

**STATE OF VERMONT
PUBLIC UTILITY COMMISSION**

Case No. 23-3734-PET

Petition of Vermont Transco LLC and Vermont Electric Power Company, Inc. (collectively, “VELCO”), for a Certificate of Public Good pursuant to 30 V.S.A. § 248 authorizing construction of the “Franklin County Line Upgrade Project” consisting of upgrades to VELCO’s existing K42 transmission line in Georgia, St. Albans, Swanton, and Highgate, Vermont	
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**SUPPLEMENTAL TESTIMONY OF ANDREW MCMILLAN
ON BEHALF OF VERMONT ELECTRIC POWER COMPANY, INC.
AND VERMONT TRANSCO LLC**

February 23, 2024

Mr. McMillan explains that there are no impacts to certain Section 248(b)(5) criteria from the structure and height adjustments that have been made to the proposed Project design since the Petition was filed in October 2023. He also describes updated information regarding primary agricultural soil impacts, along with one other Project update related to the St. Albans Tap Station realigned driveway. He describes revisions that have been made to Exhibit Petitioner AM-4, the Architectural Reconnaissance Survey for the Project. As well, he discusses VELCO’s review of a proposed laydown area under certain Section 248(b)(5) criteria.

EXHIBITS

Exhibit Petitioner AM-4 (Revised)

**Revised Architectural Reconnaissance
Survey Franklin County Line Upgrade
Project**

Exhibit Petitioner AM-7

**VHB Memorandum re Review of Project
Structure Changes**

Exhibit Petitioner AM-8

WSP Supplemental Architectural Review

SUPPLEMENTAL TESTIMONY OF ANDREW MCMILLAN
ON BEHALF OF VERMONT ELECTRIC POWER COMPANY, INC.
AND VT TRANSCO LLC

1 **Q1. Did you previously testify in this matter, Case No. 23-3734-PET, the petition**
2 **of Vermont Electric Power Company, Inc. and Vermont Transco LLC (collectively**
3 **“VELCO”), for a certificate of public good, pursuant to 30 V.S.A. § 248, authorizing**
4 **upgrades to the K42 transmission line in Georgia, St. Albans, Swanton, and Highgate,**
5 **Vermont (the “Project”)?**

6 **A1. Yes, I did.**

7

8 **Q2. What is the purpose of this Supplemental Testimony?**

9 **A2. I discuss changes to structure locations, as well as height adjustments, that have**
10 **been made to the Project design since the Petition was submitted on October 26, 2023, and**
11 **explain how these changes have no impact on certain Section 248(b)(5) criteria. I also describe**
12 **updated information regarding primary agricultural soil (PAS) impacts, and one other update**
13 **related to the St. Albans Tap Station realigned driveway. I detail revisions that have been made**
14 **to Exhibit Petitioner AM-4, the Architectural Reconnaissance Survey for the Project. I also**
15 **discuss VELCO’s review of a proposed laydown area under certain Section 248(b)(5) criteria.**

16

17 **Q3. Are you familiar with the changes that VELCO is proposing to the K42 line**
18 **design since the initial Petition filing?**

19 **A3. Yes. The specific structure movements and height changes are detailed in the**
20 **Supplemental Testimony and exhibits submitted by VELCO witness Scott Mallory.**

1 **Q4. Has VELCO evaluated whether there will be any environmental impacts**
2 **from the proposed modifications to structure locations? If so, please describe the results of**
3 **this evaluation.**

4 **A4.** Yes, VELCO requested that its environmental consultant, VHB, evaluate whether
5 the modifications would result in any environmental impacts. VHB has prepared a supplemental
6 memorandum detailing its review, which is attached here as **Exhibit Petitioner AM-7**. Exhibit
7 Petitioner AM-7 provides VHB's evaluation of the revised structure locations with respect to
8 specific environmental resources. In sum, VHB concludes that the line design structure changes
9 will not result in any new or otherwise negative impacts to natural resources and that, therefore,
10 their respective conclusions of no undue adverse effect remain the same. All structure shifts
11 remain within the existing VELCO 150-foot right-of-way (ROW) that was previously assessed.
12 The structure changes and their associated work pad and access route re-alignments fall within
13 the same general resource areas as the initial project layout. In the case of dead-end structure
14 type changes, such as with the dead-end shift from Structure 382 to Structure 378, impacts to the
15 environment do not increase, but are shifted from one location to the other. As both structure
16 locations (378 and 382) are within Primary Agricultural Soils (PAS) and partially within wetland
17 and wetland buffers that are planned to be matted, the resulting impacts remain largely the same
18 with the dead-end's work pad being positioned in a different area containing similar resources (in
19 this case the same two resources - PAS and Class 2 wetlands - with the same work practice type
20 of temporary matting).

