

**State of Vermont  
Natural Resources Board**

**Procedure Statement**

**Re: Criterion 9(F) Procedure**

**1. Purpose**

The Natural Resources Board adopts this procedure to provide consistency and certainty to the review of Act 250 applications under criterion 9(F). 10 V.S.A. § 6086(a)(9)(F). This Procedure also adopts and incorporates the CBES Stretch Guidance document as developed by the Vermont Public Service Department. (Attached). Furthermore, this Procedure supersedes all previous procedures regarding criterion 9(F).

**2. Statutory Provisions**

Statutory provisions regarding the energy conservation criterion (9(F)) are found at 10 V.S.A. § 6086(a)(9)(F) and 30 V.S.A. §§ 51 and 53.

**3. Evidence of Compliance**

*Residential Buildings*

Pursuant to 10 V.S.A. § 6086(a)(9)(F) an applicant seeking an affirmative finding under criterion 9(F) shall provide evidence that the subdivision or development complies with the applicable building energy standards under 30 V.S.A. § 51. Pursuant to 30 V.S.A. § 51, substantial and reliable evidence of compliance with the Residential Building Energy Standards (RBES) and the RBES Stretch Code established under 30 V.S.A. §51, serves as a presumption of compliance with criterion 9(F).

To demonstrate substantial and reliable evidence of compliance with the RBES Stretch Code, applicants shall:

Certify, through the Act 250 Application, Schedule B, that the residential building will meet the RBES and corresponding RBES Stretch Code effective at the time of construction.

In addition, the applicant, upon completion of the construction of each building and prior to occupancy, shall submit to the District Commission a copy of the certification submitted to the Public Service Department as described under 30 V.S.A. § 51(f).



Commercial Buildings

Pursuant to 10 V.S.A. § 6086(a)(9)(F), an applicant must demonstrate “the planning and design of the subdivision or development reflect the principles of energy conservation, including reduction of greenhouse gas emissions from the use of energy, and incorporate the best available technology for efficient use or recovery of energy.” The Public Service Department has developed a CBES Stretch Guidance, which furthers the goals of criterion 9(F). The Board finds compliance with the Commercial Building Energy Standards (CBES) and corresponding CBES Stretch Guidelines as developed by the Vermont Public Service Department serves as a presumption of compliance with Criterion 9(F).

To demonstrate conformance with criterion 9(F), applicants for commercial building projects shall:

Certify, through the Act 250 Application, Schedule B, that the building will meet the CBES and corresponding CBES Stretch Guidance as developed by the Department of Public Service effective at the time of construction.

In addition, the applicant, upon completion of the construction of each building and prior to occupancy, shall submit to the District Commission a copy of the certification submitted to the Public Service Department as described under 30 V.S.A. § 53(d).

Adopted and Approved by the Natural Resources Board: May 10, 2016.  
Revised May 20<sup>th</sup>, 2016.

Effective: June 1, 2016