

STATE OF VERMONT
PUBLIC UTILITY COMMISSION

Case No. 23-3734-PET

Petition of Vermont Electric Power Company, Inc. and Vermont Transco LLC, for a certificate of public good, pursuant to 30 V.S.A. § 248, authorizing upgrades to the K42 transmission line in Georgia, St. Albans, Swanton, and Highgate, Vermont	
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Entered: 08/19/2024

CERTIFICATE OF PUBLIC GOOD (“CPG”) ISSUED
PURSUANT TO 30 V.S.A. § 248

IT IS HEREBY CERTIFIED that the Vermont Public Utility Commission (“Commission”) this day found and adjudged that the site preparation, construction, operation, and maintenance of the upgrades to the K42 transmission line in Georgia, St. Albans, Swanton, and Highgate, Vermont (the “Project”), by Vermont Transco LLC and Vermont Electric Power Company, Inc., collectively VELCO, (“CPG Holder”), in accordance with the evidence and plans submitted in this proceeding, will promote the general good of the State, subject to the following conditions:

1. Site preparation, construction, operation, and maintenance of the Project must be in accordance with the plans and evidence submitted in this proceeding. Any material deviation from these plans or a substantial change to the Project must be approved by the Commission. Failure to obtain advance approval from the Commission for a material deviation from the approved plans or a substantial change to the Project may result in the assessment of a penalty pursuant to 30 V.S.A. §§ 30 and 247.

2. Before beginning site preparation, construction, operation, or maintenance of the portions of the Project that are subject to necessary permits and approvals, the CPG Holder must obtain those necessary permits and approvals, except as otherwise set forth in this CPG. Site preparation, construction, operation, and maintenance of the Project must be in accordance with such permits and approvals, and with all other applicable regulations, including those of the Vermont Agency of Natural Resources (“ANR”).

3. The CPG Holder may commence site preparation and construction before receipt of:
(a) permits from the Vermont Agency of Transportation for Interstate 89 access and aerial

crossing, (b) highway curb cut permits, and (c) a permit from the New England Central Railroad for the railroad crossing. These permits must be obtained before their need in the Project construction schedule.

4. The CPG Holder must restrict construction activities and related deliveries to the hours between 7:00 A.M. and 7:00 P.M. Monday through Friday, and between 8:00 A.M. and 5:00 P.M. on Saturdays. No construction activities or deliveries are allowed on Sundays, federal holidays, and state holidays, with the exception of Bennington Battle Day in August. These restrictions do not apply to construction activities that the CPG Holder must perform during any required transmission outages that may be needed to maintain system reliability or when work involves crossing the Interstate highway within lower-traffic periods.

5. The CPG Holder must file a notice with the Commission, the parties, and the towns of Georgia, St. Albans, Swanton, and Highgate before the start of Project site preparation, confirming that it has fulfilled all pre-site preparation CPG conditions, and that it intends to commence site preparation for and construction of the Project.

6. The CPG Holder plans to commence operation of the upgraded K42 line in two phases, the southern section (Georgia substation to the St. Albans tap) and the northern section (St. Albans tap to Highgate substation). Before operating each of the two phases of the Project, the CPG Holder must file with the Commission, the parties, and the towns of Georgia, St. Albans, Swanton and Highgate a letter confirming that it has fulfilled all pre-operation CPG conditions and that it intends to begin operation of that phase of the Project.

7. The CPG Holder must fully implement the final aesthetic mitigation plan, identified in the evidentiary record as exhibit SSM-14, Appendix B, as soon as reasonably possible, and in no case more than 90 days following the completion of construction, unless such timing would require implementation between October 15 and April 15, in which case the plan must be fully implemented within 30 days of the following April 15.

