STATE OF VERMONT
PUBLIC UTILITY COMMISSION

Case No.

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(j) authorizing upgrades to VELCO's existing Highgate Substation, located in Highgate, Vermont

PREFILED TESTIMONY OF ANDREW MCMILLAN
ON BEHALF OF VERMONT ELECTRIC POWER COMPANY, INC.
This testimony and associated exhibits have been filed ePUC

October 5, 2022

Andrew McMillan's testimony presents the report entitled: "Natural Resource Assessment Memo Highgate Project" prepared by VHB, which addresses VELCO's proposal to upgrade VELCO's existing substation located at 2731 Route 78, Highgate Town (collectively referred to as the "Project"). Mr. McMillan also addresses the specific environmental and historic sites criteria under 30 V.S.A. § 248(b)(5).

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PREFILED TESTIMONY OF ANDREW MCMILLAN
ON BEHALF OF VERMONT ELECTRIC POWER COMPANY, INC.

1. Introduction

Q1. Please state your name, occupation, and business address.

A1. My name is Andrew K. McMillan. I am the Vermont Electric Power Company, Inc. ("VELCO") Senior Environmental Specialist leading environmental reviews and permitting for the Highgate Project. My business address is Vermont Electric Power Company, Inc., 366 Pinnacle Ridge Road, Highgate, VT 05701.

Q2. Please describe your education and employment background.

A2. I received a Bachelor of Arts degree in Environmental Science from the State University of New York College at Plattsburgh, with a study option in Environmental Planning and Management and a minor in Applied Geographic Information Systems. I also received a post baccalaureate certificate in Geographic Information Systems from The Pennsylvania State University in December 2014 and a Master of Business Administration degree from Castleton University in May 2020. I have been employed by VELCO since 2009 and have worked on a variety of environmental projects at VELCO. I am currently serving as the Environmental Permitting Lead for the Project (as defined below). In this role I am responsible for: scheduling and managing the natural resource and above and below ground historic site assessments; agency coordination and correspondence; environmental permitting; and subsequently, construction and restoration oversight to ensure

compliance with the Project's environmental permits and commitments. The years prior to my employment at VELCO, I was employed as an Assistant Environmental Manager at Noble Environmental Power, and as a Fish & Wildlife Technician at the New York State Department of Environmental Conservation. My resume is attached as Exhibit Petitioner-AM-1.

Q3. Have you previously provided testimony before the Vermont Public Utility Commission ("PUC")?

A3. Yes, I have previously provided testimony before the PUC in Docket No. 7763 for the Bennington Substation Project, Docket No. 8385 regarding VELCO's Newport Project, Docket No. 8605 for the Connecticut River Valley Project, Docket No. 17-3808 regarding the St. Albans Project, Docket No. 17-5240 regarding the Barre Project, Case No. 19-1812 regarding VELCO's Berlin Project, and Case No. 20-3506 regarding VELCO's Irasburg Substation Project.

Q4. Do you hold any professional licenses or certifications?

A4. Yes. I am a certified Water System Operator in the State of Vermont (Operator ID# OP03924) and am a Certified Professional in Erosion and Sediment Control (CPESC). I also hold OSHA 40-hour certification for Hazardous Waste Operations and Emergency Response (HAZWOPER) (29 CFR 1910.120).

2. Testimony Overview

Q5. What is the purpose of your testimony?

A5. My testimony summarizes how VELCO's proposal to upgrade its existing substation located at 2731 Route 78, Highgate (the "Project") will comply with the environmental and historic sites criteria applicable to electric transmission projects under 30 V.S.A. § 248. As such, my testimony provides an assessment of potential impacts upon above and below ground historic sites as well as presenting the document entitled: "Natural Resource Assessment Memo - Highgate Substation Project," prepared by VHB. VELCO will use a parcel it owns directly across Route 78 from the substation area, areas adjacent to the existing substation, and areas within its existing right-of-way for temporary construction support areas (collectively referred to as "construction support areas"). Specifically, my testimony addresses the following statutory criteria: outstanding resource waters (10 V.S.A. § 1424a(d)), air pollution (10 V.S.A. § 6086(a)(1)), headwaters, (10 V.S.A. § 6086(a)(1)(A)), waste disposal (10 V.S.A. § 6086(a)(1)(B)), water conservation (10 V.S.A. § 6086(a)(1)(C)), floodways (10 V.S.A. § 6086(a)(1)(D)), shorelines (10 V.S.A. § 6086 (a)(1)(F)), streams (10 V.S.A. § 6086(a)(1)(E)), wetlands (10 V.S.A. § 6086(a)(1)(G)), water supply (10 V.S.A. § 6086(a)(2) and (3)), soil erosion (10 V.S.A. § 6086 (a)(4)), and threatened and endangered species, rare and irreplaceable natural areas and necessary wildlife habitat (10 V.S.A. § 6086(a)(8)). My testimony also addresses additional criteria under 30 V.S.A. §

248(b)(5): historic sites, greenhouse gas impacts, use of natural resources, and primary agricultural soils.

