

**STATE OF VERMONT  
PUBLIC UTILITY COMMISSION**

Case No. 24-        -PET

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Petition of Vermont Transco LLC and Vermont Electric Power Company, Inc. for a certificate of public good, pursuant to 30 V.S.A. § 248, for the replacement and removal of structures on the VELCO K24-5 Line in Waterbury, Vermont	
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PREFILED TESTIMONY OF WITNESS  
JASON W. SMITH  
ON BEHALF OF VELCO

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December 20, 2024

Jason W. Smith's testimony demonstrates that this Project will not have an undue adverse effect on historic sites, air and water purity, or the natural environment as described under 30 V.S.A. §§ 248(b)(5) & (b)(8).

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**EXHIBITS**

<b>Exhibit Petitioner JWS-1</b>	<b>Résumé of Jason W. Smith</b>
<b>Exhibit Petitioner JWS-2</b>	<b>Natural Resource Memorandum with Attachments</b>
<b>Exhibit Petitioner JWS-3</b>	<b>VELCO Environmental Guidance Manual (VEGM)</b>

**PREFILED TESTIMONY OF JASON W. SMITH**  
**ON BEHALF OF VERMONT ELECTRIC POWER COMPANY, INC.**  
**AND VERMONT TRANSCO LLC**

1 **Introduction**

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

3 **A1.** My name is Jason W. Smith. I am an Environmental Specialist for Vermont  
4 Electric Power Company, Inc. (together with VT Transco LLC referred to as “VELCO”). My  
5 business address is Vermont Electric Power Company, Inc., 366 Pinnacle Ridge Road, Rutland,  
6 VT 05701.

7  
8 **Q2. Please describe your education and employment background.**

9 **A2.** In 2008, I received a Bachelor of Science degree in Recreation Resource  
10 Management and Natural Resource GIS Mapping and Planning from Lyndon State College  
11 (currently Vermont State University – Lyndon Campus). I worked for Central Vermont Public  
12 Service Corporation (CVPS) and Green Mountain Power (GMP) (2008-2014) as an  
13 Environmental Compliance Coordinator where I was responsible for environmental planning,  
14 permitting and compliance for various projects related to line construction/reconstruction,  
15 substations, facilities, and maintenance of CVPS/GMP assets. From 2014-2024, I worked for  
16 Vanasse Hangen Brustlin, Inc. (VHB) as an Environmental Scientist providing utility clients  
17 with a variety of environmental services including: planning, technical reporting, permitting,  
18 compliance oversight, regulatory support and outreach, and project management. From 2014-  
19 2023 I was primarily assigned as staff augmentation to VELCO to assist with the VELCO  
20 Structure Condition Improvement Project/Transmission Line Refurbishment Project, Connecticut

1 River Valley K31 Line Reconstruction Project, and various other projects and tasks. During that  
2 time, I was responsible for environmental inspection/compliance, reporting, regulatory support  
3 and outreach, permitting, and project management. In November 2024, I joined VELCO as a  
4 Senior Environmental Specialist and am responsible for a variety of linear transmission line  
5 maintenance projects and substation facility upgrades. In this role, I am responsible for  
6 scheduling and managing natural resource and above- and below-ground historic site  
7 assessments, agency coordination and correspondence, environmental permitting, and  
8 construction, and restoration oversight to ensure compliance. My resume is attached as **Exhibit**  
9 **Petitioner JWS-1.**

10

11 **Q3. Have you previously provided testimony before the Vermont Public Utility**  
12 **Commission (the “Commission” or “PUC”)?**

13 **A3.** No. I have supported other VELCO and Green Mountain Power staff in the  
14 development of testimony and exhibits for projects brought before the Commission.