8. Within 30 days following the full implementation of the final aesthetic mitigation plan, the CPG Holder must submit to the Commission and all parties in this proceeding a certification that all work has been fully implemented in a manner consistent with the approved plan. This certification must include the completion of construction date as well as the date the upgraded Project was energized and must be supported by an affidavit and dated photographs of

the installed mitigation measures. If construction of the Project components and/or aesthetic mitigation has deviated from the design of the Project as approved, the CPG Holder must also file for Commission review and approval of a revised final mitigation plan. Submission of a revised final mitigation plan does not relieve the CPG Holder from its obligation to request an amendment to the CPG for a substantial change.

9. For a period of three years, the CPG Holder must conduct an annual inspection of the Project installed mitigation measures to determine the health, vigor, and continued effectiveness of the mitigation. The CPG Holder must file with the Commission and parties an annual certification documenting the results of the inspection and any corrective actions taken. Certifications required under this paragraph must be submitted by the dates one, two, and three years following the submission of the certification of completion required by Condition 8 above.

10. In accordance with Commission Rule 5.805(C), the Commission may conduct further process as needed to ensure compliance with the final aesthetic mitigation plan or revised final aesthetic mitigation plan.

11. The CPG Holder must comply with the terms of the Memorandum of Understanding between the CPG Holder and the Vermont Division for Historic Preservation (“DHP MOU”) filed on May 15, 2024.

12. The CPG Holder will complete subsurface testing and associated technical reporting as outlined in the Phase II Evaluation Study memorandum dated March 21, 2024, through an agreement with DHP. The additional subsurface testing will serve to: (a) refine the site boundary of previously identified site VT-FR-0185 near structure 416 for Project avoidance (or protection through the best management practices (“BMPs”), referred to herein); (b) refine eligibility determination and site limits at site VT-FR-459 near structures 221 and 222; (c) supplement original Phase I testing near structure 264; and (d) supplement original Phase I testing near a temporary access to Structure 243 that is to be matted.

13. Following the completion of this supplemental evaluation study, testing, and associated eligibility determinations, the CPG Holder must use BMPs and buffer protections as detailed in the DHP MOU to avoid impacts to any identified State Register of Historic Places/National Register of Historic Places (“SR/NR”) eligible sites within the Project area as detailed below. The CPG Holder must identify these confirmed SR/NR eligible sites and their

not-to-be-disturbed archaeological buffer zones protections on all relevant site plans or construction plans.

14. The CPG Holder must conduct further archaeological investigation and prepare related reports to evaluate and mitigate impacts to the four locations associated with planned Project work (near structures 221-222, 243, 264, and 416, detailed above). The CPG Holder's archaeological consultant has submitted the scope of work to DHP for review and approval before commencing the work in those areas. The CPG Holder's work must be performed in accordance with that approved work plan.

15. If cultural features or deposits are discovered during supplemental investigation, the CPG Holder's archaeological consultant in consultation with DHP, will mitigate and otherwise appropriately treat any such discoveries, but such discoveries will not result in a need to move or redesign the Project. For the purpose of Project construction, the CPG Holder may install the replacement structures within archaeological buffer zones, such as at structures 221- 222 and 416 where additional subsurface testing is to be completed before installation, provided work crews position heavy construction equipment atop temporary construction matting, minimize the area of excavation and associated disturbance for pole installation to the greatest extent possible (such as by augering where site conditions and soils allow), and document these protective measures in the Project's Environmental Compliance Reporting. The CPG Holder must advance Phase III data recovery, if warranted, for the select areas where work pad and/or structure installations require grading/excavation within a confirmed SR/NR eligible site. For Project construction, the CPG Holder may access replacement structure work pads located within archaeological buffer zones by traveling on temporary matted surfaces or temporary stone on geotextile fabric, provided that these temporary access measures are removed upon completion of the Project and do not result in topsoil removal, grading, scraping, cutting, filling, stockpiling, or logging.

