



Vermont Land Trust

CONSERVING LAND FOR THE FUTURE OF VERMONT

8 Bailey Avenue
Montpelier, VT 05602
(802) 223-5234
(802) 223-4223 fax
(800) 639-1709 toll-free
www.vlt.org

REGIONAL OFFICES

Central Vermont
8 Bailey Avenue
Montpelier, VT 05602
(802) 223-5234

Champlain Valley
P.O. Box 850
Richmond, VT 05477
(802) 434-3079

Northeast Kingdom
P.O. Box 427
St. Johnsbury, VT 05819
(802) 748-6089

Southeast Vermont
and Mountain Valley
54 Linden Street
Brattleboro, VT 05301
(802) 251-6008

Southwest Vermont
and Mettowee Valley
10 Furnace Grove Road
Bennington, VT 05201
(802) 442-4915

January 25, 2008

Susan Hudson, Clerk
VT Public Service Board
Chittenden Bank Bldg.
112 State Street – Drawer 20
Montpelier, VT 05620-2701

RE: Docket No. 7373

Dear Mrs. Hudson:

With regard to the above-referenced matter, enclosed please find an original and six copies of the Vermont Land Trust's Motion to Intervene together with a Certificate of Service for filing.

Sincerely,

Dennis Shaffer
Vice President for Stewardship

Encs.

cc: Service List



**STATE OF VERMONT
PUBLIC SERVICE BOARD**

Docket No. 7373

**Petition of Vermont Transco, LLC, and)
Vermont Electric Power Company, Inc.)
(collectively “VELCO”), and Central Vermont)
Public Service Corporation (“CVPS”) for a)
Certificate of Public Good, pursuant to 30)
V.S.A. § 248, for the “Southern Loop Project.”)**

**MOTION TO INTERVENE OF
THE VERMONT LAND TRUST**

Now comes the Vermont Land Trust (VLT), by and through its Vice President for Stewardship, Dennis Shaffer, and pursuant to Vermont Public Service Board Rule 2.209(A) requests intervention as of right in the above-captioned proceeding. Alternatively, pursuant to Vermont Public Service Board Rule 2.209(B), VLT requests permissive intervention in this proceeding.

MEMORANDUM

Under Rule 2.209(A) of the Board’s Rules of Practice, a person has a right to intervene if the person demonstrates a substantial interest that may be adversely affected by the outcome of a proceeding, the proceeding affords the exclusive means for the person to protect its interest, and the person’s interest is not adequately represented by existing parties. Board Rule of Practice 2.209(A)(3). In addition, in the Board’s discretion a person may be permitted to intervene if the person demonstrates a substantial

interest that may be affected by the outcome of the proceeding. In exercising its discretion, the Board must consider whether that interest will be adequately protected by other parties, whether alternative means exist by which the applicant's interests can be protected, and whether intervention will unduly delay the proceeding or prejudice the interests of existing parties or the public. *Id.* at 2.209(B).

VLT is a private, non-profit land conservation membership organization that works with individuals, organizations, and communities to conserve land for the future of Vermont. Its primary focus is on permanently conserving productive, recreational, and scenic lands vital to Vermont's rural economy and environment. VLT has helped landowners in communities throughout Vermont, to permanently protect more than 480,000 acres— more than 8 percent of Vermont's privately-owned land. VLT's land conservation work serves explicit public policies:

“It is the purpose of this chapter [155 of Title 10] to encourage and assist the maintenance of the present uses of Vermont's agricultural, forest, and other undeveloped land and to prevent the accelerated residential and commercial development thereof; to preserve and to enhance Vermont's scenic natural resources; to strengthen the base of the recreation industry and to increase employment, income, business, and investment; and to enable the citizens of Vermont to plan its orderly growth in the face of increasing development pressures in the interests of the public health, safety and welfare.” 10 V.S.A. §6301

VLT is the fee owner of two properties and holds perpetual conservation easements on five properties upon which VELCO proposes to clear an additional right-of-way corridor and erect structures thereon. Two of the perpetual conservation easements are co-held by VLT, together with the Vermont Housing and Conservation Board and the Vermont Agency of Agriculture Food and Markets. (VLT serves as the agent for these two co-holders with respect to certain monitoring and enforcement functions.) The lands and interests in lands owned by the VLT which are impacted by the proposed activity are located in the Towns of Andover, Brattleboro, Dummerston, Townshend, and Windham, Vermont.