15

16 **Q4. Do you hold any professional licenses or certifications?**

17 **A4.** Yes. I hold two EnviroCert International, Inc. certifications. Certified  
18 Professional in Erosion Prevention and Sediment Control (CPESC) #8343 and Certified Erosion,  
19 Sediment and Stormwater Inspector (CESSWI) #4755, and OSHA 40-hour certification for  
20 Hazardous Waste Operations and Emergency Response (HAZWOPER) (29 CFR 1910.120).

1 Testimony Overview

2 **Q5. What is the purpose of your testimony?**

3 **A5.** My testimony supports the Petition filed by VELCO requesting a Certificate of  
4 Public Good (“CPG”) pursuant to 30 V.S.A. § 248 for the replacement of Structure LCP-020 and  
5 removal of temporary Structure LCP-021 on the VELCO K24-5 Duxbury Tap-Stowe Line in  
6 Waterbury, Vermont (the “Project”). My testimony summarizes how the Project will comply  
7 with the environmental and historic sites criteria applicable to electric transmission projects  
8 under 30 V.S.A. § 248. Specifically, I discuss the following statutory criteria: outstanding  
9 resource waters (10 V.S.A. § 1424a(d)), air and water pollution (10 V.S.A. § 6086(a)(1)),  
10 headwaters, (10 V.S.A. § 6086(a)(1)(A)), waste disposal (10 V.S.A. § 6086(a)(1)(B)), water  
11 conservation (10 V.S.A. § 6086(a)(1)(C)), floodways (10 V.S.A. § 6086(a)(1)(D)), shorelines  
12 (10 V.S.A. § 6086 (a)(1)(F)), streams (10 V.S.A. § 6086(a)(1)(E)), wetlands (10 V.S.A. §  
13 6086(a)(1)(G)), water supply (10 V.S.A. § 6086(a)(2) and (3)), soil erosion (10 V.S.A. § 6086  
14 (a)(4)), and threatened and endangered species, rare and irreplaceable natural areas and necessary  
15 wildlife habitat (10 V.S.A. § 6086(a)(8)). My testimony also addresses additional criteria under  
16 30 V.S.A. § 248(b)(5): historic sites, greenhouse gas impacts, use of natural resources, and  
17 primary agricultural soils.

18  
19 Historic Sites [30 V.S.A. § 248(b)(5)]

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

21 **A6.** No. Generally, a “historic site” is a site that has been officially included or  
22 “registered” in the National Register of Historic Places and/or the state register of historic places.

1 The Project, as proposed, will not have an undue adverse impact on historic sites, and is located  
2 within an existing Transmission Line Right-of-Way (“ROW”) surrounded by residential  
3 development and an adjacent solar site. The VELCO K24-5 Duxbury Tap-Stowe Line ROW  
4 was previously reviewed for below and above ground historic resources including archaeological  
5 resources and historic sites in Docket No. 7032, which authorized the Lamoille County 115 kV  
6 Project. I have reviewed studies and reports prepared for the Docket 7032 proceeding, and I  
7 have confirmed that the project work area for this Project does not contain known archaeological  
8 sites or archaeological sensitive areas. Specifically, I reviewed the 2004 *Draft, Phase 1A*  
9 *Archaeological Site Sensitivity Study of the Vermont Electric Power Company, Inc. (VELCO)*  
10 *Greater Lamoille County 115kV Project between Duxbury, Washington County, and Stowe,*  
11 *Lamoille County, Vermont* prepared by Douglas Frink and the Archaeology Consulting Team,  
12 Inc., the 2007 *Phase 1B Archaeological Investigation, Lamoille County 115kV Project, Lamoille*  
13 *and Washington Counties, Vermont* prepared by The Louis Berger Group, Inc., and  
14 Memorandum to VELCO from Louis Berger Group, Inc. dated October 21, 2008. In addition,  
15 review of the 2004 *Historic Analysis Report* prepared by Hugh H. Henry and T.J. Boyle and  
16 Associates, and a letter from Vermont Division for Historic Preservation dated April 11, 2005  
17 confirmed that the Project area does not contain known above ground historic resources.