16. The CPG Holder must accomplish the below BMPs in accordance with the DHP MOU and the methods outlined in the VELCO Environmental Guidance Manual (*e.g.*, mats must be placed, not dragged or dropped to protect and preserve the underlying soils). Project archaeological BMPs include and are not limited to ground protection measures such as temporary construction matting or stone on fabric, identifying confirmed SR/NR eligible sites and their not-to-be-disturbed archaeological buffer zones protections on all relevant site plans or

construction plans, notifying all Project contractors of ground-disturbing restrictions in archaeological buffer zones, and marking those zones with protective signage and barricade flagging.

17. The CPG Holder must avoid ground disturbing activities near identified site VT-FR-0473 (west of structure 247), based on consultation with DHP. Site VT-FR-0473 must include an expanded protective buffer, at minimum, three feet beyond the next nearest negative shovel test pit around the site. The CPG Holder must employ standard protective signage and barricade tape to ensure work crews do not enter the archaeological buffer zone west of structure 247. The CPG Holder must avoid the untested native soils beneath the compost pile. Should the landowner relocate the compost pile, and the area is needed for temporary mat staging, the CPG Holder must consult with DHP to perform necessary evaluation.

18. Project construction must avoid the identified archaeological site in the vicinity of structure 244, located on the edge of the right-of-way. The access road and work pad for the nearby structure replacement activities must not encroach on the identified site near structure 244. The site must include an expanded protective buffer, at minimum, three feet beyond the next nearest negative shovel test pit around the site. The CPG Holder must employ standard protective signage and barricade tape to ensure work crews do not enter the archaeological buffer zone in the vicinity of structure 244. The CPG Holder must include an updated site map that shows the expanded buffers in the Project's Environmental Compliance Reporting, as agreed upon with DHP.

19. Topsoil removal, grading, scraping, cutting, filling, stockpiling, logging, or any other type of ground disturbance for the Project is prohibited within archaeological buffer zones identified above, except otherwise detailed herein. The CPG Holder must notify all Project contractors of these ground-disturbance restrictions. Archaeological buffer zones confirmed within the Project area must be marked in the field with protective signage and barricade flagging for contractor avoidance purposes. The CPG Holder must train Project construction crews regarding the need to avoid the barricaded areas. All protective signage and barricade flagging must be maintained throughout Project construction and removed upon completion of final restoration activities in that portion of the Project area.

20. Project construction may proceed within all Project areas that have been cleared of any archaeological concerns while any remaining on-going archaeological monitoring, testing, or mitigation is occurring in other locations.

21. All relevant archaeological studies to identify, evaluate, or mitigate impacts to archaeological sites must be carried out by a qualified consulting archaeologist. All such studies and associated reports must follow the DHP Guidelines for Conducting Archaeological Studies in Vermont (2017). A digital copy of the final report must be submitted to the DHP. Any archaeological reports submitted to the Commission must have specific archaeological site locational information redacted in accordance with 22 V.S.A. § 761(b) and 1 V.S.A. § 317(c)(20).

22. The CPG Holder must comply with the terms of the Memorandum of Understanding between the CPG Holder and ANR (“ANR MOU”) filed on July 9, 2024, and entered into the record as exhibit VELCO-ANR-1.

23. Before beginning site preparation or construction of the Project, the CPG Holder must obtain from ANR authorization for the Project under an Individual Construction Stormwater Discharge Permit. All Project work must be performed in accordance with the terms and conditions of the permit and any subsequent amendments.

24. Before beginning site preparation or construction of the Project, the CPG Holder must obtain from ANR either an Operational Stormwater Permit (3-9050) or a determination that the Project does not require an Operational Stormwater Permit. If an Operational Stormwater Permit is required, all Project work, including all Project operation and maintenance, must be performed in accordance with the terms and conditions of the permit and any subsequent amendments.

25. Before beginning site preparation or construction of the Project, the CPG Holder must obtain from ANR a Vermont Wetlands Permit. All Project work must be performed in accordance with the terms and conditions of the permit and any subsequent amendments.