21 While geotechnical soil boring data (poor soils from an embedment / stability standpoint)
22 necessitated several structure type and location changes, some of the recent structure shifts are

1 the direct result of natural resource avoidance measures. For example, VELCO worked with the
2 Vermont Fish and Wildlife Department's botanist and its line design engineer to make location
3 adjustments at structure 210Y specifically to minimize unavoidable construction phase impacts
4 to a listed plant species in the area. Similarly, VELCO shifted Structure 264 slightly further away
5 from the top of bank of the Mill River and associated River Corridor and flood zone as part of
6 the final line design effort, which sought to address fluvial erosion risks in the area discussed
7 with the River Management Engineer and Floodplain Coordinator for the region. Additional line
8 design review and span length modifications in this area also eliminated the need for structure
9 262 altogether, which alleviates the need for one work pad and the associated as-filed temporary
10 impacts in that location. This iterative design process was conducted collaboratively with the
11 engineers and environmental professionals such that the changes were managed to result in no
12 new or additional natural resource impacts.

13 As discussed above, PAS impacts do not increase on the whole as a result of the structure
14 location and type changes, but rather shift from one soil unit to another as depicted in the
15 updated PAS Impact Table included with Exhibit Petitioner AM-7. As such, VHB has concluded
16 that the as-filed determination of no undue adverse effect to PAS remains unchanged. The same
17 conclusion has been reached for the other natural resources, such as but not limited to soil
18 erosion, whereby work pads and access roads necessary to construct the line rebuild project
19 remain generally the same overall, just within slightly different positions in the VELCO ROW.
20 The other structure shifts are discussed in more detail in the VHB memo, while those that have
21 no functional effect on the criteria are only listed in the corresponding structure shift table

1 (Attachment 2 of Exhibit Petitioner AM-7) and shown in the revised natural resource mapbook
2 (Attachment 1 of Exhibit Petitioner AM-7).

3

4 **Q5. What other information is included in Exhibit Petitioner AM-7 (the**
5 **supplemental VHB report)?**

6 **A5.** There was an error in the PAS map set and in the Prime Agricultural Soils (PAS)
7 Impact Summary Table contained within the VHB Natural Resources Report, which was
8 provided with my initial pre-filed testimony as Exhibit Petitioner AM-2. A revised map set and
9 revised PAS Impact Summary Table is located within Attachment 3 of Exhibit Petitioner AM-7.

10 The as-filed PAS Map Series Sheet 58 of 59 incorrectly depicted a portion of an off-
11 ROW access road as the “Physical Disturbance” type, which should have been depicted as
12 proposed Permanent PAS Impact within the actively farmed field coincident with mapped PAS.
13 In addition, the proposed impact numbers for the respective soil units have been re-calculated
14 where structure shifts and structure type changes necessitated modifications to the as-filed work
15 pads. These corrections and updates have been incorporated in the revised PAS Table and maps
16 included in Exhibit Petitioner AM-7.

17

18 **Q6. Has VELCO evaluated whether there will be any impacts to archaeological**
19 **or historic resources from the proposed modifications to structure locations and height**
20 **changes? If so, please describe the results of this evaluation.**

21 **A6.** Yes, VELCO requested that WSP, its archaeological/historic resources consultant,
22 evaluate whether the structure modifications would result in any new, substantive impacts to

1 above-ground historic resources. WSP has prepared a supplemental memorandum detailing its
2 review of the revised Area of Potential Effect (APE) relative to above-ground historic
3 architectural resources, which is attached here as **Exhibit Petitioner AM-8**. WSP concluded that
4 the revised line design structure changes will result in potential viewshed (visual) impacts to six
5 additional historic architectural resources/properties (buildings >50 years old). However, WSP's
6 review concluded that four of the six historic properties lack the integrity necessary for listing in
7 the State and/or National Register of Historic Places. The other two properties are listed in the
8 State Register of Historic Places and retain their historic integrity, although WSP concluded that
9 the Project's indirect visual impacts would not have an adverse effect on either one, as 1) the
10 proposed K42 structures are not visible from the farmhouse or accompanying structures
11 (visibility of the replacement structure/s is limited to a portion of an open field) and 2) the
12 viewshed of the replacement structures is negligible as compared to the existing K42 structures'
13 visibility at the other listed property. Therefore, the conclusion in the as-filed and revised
14 Historic Architectural report remains unchanged.