VLT has substantial concerns and interests over and above those of the general public with respect to the proposed activities since the activities directly impact lands and interests in lands which VLT owns and which will have indirect impacts on lands and interests in lands which VLT also owns adjacent to the right-of-way corridor. These lands have been conserved by VLT because they include important natural, scenic, recreation,

forestry and agricultural resources of various designations and of local and statewide significance.

The proposed clearing of the right-of-way corridor impacts VLT's conservation land and conservation interests in land. This clearing will impact or has the potential to impact significant natural communities, timber rights and forest management plans, landowner qualification for the Use Value Appraisal Program (Current Use), and recreation and vehicle access.

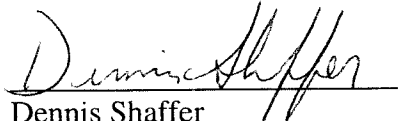
VLT has the ability and experience to effectively address the impacts listed above, and from a perspective not likely to be offered by other parties. VLT regularly provides legal, technical, land management, mapping, and stewardship support to land owners, communities, local and regional land trusts, and state agencies to help them achieve their conservation priorities.

The matters upon which VLT seeks to be heard, are matters which are directly tied to the above referenced interests and which the Public Service Board must enter findings pursuant to 30 V.S.A. §248 (b) (1) and (5).

Dated at Montpelier, Vermont, this 25th day of January, 2008.

VERMONT LAND TRUST

By:



Dennis Shaffer
Vice President for Stewardship
Vermont Land Trust
8 Bailey Avenue
Montpelier, VT 05602
(802) 262-1226
(802) 223-4223 (fax)
dennis@vlt.org

CERTIFICATE OF SERVICE

I hereby certify that on the 25th day of January 2003, a copy of the Vermont Land Trust's Motion to Intervene regarding Docket No. 7373, Petition of Vermont Transco, LLC, and Vermont Electric Power Company, Inc. (collectively "VELCO") and Central Vermont Public Service Corp. ("CVPS") for a Certificate of Public Good, pursuant to 30 V.S.A. § 248, for the "Southern Loop Project" was served by placing the same in the United States mail, postage prepaid, in accordance with the requirements of Public Service Board Rule upon the following:

Parties:

James Porter, Esq.
Laura Scanlan Beliveau, Esq.
Vermont Department of Public Service
112 State Street - Drawer 20
Montpelier VT 05620-2601

Kimberly K. Hayden, Esq. (For Vermont Transco, LLC, and Vermont
Downs Rachlin Martin PLLC Electric Power Company, Inc.)
199 Main Street P.O. Box 190
Burlington, VT 05402-0190

Megan R. Ludwig, Esq. (For Vermont Transco, LLC, and Vermont
Downs Rachlin Martin, PLLC Electric Power Company, Inc.)
90 Prospect Street - P.O. Box 99
St. Johnsbury, VT 05819-0099

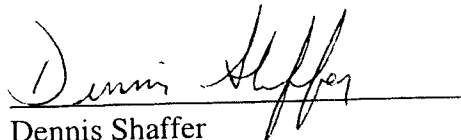
Morris L. Silver, Esq. (For Central Vermont Public Service Corp.)
The Kellogg Farm
Stage Road - P.O. Box 606
Benson, VT 05731-0606

*David Englander, Esq.
Vermont Agency of Natural Resources
103 South Main Street - Center Building
Waterbury, VT 05671-0301

George T. McNaughton, Esq. (For Carl Ferenbach, III, and Judy W. Ferenbach)
Law offices of George W. Lamb, P.C.
6 Main Street - PO Box 860
Springfield, VT 05156

****Sandra Levine, Esq.**
Conservation Law Foundation
15 East State Street, Suite 4
Montpelier, VT 05602-3010

* Notice of Appearance to be filed.
** Motion to Intervene Pending

A handwritten signature in cursive script, reading "Dennis Shaffer", is written over a horizontal line.

Dennis Shaffer
Vice President for Stewardship
Vermont Land Trust
8 Bailey Avenue
Montpelier, VT 05602
(802) 262-1226
(802) 223-4223 (fax)
dennis@vlt.org