26. Before beginning site preparation or construction of the Project, the CPG Holder must obtain from ANR a Flood Hazard Area and River Corridor Permit. All Project work must be performed in accordance with the terms and conditions of the permit and any subsequent amendments.

27. Before beginning site preparation or construction of the Project, the CPG Holder must obtain from ANR either a Vermont Section 401 Water Quality Certification or a final determination from ANR that it has waived the Section 401 Water Quality Certification. If a Section 401 Water Quality Certification is required, all Project work, including all Project operation and maintenance, must be performed in accordance with the terms and conditions of the Water Quality Certification and any subsequent amendments.

28. The CPG Holder must mitigate all impacts to vegetation located within riparian zones of rivers and streams resulting from Project site preparation or construction activities, such as timber mat placement or vegetation cutting, by complying with the Project-specific Riparian Buffer Revegetation and Monitoring Plan, contained in exhibit AM-9.

29. Site preparation and construction activities associated with the Project will result in temporary impacts to 8.82 acres of necessary wildlife habitat for grassland birds within the right-of-way area between structures 223 and 230. The CPG Holder must mitigate these impacts by making annual payments to the Mass Audubon Bobolink Project, or another entity approved by ANR, for every grassland bird breeding season (*i.e.*, May 1 – July 31), including for any portion of a season, during which Project site preparation or construction activities occur. Grassland bird habitat mitigation must be calculated based on a 2:1 ratio of mitigation acres to impact acres and payment amounts must be based on the average Bobolink Project payments per acre for the three years immediately preceding. For example, if the average Bobolink Project payments for the three preceding years is \$50.00 per acre, then the CPG Holder must pay \$882.00 (8.82 impact acres @ 2:1 ratio = 17.64 mitigation acres x \$50.00 = \$882.00). Payments must begin upon commencement of Project site preparation and construction and continue annually throughout the construction phase of the Project, including re-establishment of grassland vegetation after construction is complete.

30. The CPG Holder must comply with the following conditions for all Project site preparation or construction activities which take place within the right-of-way area between structures 223 and 230 to minimize the risk of a take of the state-threatened Eastern Meadowlark (*Sturnella magna*). Alternatively, if the CPG Holder determines that it is not practicable to comply with all of the following conditions, then before any site preparation or construction takes place, the CPG Holder must obtain a Vermont Threatened and Endangered Species

Takings Permit from ANR pursuant to 10 V.S.A. § 5408 (“Takings Permit”), in which case all Project site preparation and activities within the right-of-way area between structures 223 and 230 must be performed in accordance with the Takings Permit.

- a. Project access roads and work pads must only be established, constructed, or improved, and removed if applicable, during the period of August 16 through April 14, which is outside the breeding season of the Eastern Meadowlark.
- b. Before any site preparation or construction, and during the period of August 16 through April 14, the CPG Holder must cut all vegetation within the right-of-way area between structures 223 and 230 to a height of less than six inches, except for the right-of-way area located within Wetland GE-306 and its 50-foot buffer which area must not be cut. Once cut, the CPG Holder must maintain vegetation within this area, excepting Wetland GE-306 and its 50-foot buffer, at a height of less than six inches during the breeding period of April 15 through August 15, regardless of ground or weather conditions, until completion of Project construction between structures 223-230, for the purpose of reducing the risk of a take by preventing Eastern Meadowlark from utilizing the area for nesting.

31. The CPG Holder must implement and comply with the following conditions to minimize and mitigate the Project’s impacts on amphibians and their use of the amphibian breeding habitat features identified as wetlands SW-102(5) (near structure 353), SW-302 (near structure 394), and vernal pool 2022-PVP-HI-1000 (near structure 400) contained in exhibit AM-2, Appendix A.