18 Because this Project involves the replacement of one structure and removal of another  
19 structure on the K24-5 Line, the site for this Project remains in the same general configuration as  
20 the existing and previously studied K24-5 Line. The use and management of Line K24-5 will be  
21 the same once Project work is completed. Anticipated below-ground work will be limited to  
22 pole installation and removal, and restoration of equipment travel paths along ROW access

1 points and maintained lawns adjacent to the ROW and residential development; therefore the  
2 Project will not have an undue, adverse effect on above- or below-ground historic sites.

3

4

**Natural Environment [30 V.S.A. § 248(b)(5)]**

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

7 **A7.** No. VELCO retained VHB to conduct natural resource assessments in a defined  
8 Study Area that included the ROW and Project area, including Project access routes. VHB  
9 Natural Resource Memorandum and Supporting Attachments are provided in **Exhibit Petitioner**  
10 **JWS-2**. VELCO will perform all Project work within the existing ROW, the two Project access  
11 routes, or from public and private travel ways. In addition, VELCO will construct the Project in  
12 accordance with VELCO's Environmental Guidance Manual (VEGM), **Exhibit Petitioner**  
13 **JWS-3**, to ensure the protection of Vermont's natural environment. Therefore, the Project will  
14 not result in any undue, adverse effects on the natural environment.

15

16 **Outstanding Resource Waters [10 V.S.A. § 1424a(d) & 30 V.S.A. § 248(b)(8)]**

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

19 **A8.** No. There are no Outstanding Resource Waters within or in the vicinity of the  
20 Project area. Therefore, the Project will have no undue, adverse effect on Outstanding Resource  
21 Waters. Exhibit Petitioner JWS-2, at 3 and Attachment 2.



1 federal regulations. The implementation and adherence to the VEGM, state and federal  
2 regulations, and BMPs during construction will maintain existing water quality at the Project  
3 site. Therefore, there will be no undue adverse effect to water quality.

4

5

**Headwaters [10 V.S.A. § 6086(a)(1)(A)]**

6

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

7

**A11.** No. The Project will not have an undue adverse impact to headwaters. The  
8 incorporated Act 250 criterion relating to headwaters applies only when a Project is sited in one  
9 of the following areas: (i) headwaters or watersheds characterized by steep slopes and shallow  
10 soils; (ii) drainage areas of 20 square miles or less; (iii) areas above 1,500' elevation; (iv)  
11 watersheds of public water supplies designated by the Vermont Agency of Natural Resources; or  
12 (v) areas supplying significant amounts of recharge waters to aquifers. While the Project meets  
13 subcriteria i and ii, VHB concluded that the Project should not be considered as located within a  
14 headwaters area because the Project Study area is located approximately one mile from the  
15 Winooski River, which has a drainage area of 1,080 square miles adjacent to the Project site.  
16 Further, the Graves Brook-Winooski River subwatershed has a drainage area of 40 square miles.  
17 Exhibit Petitioner JWS-2, at 3.

18

Although the Project area is located within a watershed that can have characteristics of  
19 steep slopes and shallow soils, the on-site conditions of the Project area do not reflect steep  
20 slopes and shallow soils as terrain has been manipulated by adjacent development, is located in a  
21 drainage area that is over 40 square miles, located at 650 feet in elevation, is not located within a  
22 public water supply or designated source protection area, and the Project area does not supply

1 significant amounts of recharge waters to aquifers due to being located within one mile of the  
2 Winooski River. See Exhibit Petitioner JWS-2, at 3.