15 WSP's initial archaeological review covered the entire Project right-of-way and all
16 structure shifts and structure type changes and their associated work pad and access road
17 adjustments occur within the existing right-of-way. However, while no further below ground
18 review was anticipated as being needed for the line design changes, ongoing discussions with
19 Vermont Division for Historic Preservation (VDHP) indicate that Exhibit Petitioner-AM-3, the
20 Archaeological Identification Survey Report, will require some revisions to provide additional
21 background information and research, and that additional subsurface testing may be necessary to
22 further characterize archaeological site contexts in areas where WSP found cultural materials.

1 VDHP has requested additional subsurface testing in the area of Structure 264; VELCO
2 will work with WSP to develop an appropriately targeted work plan and implement it in this area
3 and the few other areas of concern in coordination with VDHP. VELCO anticipates executing
4 the additional subsurface testing in these few targeted areas, as requested by and in coordination
5 with VDHP, during the spring of 2024. The area where additional testing was requested by
6 Structure 264, which is south of the Mill River, is an unavoidable impact area, as the structure
7 installation must occur in the corridor and cannot avoid the area VDHP indicated was sensitive
8 for archaeological resources. As such, VELCO's additional testing will either clear the area of
9 archaeological sensitivity if no artifacts are found (alleviating the need for any additional
10 protection or avoidance measures) or will require a plan for the recovery of below ground
11 artifacts. In the event artifacts are recovered that warrant protection measures, VELCO will
12 implement necessary protection measures to be developed with VDHP.

13 Additional subsurface testing has also been requested by VDHP in the vicinity of
14 structures 221 and 222, with the additional testing concentrated more on the southern portion of
15 this span nearer to structure 221. Structure 222 has shifted approximately 5 feet to the north as
16 part of the revised line design. VELCO will coordinate with VDHP regarding the shift at
17 structure 222 and any necessary historic sites mitigation measures to ensure no undue, adverse
18 effect on below ground historical resources.

19

20 **Q7. Unrelated to the line design changes discussed above, did WSP revise its**
21 **Historical Architectural Reconnaissance report, previously filed as Exhibit Petitioner AM-**
22 **4?**

1 **A7.** Yes, it did. The revised exhibit is attached here as **Exhibit Petitioner AM-4**
2 **(Revised).**

3
4 **Q8.** **Please summarize the revisions WSP made to its Historical Architectural**
5 **reconnaissance report and explain why these changes were made.**

6 **A8.** VELCO, WSP, and VDHP met on November 29, 2023 to review and discuss the
7 Project's two Historic Sites reports: Phase 1 Archaeological Identification Survey, Exhibit
8 Petitioner AM-3, and the Architectural Reconnaissance Survey, Exhibit Petitioner AM-4. During
9 that meeting, VDHP raised a concern that within the Architectural Reconnaissance Survey report
10 WSP did not adequately reference the State's online database with regard to the State Register
11 eligibility determinations, recommendations, and site identification numbers. VDHP requested
12 edits to language in the report that would better characterize the work done by WSP and the
13 inclusion of recent determinations of eligibility for specific resources. Since VDHP's Historic
14 Resources Specialist concurred with the overall conclusion presented by WSP – that the Project
15 would not have an undue adverse effect on any aboveground historic sites – it was agreed that a
16 revised report was the appropriate step to address VDHP's concern in order to receive VDHP's
17 official concurrence of WSP's conclusion. A follow up meeting was held with VDHP on
18 December 1, 2023 to review specific areas for revision. The revised report was submitted to
19 VDHP on December 27, 2023. VDHP has accepted this revised report as complete and maintains
20 concurrence with WSP's finding of no undue, adverse effect on aboveground historic properties.

1 **Q9. Please discuss the update regarding the St. Albans Tap Station driveway**
2 **realignment.**

3 **A9.** VELCO is working with its design engineers to finalize the optimal driveway
4 realignment and associated grading plan for its St. Albans Tap Station (Tap). This ongoing work
5 effort indicates that, contrary to the as-filed initial determination, these proposed redeveloped
6 impervious surfaces at the property will require Vermont 9050 Operational Stormwater coverage.
7 VELCO proposes to construct less than 0.5 acres of redeveloped impervious for the Tap
8 driveway re-alignment; however, the total resulting impervious on the property - including the
9 existing VELCO facility and existing residential driveways and home/garage/s will exceed the
10 1.0 acre threshold as a result of the Tap driveway improvement. VELCO will obtain the
11 necessary Operational Stormwater permit coverage from VT ANR for its Tap driveway re-
12 alignment work to address the total impervious at the parcel.