- a. The CPG Holder must establish, and maintain until construction of the Project is complete (including removal of the existing K42 line and all temporary roads, work pads, and associated infrastructure), the following two types of buffer zones for the amphibian breeding habitat, as shown on exhibit AM-10, Amphibian Breeding Habitat BMPs Map Series – April 24, 2024, (the “Amphibian Breeding Maps”), described and conditioned as follows.
 - i. One buffer zone, depicted by a bright pink line and identified as Amphibian Breeding Habitat Buffer Signage (“Buffer Signage”) on the Amphibian Breeding

Maps, is intended to prevent Project equipment from entering the amphibian breeding habitat (the “Equipment Exclusion Zone”). The Equipment Exclusion Zone must be established by the CPG Holder before commencement of any Project site preparation and construction activities by installing Buffer Signage along the areas depicted by the bright pink lines on the Amphibian Breeding Maps. The Buffer Signage must be durable and clearly visible and must indicate that equipment is not to enter those areas. All Project work crews must be instructed not to enter the Equipment Exclusion Zones except to perform the limited activities identified below, in which case those activities must be performed in accordance with the below conditions.

ii. The other buffer zone, depicted by a dark green line and identified as Amphibian Breeding Habitat Barrier Fence on the Amphibian Breeding Maps, is intended to prevent amphibians from entering the Project work area (the “Amphibian Exclusion Zone”). The Amphibian Exclusion Zone must be established by the CPG Holder before commencement of any Project site preparation (except for vegetation clearing) and construction activities occur north of structure 293 (near the St. Albans tap) by installing buried silt fence (or an alternative barrier approved by ANR) along the areas depicted by the dark green lines on the Amphibian Breeding Maps.

b. All Project site preparation and construction activities must avoid encroaching into the Equipment Exclusion Zone except for the vegetation cutting and clearing that will be performed in advance of Project work activities and for pulling the new conductor (including fiber optic cables), both of which must comply with the following.

i. The CPG Holder may utilize construction equipment (*e.g.*, a bulldozer with a cutting arm attachment, an ATV) to perform preparatory vegetation cutting and clearing for the Project, including tree trimming or cutting within the Equipment Exclusion Zone, provided that the vegetation cutting is performed outside of the amphibian spring breeding and migration season of April 1 through May 15. Otherwise, all vegetation cutting and clearing, and the pulling of new conductor, within the Equipment Exclusion Zone must be performed using hand-held

equipment only and entry into the Equipment Exclusion Zone must be by foot traffic only, unless written authorization for another form access is issued in advance by ANR.

ii. In the case of vegetation cutting, all woody debris must be left in place to provide cover habitat for migrating amphibians.

c. No blasting must take place within 100 feet of Wetlands SW 102(5), SW 302, and 2022-PVP-HI-1000.

d. Upon completion of Project construction, the CPG Holder must implement the following restoration measures within a 100-foot buffer zone around Wetlands SW 102(5), SW 302, and 2022-PVP-HI to mitigate the Project impacts to amphibian habitat.

i. For areas where vegetation has been disturbed or destroyed, revegetate these areas to typical right-of-way vegetation, consisting of herbaceous and woody species which are not at risk of growing into the overhead conductor.

ii. Distribute woody material, including enough coarse woody material (*i.e.*, tree or shrub cuttings which are a minimum of 3 inches in diameter and 3 feet long), in disturbed areas to retain moisture, build soil, and provide cover for migrating amphibians.

iii. Ensure that the final grading is sufficiently gradual to allow for amphibian movement in and out of the pools.

iv. Remove all gravel substrate (*i.e.*, project work pads, access roads) that is not necessary for maintenance of the Project during its operational phase.

e. The CPG Holder must not apply any herbicide within 100 feet of Wetlands SW 102(5), SW 302, and 2022-PVP-HI-1000 during Project site preparation and construction.

f. The CPG Holder must conduct an amphibian breeding survey of pool 2022-PVP-HI-1000 in the spring immediately following completion of Project construction and site restoration activities. The survey must consist of two separate visits spaced no less than 10 days and no more than 18 days apart during the appropriate amphibian breeding period of the year the survey is conducted. The survey must document the results of the post-construction restoration measures required by the above conditions. The survey

results must be submitted to the Vermont Fish and Wildlife Department's Zoologist within 60 days following completion of the survey.