3. Historic Sites [30 V.S.A. § 248(b)(5)]

Q6. Will this Project have an undue adverse effect on historic sites?

A6. No. A "historic site" is a site that has been officially included in the National Register of Historic Places and/or the state register of historic places. There are no registered historic sites within the Project's proposed area of impact. There are, however, known historic sites in the Project vicinity. Accordingly, VELCO retained WSP to perform a gap analysis[1] to determine the proposed Project area's sensitivity for archaeological and historic resources relative to prior archaeological and historic site assessments performed by WSP and others within the Assessment Area (as defined in Exhibit Petitioner AM). The Assessment Area for the Project consisted of all VELCO-owned properties surrounding both the Highgate Substation on the north side of Route 78 and the Highgate Converter Station on the south side of Route 78. This larger area was assessed for natural and cultural resources to support the project scoping and evaluation of viable construction support areas proximate to the proposed upgrades. Additionally, WSP conducted an Archaeological Resource Assessment (ARA) and ground truthing survey of the proposed Project area on July

[1] VELCO refers to this analysis as a "gap analysis". The gap analysis required reviewing the multiple prior archaeological surveys that exists for the adjoining properties, mapping the previously identified archaeological sites, and determining whether gaps existed in the survey work. The gap analysis thus informed the scope of archaeological review for this Project.

28, 2022, and concluded that the area surrounding the existing VELCO Highgate substation - where the proposed Project activities are located - consists of previously disturbed land and soils that are not archaeologically sensitive and therefore, no additional subsurface testing was warranted. The Project, as proposed, does not include tree clearing and does not propose any substantive changes to the existing landscape, which is dominated by electrical infrastructure (substation yard and equipment and overhead transmission and distribution lines). As such, the Project will not adversely affect historic properties in the vicinity, since the site will remain in the same general configuration, use and management once completed.

Therefore, the Project will not have an undue, adverse effect on historic sites. Exhibit Petitioner AM-2 (Historic Sites Memo prepared by WSP).

4. <u>Natural Environment [30 V.S.A. § 248(b)(5)]</u>

Q7. Will the proposed Project have an undue adverse effect on the applicable Section 248 environmental criteria?

A7. No. VELCO retained VHB to perform detailed natural resource assessments for the proposed Project. The proposed Project's footprint, the area of potential impact (referred to as "Project Area" or "Project footprint"), is located entirely within a greater 56-acre area that is referred to as the "Project Assessment Area" ("PAA") or Study Area. The PAA includes the temporary construction support areas. The Project's footprint is based on the site design layout and constitutes a much smaller

land area than the PAA. The Natural Resource Assessment Report details the findings for the entire, larger 56-acre PAA.

VELCO takes an iterative design approach through its Substation Condition Assessment Project whereby collecting natural and cultural resource information prior to finalizing the site-specific substation upgrades and associated facility layout. This allows for due consideration of natural resource area impact avoidance and minimization during the evaluation of substation design iterations, as well as thoughtful siting of construction support areas, temporary facilities, and tie lines, where needed.

Accordingly, VHB's natural resource assessment effort also reviewed the Study Area / PAA for potential tie line work areas and access, as well as for potential staging areas that would be used to support Project construction. See Exhibit Petitioner AM-3 (Natural Resource Assessment Memo - Highgate Project). The majority of the proposed substation upgrade work will occur within areas of previous disturbance and/or within the substation fence atop the existing gravel substation yard material. VELCO has considered the surrounding natural resources, including but not limited to wetlands and prime agricultural soils, in the siting and design of the proposed substation improvements, and intends to avoid vegetation clearing at the site while maximizing use of currently accessible, level, open areas for material storage such as the adjacent transmission line corridors

north and south of the substation. The proposed VEC single pole relocation located along the eastern fenceline does not involve any corridor expansion; however, the pole and guy anchor relocation work may require limited earth disturbance to establish safe work pads and sufficient equipment access.

