hasn't yet received a determination, municipalities may submit plans directly to DPS for a determination.
- Review includes a public hearing noticed 15 days in advance.
- DPS or RPC shall issue determination within 2 months of request.
- Resubmissions following a negative determination to be determined w/in 45 days.
- RPCs (and municipalities that submit plans to DPS) may appeal to the Natural Resources Board within 30 days.

What Are the Requirements of Plans?

To receive an affirmative determination, a plan must per Act 174:

- Include enhanced energy element that looks at all energy sectors (electric, thermal, transportation) and includes identification of potential and unsuitable areas for siting energy resources;
- Be adopted and, for a municipal plan, confirmed;
- Be consistent with state energy goals:
 - Greenhouse gas goals under 10 V.S.A. § 578(a)
 - 25 x 25 goal for renewable energy under 10 V.S.A. § 580
 - Building efficiency goals under 10 V.S.A. § 581
 - State energy policy expressed in the Comprehensive Energy Plan
 - The Renewable Energy Standard
- Meet the standards for issuing a determination of energy compliance

NOTE: The determination may apply to, and draw upon, the entire plan, not just the energy element.

Act 174 Required Standards to Address....

1. **Analysis** of **total current energy use** across transportation, heating, and electric sectors
2. Identification and **mapping** of **existing electric generation** and renewable resources
3. Establishment of **2025, 2035, and 2050 targets** for energy conservation, efficiency, fuel-switching, and use of renewable energy for transportation, heating, and electricity
4. Analysis of amount of **thermal-sector conservation, efficiency, and conversion** to alternative heating fuels **needed to achieve these targets**
5. Analysis of **transportation** system changes and **land use strategies needed to achieve these targets**
6. Analysis of **electric-sector conservation and efficiency needed to achieve these targets**
7. **Pathways** and **recommended actions to achieve these targets**, informed by this analysis
8. Identification of **potential areas for the development and siting of renewable energy resources** and of the potential electric generation from such resources in the identified areas, taking into account factors including resource availability, environmental constraints, and the location and capacity of electric grid infrastructure
9. Identification of **areas, if any, that are unsuitable for siting those resources** or particular categories or sizes of those resources

Analysis Standards

- Standards ask regions and towns to estimate usage across sectors, set targets, and analyze ways to reach targets
- Much of it is already complete through RPCs being supported by DPS
 - Draw upon Total Energy Study (2014) modeling, which looked at different scenarios to reach 90 by 2050
 - Uses Long-Range Energy Alternatives Planning (LEAP) tool
- Standards require regions to provide analyses to their municipalities
- Municipalities that use the analysis provided by their regions will meet the Analysis standards
- Municipalities that choose to undertake their own analyses will need to meet the standards laid out for regions
- Additional guidance (instructions, data sources) has been made available to RPCs

Pathways (Implementation Actions) Standards

- Standards ask regions and municipalities to address efficiency, transportation/land use, and generation actions to reach the targets
- Examples are provided in italics; eventually these will move to guidance
- Draft regional plans provide additional examples, and regions will be collating “best practices” from their municipalities
- Standards are designed to provide maximum flexibility (“appropriate,” N/A, Lead-by-Example, Other)
- Standards ask regions and municipalities to compare generation potential to targets and then identify sufficient potentially suitable area to reach targets, based on population and resource potential
- Also to include statements of policy to accompany maps

Mapping Standards

- Mapping of resource potential (wind, solar, hydro, biomass) including known and possible constraints is available (or underway) through the regions.
- Draft mapping standards ask:
 - Map Secondary Resource potential by analyzing resource availability (e.g. solar potential) and subtracting “Known Constraints” including: Vernal Pools; DEC River Corridors; FEMA Floodways; State-significant Natural Communities and Rare, Threatened, and Endangered Species; National Wilderness Areas; Class 1 and 2 Wetlands; and regionally or locally identified critical resources
 - Map Prime Resource areas by taking Base Resource maps and subtracting “Potential Constraints” including: Agricultural Soils; FEMA Special Flood Hazard Areas; Protected Lands; Act 250 Agricultural Soil Mitigation areas, Deer Wintering Areas; ANR’s Vermont Conservation Design Highest Priority Forest Blocks; Hydric Soils; and regionally or locally identified resources
- Regions and municipalities can start with these maps and add areas where they would like to explicitly encourage (preferred locations) or avoid (unsuitable areas) development.
- Municipalities that use the maps provided by their regions will meet the Mapping standards

Standards Training & Technical Assistance Timeline

- Nov. 1, 2016: standards and recommendations published
- By December 2016:
 - DPS presentations to VLCT, VPA, VECAN
 - DPS publishes additional guidance
 - RPCs each hold one training (dates scheduled)
- By February 28, 2017: RPCs hold second trainings
- By April 30, 2017: RPCs provide analyses & maps to all municipalities
- By July 31, 2017: Custom technical assistance to at least 3 towns per region
- By August 31, 2017: Municipal best practice compilation completed

So What is Act 174? A Big Deal!

- Asks us all to try something completely different
- Gives municipalities and regions more say in the energy siting process
- Asks regions, municipalities, and the state to undertake a more rigorous, holistic, and integrated energy planning effort
- Looks to municipalities and regions to help drive the state's energy transformation
- Is imperfect and will evolve, with the potential to profoundly influence the conversation about energy in VT

Standards website:

<http://publicservice.vermont.gov/content/act-174-recommendations-and-determination-standards>

Standards email:

PSD.PlanningStandards@Vermont.gov

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Regional Trainings

- December 6
 - NRPC, 5 p.m., Georgia Public Library
- December 7
 - TRORC, 6:30 p.m., Hartford Town Office
 - ACRPC, 6 p.m., ACRPC Office
 - WRC, 7 p.m., Marlboro Graduate Center
- December 8
 - CCRPC, 6 p.m., CCRPC Office
 - SWCRPC, 6:30 p.m., Springfield Town Offices
- December 12
 - LCPC, 6 p.m., Green Mountain Technology & Career Center
 - RRPC, 5:30 p.m., RRPC Office
- December 14
 - CVRPC, 6 p.m., Northfield Public Library
- December 15
 - BCRC, 5:30 p.m., Arlington Town Hall
 - NVDA, 5 p.m., NVDA Conference Room

What does Substantial Deference Mean?

- A land conservation measure or specific policy shall be applied in accordance with its terms unless there is a clear and convincing demonstration that other factors affecting the general good of the State outweigh the application of the measure or policy. The term shall not include consideration of whether the determination of energy compliance should or should not have been affirmative under 24 V.S.A. § 4352.

Contrast with “substantial deference” in 248(a), where land conservation measures can be overcome by “good cause to find otherwise.”

- Still important for land conservation measures and specific policies to be clear, unambiguous, and specific.

What are Standards?

Standards = a **list of criteria** for issuing a determination of energy compliance that ensures consistency with the state's energy goals and policies and the recommendations from the state energy plan.

Municipal and **Regional** sets of determination standards have been published, in both abridged and annotated formats.

DPS has also published **recommendations** for this inaugural launch, drawn from recommendations already contained in the 2016 Comprehensive Energy Plan, filtered by relevancy to regions and towns. They provide an (incomplete set of) strategies and options to meet the state's energy goals and policies.

Additional guidance that wraps in and enhances the CEP recommendations, while offering instruction, resources, and example language, will be published before the year is out.