32. The CPG Holder may perform limited site preparation and construction activities, including vehicular travel, within 300 feet of ANR-mapped deer wintering necessary wildlife habitat located adjacent to the right-of-way corridor during the period of December 15 through April 15, provided that the number of vehicle trips through these sections of the corridor are limited to the minimum number necessary to support Project site preparation and construction activities, and further provided the CPG Holder complies with the following conditions to minimize impacts to the habitat.

- a. The CPG Holder must not perform any vegetation clearing, including tree cutting, and must not perform any post-construction restoration activities within the right-of-way corridor between structures 233 and 237 during the period of December 15 through April 15, without prior written approval from the Vermont Fish and Wildlife Department.
- b. Except for necessary site stabilization measures, the CPG Holder must not perform any post-construction restoration activities within the right-of-way corridor between structures 392 and 407 during the period of December 15 through April 15, without prior written approval from the Vermont Fish and Wildlife Department.
- c. The CPG Holder must not conduct any blasting within 300 feet of any ANR-mapped deer wintering necessary wildlife habitat from December 15 through April 15.

33. Except for the circumstances outlined below, the CPG Holder must obtain, before any site preparation or construction, a Takings Permit to authorize the incidental take of Houghton's Flat Sedge (*Cyperus houghtonii*). All Project activities must be performed in accordance with the terms and conditions of the Takings Permit and, for any activities authorized to occur before issuance of the Takings Permit, must be in accordance with the conditions below.

- a. If a Takings Permit has not been issued at the time the CPG Holder will commence Project activities, then the CPG Holder may commence site preparation and construction activities, provided these are performed in accordance with the following conditions.
 - i. The CPG Holder must have the Houghton's Flat Sedge population resurveyed by a botanist approved by ANR.

ii. The CPG Holder must then install high visibility flagging and signage around the resurveyed plant population (inclusive of a 50-foot buffer) to ensure avoidance of impacts during the authorized site preparation activities: (1) the approved botanist must supervise installation of the flagging and signage; (2) the flagging must consist of snow fence or durable, high visibility barrier tape/flagging affixed to posts positioned in tight enough intervals to prevent incidental intrusion in the event fencing or barrier tape fails due to environmental conditions such as snow loading or high winds; (3) the flagging and signage must be inspected and maintained by the CPG Holder's Environmental Compliance Inspector on a weekly basis until the Takings Permit is issued.

iii. The CPG Holder must provide Project-specific environmental compliance training to all employees and contractors working on the Project. Such training must include information on how to identify: (1) plant populations as delineated in the field by flagging and signage; (2) location of plant populations on the Project plans; and (3) flagging, signage, and barriers intended to preclude access to plant populations.

iv. The CPG Holder must depict the plant population boundary (inclusive of a 50-foot buffer) on the Project compliance plans for protection and avoidance during the authorized activities.

v. The CPG Holder's Environmental Compliance Inspector must attend the daily job briefing "tailboard" meetings and inform construction crews of the plant population whenever work is planned in the vicinity (*i.e.*, of a structure span, or 400 feet, whichever is shorter).

34. Before any Project site preparation or construction, the CPG Holder must perform a plant survey for Low Bindweed (*Calystegia spithamea*). The plant survey must be performed before August 30, 2024, and must take place throughout the entire width of the right-of-way in the area located between structures 417 through 419, unless a more limited area is agreed to in advance by ANR. The plant survey must be performed in accordance with ANR's Guidance for Conducting Rare, Threatened, and Endangered Plant Inventories in Connection with Section 248 Projects. The CPG Holder must then establish a polygon around the Low Bindweed population

based on the updated survey and must implement and comply with the below conditions to avoid and minimize impacts to rare, threatened, and endangered plants, except as follows. If any Project site preparation or construction activities must occur within five feet of the Low Bindweed population, then the CPG Holder must obtain a Takings Permit to authorize the incidental take of Low Bindweed. All Project site preparation and construction activities must be performed in accordance with the terms and conditions of the Takings Permit for this listed plant species. If the Low Bindweed is not found during the updated survey, the CPG holder must establish a polygon around the Low Bindweed population based on the presumed extent of the population depicted in exhibit AM-2.