VELCO will follow its Non-native and Invasive Species (NNIS) Monitoring and Control Plan, which is included as Exhibit Petitioner AM-4. In addition, VELCO will perform all Project work in accordance with the VELCO Environmental Guidance Manual (VEGM) (Exhibit Petitioner AM-5). As such, the Project will not result in any undue, adverse effects on the natural environment.

5. <u>Outstanding Resource Waters [10 V.S.A. § 1424a(d) & 30 V.S.A. § 248(b)(8)]</u>

Q8. Will the Project result in an undue adverse effect on any Outstanding Resource Waters?

A8. No. There are no Outstanding Resource Waters within or in the vicinity of the Project Area. Therefore, the proposed Project will have no undue, adverse effect on Outstanding Resource Waters. Exhibit Petitioner AM-3, at 3.

6. <u>Water and Air Pollution [10 V.S.A. § 6086(a)(1)]</u>

Q9. Will the Project result in an undue adverse effect on air quality?

A9. No. Work during the Project's construction phase will result in minor air emissions. There will be vehicle emissions at the sites from the use of diesel and gasoline

powered vehicles and equipment. There may also be brief releases of dust generated during equipment and material transport, earthmoving, and general construction activities; however, VELCO will manage dust resulting from construction activities in accordance with the Vermont Standards and Specification for Erosion Prevention and Sediment Control (ESPC) and the VEGM. Furthermore, Project operation, upon completion of the construction phase, will not produce any regulated air emissions. Therefore, the Project will not have an undue, adverse effect on air quality. Exhibit Petitioner AM-3, at 4-5.

Q10. Will the Project result in undue adverse water quality conditions?

A10. No. The proposed Project activities will not involve more than one acre of earth disturbance; therefore, the Project will not require VELCO to obtain a Vermont Department of Environmental Conservation (VT DEC) Construction Stormwater Discharge Permit. Regardless, VELCO will perform all earth disturbing activities in accordance with the Vermont Standards and Specifications for ESPC and the VEGM. The Highgate substation is included in VELCO's *Spill Prevention, Control, and Countermeasure* (SPCC) *Plan*, which addresses the operational oil-filled equipment at the substation to prevent a discharge of oil into navigable waters. VELCO will adhere to its SPCC Plan, which includes site-specific drainage pathways and detailed information on spill response measures to ensure protection of waters adjacent to the substation in the event of a release of oil or hazardous material to the environment. Implementation and adherence to an EPSC Plan that

will be produced for the Project's construction phase, VEGM, SPCC Plan, and environmental compliance oversight inspections will ensure the protection of water quality during Project construction activities.

If a release of a hazardous material were to occur during the Project's construction phase, VELCO would take appropriate steps to contain it; report the release to the DEC (as necessary); remove the contaminated material from the site for proper disposal; and restore the area in accordance with the VEGM (Exhibit Petitioner AM-5) and applicable State and Federal Regulations. The implementation and adherence to a site specific EPSC Plan, the VEGM, and updated SPCC Plan during construction and upon completion of the proposed project upgrades will maintain existing water quality at the Project site. As such, there will be no undue adverse effect to water quality. Exhibit Petitioner AM-5.

7. <u>Headwaters [10 V.S.A. § 6086(a)(1)(A)]</u>

Q11. Will the Project result in undue adverse effects to headwaters?

A11. No. For the headwaters criteria to be met, the Project must demonstrate compliance with any applicable health and environmental regulations regarding the reduction of the quality of the ground or surface waters flowing through or upon lands which are not devoted to intensive development. These areas are defined as: 1) headwaters or watersheds characterized by steep slopes and shallow soils; 2) drainage areas of 20 square miles or less; 3) above 1,500 feet elevation; 4) watersheds of public water

supplies designated by the Vermont ANR; or 5) areas supplying significant amounts of recharge waters to aquifers. VHB analyzed available information and conducted field surveys to determine if the Project will be located on any lands that meet the criteria of 10 V.S.A. § 6086(a)(1)(A). Exhibit Petitioner AM-3, at page 4.

VHB found that the PAA is located within the watershed of the Missisquoi River with a drainage area greater than 50 square miles and that the site does not meet the headwaters criteria. Additionally, VHB reviewed the Agency of Natural Resources Atlas and confirmed that there are no public water supplies or associated source protection areas (SPA) within the PAA. Therefore, the Project is not within a headwaters area and will not create an undue adverse effect on the headwater criterion.

8. <u>Waste Disposal [10 V.S.A. § 6086(a)(1)(B)]</u>

Q12. Please discuss VELCO's plans regarding waste disposal.