3 The Project will not lead to a reduction of the quality of the ground or surface waters  
4 flowing through adjacent lands. The Project site is surrounded by residential development and  
5 utility infrastructure. The potential effects of the Project on ground and surface water quality  
6 will be minimal. With the implementation of the practices and standards contained within the  
7 VEGM, and Vermont Standards and Specifications for EPSC, the Project is unlikely to adversely  
8 affect the natural flow regime, groundwater recharge, the condition or water quality of streams,  
9 groundwater, and wetlands, or public health. The Project will meet applicable health and VT  
10 DEC regulations regarding the reduction of the quality of the ground or surface waters flowing  
11 through or upon lands. Therefore, the Project will not result in undue adverse effects to  
12 headwaters.

13

14 **Waste Disposal [10 V.S.A. § 6086(a)(1)(B)]**

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

16 **A12.** The Project will meet applicable VT DEC regulations for the disposal of wastes  
17 and not involve injection of waste materials or any harmful or toxic substances into ground water  
18 or wells. The Project does not require an operational stormwater permit because the Project will  
19 not add any new impervious areas. The Project is limited in scope and size and consists of  
20 replacing an existing transmission line structure and retiring a temporary transmission line  
21 structure to return the site to the previous line configuration to the greatest extent possible, and as  
22 such, will involve limited waste disposal. VELCO will handle and dispose of any waste

1 generated from this Project in compliance with State of Vermont Solid Waste Management  
2 Rules.

3

4 **Water Conservation & Supply [10 V.S.A. § 6086(a)(1)(C) & (a)(2)&(3)]**

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

6 **A13.** The Project does not include any new water connections. There is the potential  
7 that the Project will need to use water for dust control; however, the amount of water used for  
8 this temporary, construction-phase activity will be limited in duration and will only be used if  
9 needed. Therefore, the proposed Project will not have an undue adverse effect on water  
10 conservation.

11

12 **Q14. Will the Project burden existing water supplies or have an undue adverse**  
13 **effect on water conservation?**

14 **A14.** No. Limited water may be needed for dust control, but proposed Project activities  
15 do not require using significant amounts of water. As stated above, the Project does not include  
16 new water connections.





1 regulated 50' buffer zone is located within maintained and previously disturbed areas behind the  
2 residential development. Work activities within Wetland WA-1 50' buffer zone will be limited  
3 to the placement of temporary construction matting, overland travel, or a combination of both  
4 across maintained lawn with equipment to perform the removal of temporary Structure LCP-021.  
5 All work associated with the removal of temporary Structure LCP-021 will be performed under  
6 VWR Allowed Use 6.08 Best Management Practices for Repair and Maintenance of Overhead  
7 Utilities.

8 Wetland WA-2 on the southern extent of the Study Area is a portion of a depressional  
9 wetland that is located outside of the Project area. Wetland WA-2 is surrounded by the adjacent  
10 residential development, solar site, and ROW. During the work authorized under Case No. 24-  
11 2234-PET, VELCO installed a stone access route for safe and stable equipment travel to allow  
12 access for the replacement of Structure LCP-020. This access route is located within the 50'  
13 buffer zone of wetland WA-2. VELCO will seek authorization from the Vermont Wetlands  
14 Program for the stone access route in wetland buffer zone WA-2. VELCO has identified specific  
15 regulated wetland buffer zone impacts with the Vermont Wetlands Program as part of the review  
16 of the Project and regarding this work during Case No. 24-2234-PET.

17 VELCO has avoided siting Project activities in wetlands and regulated buffer zone(s) to  
18 the extent possible. Due to the topography surrounding Structure LCP-020, wetland WA-2, and  
19 the constraints for access within the ROW due to retaining walls and septic infrastructure of the  
20 residential development, VELCO cannot avoid permanent impacts to the Wetland WA-2 buffer  
21 zone for the access to Structure LCP-020. VELCO will avoid significant adverse impacts to  
22 wetland functions and values through its design of the Project by using upland/buffer zone

1 locations where feasible and choosing pre-existing access routes where possible, in accordance  
2 with VWR and Allowed Use 6.08 Best Management Practices for Repair and Maintenance of  
3 Overhead Utilities. In addition, implementation and maintenance of erosion prevention and  
4 sediment control practices upgradient of wetland resources (as described in the VEGM Exhibit  
5 Petitioner JWS-3) will ensure protection of wetlands and associated water quality during  
6 construction. Therefore, the Project will not result in undue adverse effects to wetlands.