35. Before any site preparation or construction, and during the species' flowering period of late August through September 30, the CPG Holder must perform an updated plant survey for Fringe-top Closed Gentian (*Gentiana andrewsii*), to delineate the extent of the plant population. The plant survey must be performed in the areas of the previously mapped occurrences inclusive of a 50-foot buffer around all previous occurrences. The resurvey must visually assess the right-of-way beyond the 50-foot buffer for suitable habitat. If suitable habitat is identified beyond the 50-foot buffer, then a targeted species survey for the presence of individuals or populations not previously identified must be performed. The survey must be performed in accordance with ANR's Guidance for Conducting Rare, Threatened, and Endangered Plant Inventories in Connection with Section 248 Projects, except as modified by this condition. The CPG Holder must establish a polygon around the Fringe-top Closed Gentian population based on the updated survey and must implement and comply with the below conditions to avoid and minimize impacts to rare, threatened, and endangered plants, except as follows. If any Project site preparation or construction activities must occur within five feet of the Fringe-top Closed Gentian population, then the CPG Holder must obtain a Takings Permit to authorize the incidental take of Fringe-top Closed Gentian. All Project site preparation and construction activities must be performed in accordance with the terms and conditions of the Takings Permit for this listed plant species. If the Fringe-top Closed Gentian is not found during the updated survey, the CPG holder must establish a polygon around the Fringe-top Closed Gentian population based on the presumed extent of the population depicted in exhibit AM-2.

36. The CPG holder must comply with the following conditions to avoid and minimize Project impacts to Low Bindweed and Fringe-top Closed Gentian plants in all instances where a Takings Permit is not required for those species.

- a. The CPG Holder must have a qualified and experienced botanist who has been approved by the Vermont Fish and Wildlife Department's Botanist conduct all plant surveys, plant identifications, transplanting, and any follow-up monitoring required by these conditions.
- b. Before commencement of Project site preparation or construction, all rare, threatened, and endangered plant populations must be clearly demarcated and surrounded with high visibility fencing. Signage, made of durable material, must be posted on the fencing and along the access areas and work areas, indicating the presence of rare plants and directing crews to avoid the fenced areas. An environmental compliance inspector, who must have the requisite expertise and experience to identify rare plants, must supervise the installation of the fencing and signage.
- c. Before commencement of Project site preparation or construction, all work crew members must attend an on-site environmental training provided by an environmental compliance inspector, who must have the requisite expertise and experience to identify rare plants. The work crew member training must include best practices for avoiding rare plant impacts. Crews must be instructed to avoid the rare plant areas.
- d. Project construction equipment must not enter or otherwise disturb the rare plant areas.
- e. No grass seed or seed mixture must be placed within the rare plant areas.
- f. The CPG Holder must submit completed Rare Plant Reporting forms to the Vermont Fish and Wildlife Department's Botanist for the Houghton's Flatsedge, Low Bindweed, and Fringe-top Closed Gentian. The Rare Plant Reporting forms must be submitted as soon as practicable following completion of the surveys required by these conditions and before commencement of any Project site preparation or construction activities.

37. The CPG Holder must allow ANR, through its authorized representatives, to enter upon and inspect the Project area upon reasonable notice, in a reasonable manner, and at reasonable times during ordinary business hours to determine compliance with the above

conditions. For safety reasons, ANR representatives must be accompanied by VELCO personnel in all Project areas, unless an ANR permit (*e.g.*, wetland permit, stormwater permit, etc.) provides for unaccompanied access, in which case the access provisions of ANR permit must apply and ANR will be responsible for its own safety.