A12. The Project is limited in scope and size and consists primarily of rebuilding and decommissioning of an electrical substation control building, and as such, will involve limited waste disposal, with the majority associated with the construction phase. VELCO will handle and dispose of the decommissioned substation materials, construction debris, and waste generated from this Project in compliance with State of Vermont Solid Waste Management Rules. Metal equipment such as

structural steel, chain link fencing, and the control building will be recycled as scrap metal.

As the proposed Project includes the replacement of the existing VELCO control building at the substation, VELCO performed an asbestos and lead-based paint survey of its control building to determine the presence/absence of these hazardous building materials and the associated disposal requirements. The survey and associated laboratory results indicated that the building does not contain lead-based paint, but asbestos is present in caulking in three locations on the existing control building: 1) at the junction of the siding ground flashing, 2) junction of the siding and roof structure, and 3) around the door frame. VELCO will work with a licensed asbestos abatement professional as part of the Project's control building demolition to appropriately remove and dispose of this asbestos containing material prior to demolition activities. VELCO will design, permit, and conduct the removal of ACMs in accordance with the applicable Vermont Department of Health and Environmental Protection Agency rules and regulations. Upon successful completion of the asbestos abatement project and site clearance from the abatement contractor, the decommissioned materials from the building can be disposed of as general construction and demolition debris.

VELCO will dispose of sanitary waste during construction by obtaining and using portable toilet/s. One of the Highgate substation improvements is to establish an

onsite wastewater treatment system to serve a bathroom in the new control building. VELCO is still in the consultation and design phase of its onsite wastewater system for the Project, but preliminary analysis indicates that an inground system is feasible within the existing transmission line corridor north of the existing substation fence. VELCO will obtain the necessary Wastewater and Potable Water Supply Permit from the VT DEC Drinking Water and Groundwater Protection Division for its wastewater system at the site. VELCO will design and construct its wastewater system and associated connections for the new control building in accordance with its VT DEC permit and the Wastewater System and Potable Water Supply Rules administered by the VT DEC.

VELCO will stockpile and dispose of clean wood products that are brought onsite during Project construction as part of equipment and/or material deliveries (i.e. pallets) in accordance with Act 148, the Universal Recycling and Composting Law. VELCO will work with the distribution utility owner and line crews to perform the single utility pole relocation activities in accordance with the Penta BMP identified in Docket 8310, which will be accomplished by onsite training for any entities working on the Project that handle penta-treated poles.

The implementation and adherence to the items listed above will ensure that proper waste disposal practices are performed during Project construction and operation.

In accordance with previous Substation Condition Assessment Project consultations with the Vermont DEC Waste Management and Prevention Division (WMPD), VELCO evaluated the existing substation soils and concrete to determine the potential for contaminants. No contaminated soils were detected as part of the pre-characterization assessment.

The Project does not require an operational stormwater permit because the total resulting impervious area following completion of the proposed Project upgrades will be less than one acre.

VELCO is proposing to retain its existing transformers at the site as part of this Project, which are equipped with passive secondary oil containment. VELCO will update the Highgate Substation section of its systemwide SPCC Plan, as applicable, following the completion of the Project. Therefore, the Project will not have an undue, adverse effect on waste disposal. Exhibit Petitioner AM-3, at 4-5.

9. <u>Water Conservation & Supply [10 V.S.A. § 6086(a)(1)(C) & (a)(2)&(3)]</u>

Q13. Please describe water conservation measures associated with the Project.

A13. The Project will, where technically and economically feasible, incorporate measures to conserve water use, recycle water, and maintain the efficient operation of any such measures. VELCO will incorporate water conservation measures, such as low-flow toilets and other fixtures at the Project site, where practically feasible.

There is the potential that the Project will need to use water for dust control and to help establish onsite vegetation during site restoration; however, the amount of water used for these temporary, construction-phase activities will be limited in duration and will only be utilized if needed. VELCO will limit water demand post-construction as the substation facilities are not staffed, and only intermittently visited by maintenance personnel. Exhibit Petitioner AM-3, at 5 and 8.

Q14. Will the Project have an undue adverse effect on water conservation?

A14. No. The operation of the proposed facilities will not require the utilization of water beyond the intermittent use of a single bathroom by maintenance personnel. As such, the proposed Project will not have an undue adverse effect on water conservation. Exhibit Petitioner AM-3, at 5.

Q15. Will the Project burden existing water supplies?

