

1 S.210

2 Introduced by Senators Rodgers and Starr

3 Referred to Committee on

4 Date:

5 Subject: Energy; conservation and development; natural resources; land use;
6 scenic beauty; wind generation

7 Statement of purpose of bill as introduced: This bill proposes to prohibit the
8 installation of industrial wind generation.

9 An act relating to banning industrial wind

10 It is hereby enacted by the General Assembly of the State of Vermont:

11 Sec. 1. 10 V.S.A. chapter 152 is added to read:

12 CHAPTER 152. PROHIBITION ON INDUSTRIAL WIND

13 § 6151. LEGISLATIVE FINDINGS

14 The General Assembly makes the following findings of fact:

15 (1) Vermont contains scenic resources of great value that are distributed
16 throughout the State. These resources have contributed significantly to
17 Vermont's economic development by attracting tourists, permanent and
18 part-time residents, and new industries and cultural facilities.

19 (2) Vermont's ridgelines constitute a critical component of these scenic
20 resources, framing and shaping the State's iconic beauty. The ridgelines also

1 contain some of the State’s most fragile ecosystems and important wildlife
2 habitat.

3 (3) High elevation forests help to purify water and reduce flooding and
4 erosion by increasing the capacity of the land to hold water. These forest
5 benefits have become increasingly important as climate change accelerates and
6 with it the increased frequency of significant storm events in Vermont and the
7 related risk of flooding and fluvial erosion.

8 (4) Vermont has undertaken numerous efforts to protect its scenic and
9 rural character and natural resources, including:

10 (A) Defeating a proposal for a Green Mountain Parkway, a highway
11 that would have run through the Green Mountains.

12 (B) Prohibiting outdoor advertising such as billboards from view of
13 the traveling public.

14 (C) Adopting the State Land Use and Development Law, known as
15 Act 250, “to protect and conserve the lands and the environment of the State.”
16 This law includes a requirement to obtain a State land use permit before the
17 construction of improvements for commercial, industrial, or residential use
18 above 2,500 feet.

19 (D) Under Act 250, adopting a test for impact on scenic
20 beauty—known as the Quechee test—that requires special attention to
21 preserving the scenic qualities of ridgelines.

1 (E) Establishing statutory land use goals under 24 V.S.A. § 4302 that
2 include maintaining the historic settlement pattern of compact villages and
3 urban centers separated by rural countryside and preserving important natural
4 and historic features of Vermont’s landscape, including significant natural and
5 fragile areas and significant scenic views.

6 (5) Industrial wind is constructed at high elevations in order to take
7 advantage of the wind resource available at those elevations. This construction
8 involves land clearing and disturbance and building roads, substations, and
9 utility poles and wires. The resulting wind turbines are often visible
10 throughout the surrounding countryside.

11 (6) Development of high elevation industrial wind is detrimental to the
12 preservation of Vermont’s scenic resources and therefore to the State’s
13 economic base. Such development is also detrimental to the conservation of
14 important ecosystems and wildlife habitat. Clearing of high elevation forests
15 for these projects undermines the ability of the land to retain water and
16 therefore contributes to increased flood and erosion risk from storm events.

17 § 6152. PROHIBITION

18 (a) Definitions. As used in this chapter:

19 (1) “Expand” means to construct additional improvements at a plant that
20 constitutes industrial wind, increase the square footage or height of existing
21 improvements at such a plant, or increase the plant capacity of such a plant.

1 facilities that are operated solely for on-site electricity consumption by the
2 owner of those facilities:

3 (A) no company, as defined in section 201 of this title, and no person,
4 as defined in 10 V.S.A. § 6001(14), may begin site preparation for or
5 construction of an electric generation facility or electric transmission facility
6 within the State which is designed for immediate or eventual operation at any
7 voltage; and

8 (B) no such company may exercise the right of eminent domain in
9 connection with site preparation for or construction of any such transmission or
10 generation facility, unless the Public Service Board first finds that the same
11 will promote the general good of the State and issues a certificate to that effect.
12 However, the Board shall not issue a certificate under this section to industrial
13 wind as defined in 10 V.S.A. § 6152.

14 Sec. 4. CONFORMING REVISION

15 In preparing this act for codification and for publication in the Acts and
16 Resolves, the Office of Legislative Council shall substitute the actual date for
17 the phrase “effective date of this chapter.”

18 Sec. 5. EFFECTIVE DATE

19 This act shall take effect on passage.