38. The CPG Holder must comply with the terms of the Memorandum of Understanding between the CPG Holder and Vermont Agency of Agriculture, Food and Markets (“AAFMOU”) filed on July 10, 2024.

39. With respect to the permanent impacts to primary agricultural soils, before Project construction, the CPG Holder must pay an offsite mitigation fee in the amount of \$51,823.60 to the Vermont Housing and Conservation Board. These funds will be applied to the preservation of primary agricultural soils in the region of the Project site through a permanent conservation easement. If the CPG Holder does not make the payment by the end of 2024, the amount of the mitigation fee will be adjusted to reflect AAFM’s current per-acre mitigation amount for the geographic region in which the Project is located.

40. In areas of temporary primary agricultural soils impact, the CPG Holder must perform post-construction agricultural subsoiling to remediate compaction, as necessary, and when restoring temporarily disturbed areas, must adhere to the VELCO Environmental Guidance Manual’s procedures for erosion prevention and sediment control and prime agricultural soils to the extent the remediation procedures are consistent with AAFM’s Act 250 Procedure: Reclamation of Vermont Agricultural Soils, revised October 30, 2014. When reclaiming primary agricultural soils disturbed during the construction process, the CPG Holder must take all reasonable steps to return the areas of primary agricultural soils back to their condition before Project disturbance, to the greatest extent practicable.

41. Temporarily stockpiled soil, containing primary agricultural soils, which is intended for reclamation at the end of Project construction, must be managed to avoid erosion and sedimentation issues through appropriate stabilization measures identified in the VELCO Environmental Guidance Manual.


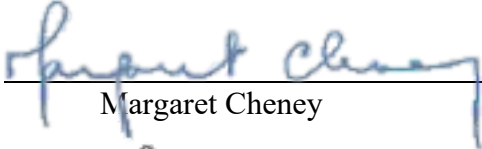
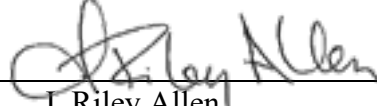
42. Stumping or grubbing of trees must not occur as part of planned Project vegetation management activities except for locations where road/pads and poles must be installed in the same location as the vegetation. Grubbing in the Project tree cutting/grubbing area must

minimize soil disturbance to include only what is necessary to effectively remove tree stumps and woody debris to construct the Project. Tree stumps that are removed must be shaken clean over the area from which they are removed, except in those areas where the AAFM MOU parties have agreed there will be permanent impacts to primary agricultural soils. Stumps must either be chipped or ground up and/or transported off the site for proper disposal. Chips and ground wood must be used to fill any minor depressions from areas from which trees were removed, widely dispersed so as not to form significant piles, and/or transported off the site for proper disposal. After Project construction is complete, no unchipped wood may be moved into piles on any non-permanently affected primary agricultural soil areas on the site, unless (a) there is no reasonably available alternative location on a specific landowner's parcel that does not have primary agricultural soils, (b) the landowner wants to keep the wood, and (c) the landowner expressly directs the CPG Holder to pile and/or leave the wood on primary agricultural soils for the landowner's subsequent disposition.

43. The CPG Holder must pay all invoices (if any) from any State agency that (a) are related to this proceeding and (b) are not still under review by the Commission.


44. This CPG may not be transferred without prior approval of the Commission.

Dated at Montpelier, Vermont, this 19th day of August, 2024.

 _____)) PUBLIC UTILITY
Edward McNamara)	
_____)	
 _____)) COMMISSION
Margaret Cheney)	
_____)	
 _____)) OF VERMONT
J. Riley Allen)	

OFFICE OF THE CLERK

Filed: August 19, 2024

Attest: 

Clerk of the Commission

Notice to Readers: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Commission (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: puc.clerk@vermont.gov)

PUC Case No. 23-3734-PET - SERVICE LIST

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