A15. No. VELCO will obtain the necessary VT DEC administered Wastewater System and Potable Water Supply Permit for the substation control building's new onsite water/wastewater connections. The substation facility will have a limited demand for water post-construction, as the substation facilities are not regularly staffed, and only intermittently visited by operation and maintenance personnel. VELCO expects water usage onsite to increase temporarily during construction; however, water will only be used on an as-needed basis as described above. As such, the

proposed Project will not burden the existing water supplies. Exhibit Petitioner AM-3, at 8.

10. Floodways [10 V.S.A. § 6086(a)(1)(D)]

Q16. Is any part of the Project located within a 100-year flood boundary or floodplain?

A16. No. VELCO analyzed the available Federal Emergency Management Agency Flood Insurance Rate Maps and determined that the Project activities are not located on any lands that meet criteria (10 V.S.A. § 6086(a)(1)(D)) related to floodways. As such, the Project will not have an undue, adverse effect on floodways. Exhibit Petitioner AM-3, at 5-6.

11. Streams [10 V.S.A. § 6086(a)(1)(E)]

Q17. Will the Project have an undue adverse effect on any streams?

A17. There are no streams located within the Project area. The stream resources that VHB identified and mapped with the larger Study Area / Project Assessment Area will be avoided by the proposed Project and associated construction support areas. As such, the Project will have no undue, adverse effect on streams. Exhibit Petitioner AM-3, at 6.

12. Shorelines [10 V.S.A. § 6086(a)(1)(F)]

Q18. Does the Project affect any shorelines?

A18. No. There are no surface waters (lakes, ponds, reservoirs, or rivers) within or near the Project area that would constitute a shoreline as defined by 10 V.S.A. 6001(17)

or Act 250. As such, the proposed Project will not have an undue adverse effect on shorelines. Exhibit Petitioner AM-3, at 7.

13. <u>Wetlands [10 V.S.A. § 6086(a)(1)(G)]</u>

Q19. Will the Project result in undue, adverse effects to wetlands?

A19. No. VHB performed thorough field investigations specifically targeted at identifying and delineating jurisdictional wetlands within the PAA pursuant to the USACE wetland delineation methodology. Of the six wetlands identified and mapped within the 56-acre PAA, two are directly adjacent to the existing substation. No Project components are located within wetlands or their buffers. However, as wetlands occupy nearly half of the land surrounding the existing substation facility and the proposed Project requires construction support areas, VELCO plans to temporarily impact a portion of one wetland buffer for material storage and staging associated with Class 2 wetland "2020-W1". This wetland buffer is located north of the existing substation within the open, level transmission line corridor, which VELCO can safely and efficiently access through an existing gate in the substation perimeter fence. VELCO will also require temporary access to an existing transmission structure equipped with telecommunication infrastructure (fiber) located west of the substation as part of the Project upgrade work. This existing transmission structure is located within the same Class 2 wetland mentioned above ("2020-W1"), which wraps around the west and north sides of the substation. The Vermont Wetland Rules (6.8 and

6.12) deem these proposed temporary impacts Allowed Uses. The Project will employ best management practices developed by the Vermont Wetlands Program for temporary work within wetlands and wetland buffers. Specifically, VELCO will use timber matting for the construction support staging area and transmission structure telecom work, which VELCO will remove upon Project completion to preserve the functions and values of the Class 2 wetland and its regulated buffer.

VELCO will adhere to its Project-specific EPSC plan, VT DEC BMPs, and the VEGM to minimize the Project's potential impacts to wetlands and wetland buffers during construction. As such, there will be no undue adverse effect to wetlands as a result of the Project. Exhibit Petitioner AM-3, at 7-8.

14. <u>Soil Erosion [10 V.S.A. § 6086(a)(4)]</u>

Q20. Will the Project result in undue, adverse effects on soil erosion?

A20. No. The proposed Project consists primarily of the redevelopment of an existing facility. Much of the anticipated site excavation work is located within the extant substation yard, which is a level and pervious gravel surface that greatly reduces the potential for adverse soil erosion. The construction support areas will be established with stone on fabric at grade, which not only protects the underlying soil horizons and seed stock, but also precludes the potential for soil erosion within these areas throughout the construction phase of the Project. However, as proposed, the Project will result in over one (1) acre of earth disturbance and thus triggers the

need for a VT DEC Construction Stormwater Discharge Permit (CGP), which VELCO will seek and obtain for the site as part of final site plan reviews with its site design engineer. VELCO will develop and adhere to a detailed, site-specific EPSC plan for the Project to facilitate compliance and proper implementation of stormwater Best Management Practices (BMPs) that VELCO can implement to avoid and minimize soil erosion during construction.