13

14 **Q.10. Are you familiar with a new proposed laydown yard for this Project?**

15 **A10.** Yes. VELCO has initiated a lease agreement for a temporary laydown yard
16 property in St. Albans to support the Project's construction phase. The 13.8 acre property is
17 located at 457 Swanton Road in the Town of St. Albans, Vermont; however, VELCO intends to
18 utilize only the existing, improved portions of the property for laydown yard purposes. The
19 improved portions of the property constitute approximately 4 acres of gravel parking area and
20 concrete pad (previously used for RV sales/parking), in addition to a few existing buildings,
21 including but not limited to a garage.

1 **Q.11. Has VELCO reviewed the laydown yard for impacts to natural resources,**
2 **historic resources, and PAS? If so, please describe that review.**

3 **A11.** Yes, VELCO has performed an initial site visit of the proposed laydown area and
4 conducted a desktop analysis of the property and adjacent lands. However, the temporary use of
5 existing improved areas of gravel parking and existing buildings significantly limits the potential
6 for natural and/or cultural resource impact implications within this commercial growth center of
7 the Town of St. Albans. VELCO may need to add stone to the areas of existing gravel and/or use
8 a grader to re-establish level travel and material staging areas during the three-year lease term at
9 the proposed temporary laydown yard. While no other physical improvements or excavations are
10 planned, VELCO will work with the local distribution utility (DU) to re-establish the existing
11 electric service to the site, which could include limited work activities such as equipment access
12 and setting of a temporary pole in previously disturbed and/or improved areas of the site. No
13 expansion of the existing, improved gravel areas are proposed as part of VELCO's use of the
14 property as a temporary laydown yard. Other than the potential installation of single temporary
15 DU pole for temporary job trailer power as noted above, no excavation is planned or proposed as
16 part of VELCO's use of the property as a temporary laydown yard. Currently, VELCO is in
17 communication with the landowner to determine responsibility for securing the necessary
18 stormwater coverage as it pertains to the lapsed status of VTDEC Permit 3830-9015 for the
19 property. As there are existing stormwater treatment practices at the site that typically require
20 annual inspections and routine maintenance, VELCO may assume responsibility for some or all
21 of the ongoing stormwater treatment systems' maintenance activities during the lease of the
22 laydown yard property.

1 VELCO will fence in the approximately 4-acre work area in order to contain construction
2 work and material staging to that area. In addition, and out of an abundance of caution, VELCO
3 will work with its natural resource consultant to perform a natural resource survey at the property
4 for an approximately 100-foot area around the gravel parking and associated buildings. That
5 way, the onsite natural resources and their associated buffers can be included on project mapping
6 and included with contractor trainings for awareness and avoidance purposes. VELCO will also
7 ensure that all necessary protective measures are installed at the laydown yard during
8 construction, including but not limited to appropriate erosion control measures and sensitive
9 resource area signage and barricade tape.

10 As there will be no expansion of the existing gravel area or existing buildings and no
11 planned earth disturbing activities, no protected resource impacts will occur at the property as part
12 of VELCO's proposed temporary laydown yard usage. Accordingly, there will be no potential for
13 impacts to the 248 criteria of natural resources, historic resources, or PAS.

14 VELCO will implement the best management practices as outlined in the VELCO
15 Environmental Guidance Manual (Exhibit Petitioner-AM-6) to ensure air and water quality
16 protections at the site throughout the duration of the Project's construction phase and associated
17 term of the lease. This includes, but is not limited to, the appropriate installation and
18 maintenance of containment measures around any temporary fuel storage tanks, and siting
19 refueling away from sensitive receptors at the site.

20 Additionally, VELCO will work with the landowner to re-establish the existing utility
21 connections at the property, including but not limited to municipal water and sewer and electric
22 power. VELCO will require that its contractors secure the necessary portable toilets to be used at

1 the property in lieu of any onsite bathroom facilities, which is a standard contractual obligation
2 for line project construction laydown yards.

3

4 **Q12. Does this conclude your testimony at this time?**

5 **A12.** Yes, it does.

DECLARATION OF ANDREW MCMILLAN

I declare that the above statements are true and accurate to the best of my knowledge and belief.
I understand that if the above statements are false, I may be subject to sanctions by the
Commission pursuant to 30 V.S.A. § 30.

02/23/24
Date

/s/ Andrew McMillan
Andrew McMillan