Consequently, VELCO will perform all earth-disturbing activities in accordance with a site-specific EPSC Plan, the Vermont Standards and Specifications for EPSC, and the VEGM. With the adherence to these applicable BMPs, the proposed construction activities will not cause undue, adverse effects on soil erosion, or cause a reduction in the capacity of the land to hold water from the Project. Exhibit Petitioner AM-3, at 8-9.

15. Rare and Irreplaceable Natural Areas, Necessary Wildlife Habitat, Endangered Species [10 V.S.A. § 6086(a)(8)]

Q21. Will the Project have an undue adverse effect on rare and irreplaceable natural areas, necessary wildlife habitat, or threatened or endangered species?

A21. No. VELCO will perform all work within and directly adjacent to the existing developed areas of the substation yards and maintained areas. VHB performed an assessment for Rare and Irreplaceable Natural Areas (RINA), Necessary Wildlife Habitat, and Rare Threatened and Endangered (RTE) Species for the entire 56-acre

PAA in 2020. VHB did not identify any significant natural communities within the PAA/Study Area. VHB also assessed the PAA for Necessary Wildlife Habitat, including Deer Wintering Areas, Black Bear Habitat and Grassland bird habitat and concluded that no such areas are mapped or occur within the PAA. VHB did not identify any Threatened or Endangered species within the PAA or Project area. As the Project activities require no tree clearing, the Project will not impact Northern Long-eared bat or its habitat. While VHB identified a state rare (S2) plant species, Desmodium perplexum, within the PAA that is located adjacent to the existing Highgate Substation fence, the proposed Project upgrades have been sited to avoid the S2 plant population area entirely. As such, the Project will have no undue adverse effect on RINA, Necessary Wildlife Habitat, or Threatened or Endangered Species. Exhibit Petitioner AM-3, at 9-11.

16. <u>Greenhouse Gas Impacts [30 V.S.A. § 248(b)(5)]</u>

Q22. Will the proposed VELCO work have any significant greenhouse gas impacts?

A22. No. VELCO's proposed construction activities will result in the release of minor emissions associated with the operation of gasoline- and diesel-powered engines and equipment. These activities, however, will be limited in nature and duration. Moreover, there will be no sustained releases of greenhouses gases (GHG) associated with the operation of the facilities. Exhibit Petitioner AM-3, at 3.

As such, there will be no undue, adverse effect associated with greenhouse gas emissions associated with the proposed Project. Exhibit Petitioner AM-6.

17. Use of Natural Resources [30 V.S.A. § 248(b)(5)]

Q23. Will the Project work use natural resources?

A23. VELCO will construct this Project while minimizing the use of natural resources. It is expected that VELCO will use a minor amount of natural resources to complete the Project, which will be mainly limited to the use of stone to re-surface portions of the substation yard, and the utilization of petroleum-based fuels and lubricants associated with the operation of gasoline and diesel-powered vehicles and equipment. As such, there will be no undue adverse use of natural resources.

18. Primary Agricultural Soils [30 V.S.A. § 248(b)(5)]

Q24. Does the Project have an undue adverse effect on primary agricultural soils as defined by 10 V.S.A. § 6001(15)?

A24. As referenced in Exhibit Petitioner AM-3, there are Statewide (b) Primary Agricultural Soils ("PAS") within the PAA at the substation Project site. There are no areas within the mapped Statewide importance soils associated with the Project activities currently used for agriculture and the surrounding development and proximity to supporting infrastructure largely precludes agricultural use of the land. The NRCS-mapped Statewide (b) importance soils coincide with the Class 2 wetland and are not viable for farming unless adequately drained. VELCO is not

proposing to drain this area; therefore, the soils will not become viable farmland as a result of the Project. VELCO will employ the use of 6" of stone (or more) atop fabric for its construction support areas associated with the Project. These areas are located with areas mapped as PAS and will be restored to their pre-project condition upon completion of the Project. Through the implementation of this soil horizon and soil compaction protection measure, the Project will not impact PAS. Furthermore, the total area of proposed impact to the mapped Statewide (b) importance soils is below two acres and, as such, there will be no undue adverse impacts to mapped (and currently non-functioning) Statewide importance soils from the Project. Exhibit Petitioner AM-3, at 11.

19. <u>Conclusion</u>

Q25. Does this conclude your testimony at this time?

A25. Yes, it does.