7

8

**Soil Erosion [10 V.S.A. § 6086(a)(4)]**

9

**Q19. Will the Project result in undue, adverse effects on soil erosion?**

10

**A19.** No. The Project will involve less than one acre of earth disturbance and will

11

therefore not require authorization under VT DEC construction stormwater permit 3-9020.

12

Ground disturbing activities will be limited to minor grading for construction equipment stability

13

and overland travel within the ROW and Project area. The approximated earth disturbance for

14

the Project is 12,750 square feet (0.29 acre). VELCO will ensure that Project construction is

15

performed in accordance with Vermont Standards and Specification for EPSC and VT DEC's

16

Low Risk Site Handbook for Erosion and Sediment Control in Vermont, the VEGM, and

17

applicable BMPs. Therefore, the Project will not cause unreasonable soil erosion or reduce the

18

capacity of the land to hold water so that a dangerous or unhealthy condition may result. Exhibit

19

Petitioner JWS-2, at Attachment 2.

1 **Rare and Irreplaceable Natural Areas, Necessary Wildlife Habitat, Endangered Species [10**

2 **V.S.A. § 6086(a)(8)**

3 **Q20. Will the Project have an undue adverse effect on rare and irreplaceable**  
4 **natural areas, necessary wildlife habitat, or threatened or endangered species?**

5 **A20.** No. VELCO will perform all work within the existing ROW and along the two  
6 access routes that VHB reviewed. VELCO retained VHB to perform a one-mile radius review of  
7 the Vermont National Heritage Inventory (“NHI”) Database. As part of the review, no elemental  
8 occurrences (“EO”) of state-protected species are known to occur within the Project area. Two  
9 natural communities—Red Oak-Northern Hardwood Forest and Woodland Seep—occur within a  
10 one-mile search radius of the Project area. Field surveys conducted on September 26, 2024,  
11 confirmed the absence of natural communities, and targeted surveys for Rare, Threatened, and  
12 Endangered (“RTE”) plants were performed, with no RTE plants observed. Exhibit Petitioner  
13 JWS-2, at 5 and Attachment 2 and Attachment 7.

14 In addition, review of the U.S. Fish and Wildlife Service (“USFWS”) Information for  
15 Planning and Consultation (“IPaC”) database determined the Project area falls within the known  
16 summer range of two protected bat species, federal-endangered and Vermont-endangered  
17 northern long-eared bat (*Myotis septentrionalis*, “MYSE”) and the federal-proposed and  
18 Vermont-endangered tri-colored bat (*Perimyotis subflavus*, “PESU”). No critical habitat within  
19 or adjacent to the Project area has been designated. No ANR-mapped necessary wildlife habitat  
20 are present within the Project Area. Exhibit Petitioner JWS-2, at 5 and Attachment 2 and  
21 Attachment 6. As such, the Project will have no undue, adverse effects on rare and irreplaceable  
22 natural areas, necessary wildlife habitat, or threatened or endangered species.

1                                   **Greenhouse Gas Impacts [30 V.S.A. § 248(b)(5)]**

2           **Q21. Will the proposed VELCO work or Project have any significant greenhouse**  
3 **gas impacts?**

4           **A21.** No. VELCO’s proposed construction activities will result in the release of minor  
5 emissions associated with the operation of gasoline- and diesel-powered engines and equipment.  
6 These activities, however, will be limited in nature and duration. Moreover, there will be no  
7 sustained releases of greenhouses gases associated with the operation of the facilities.

8  
9                                   **Use of Natural Resources [30 V.S.A. § 248(b)(5)]**

10           **Q22. Will the Project work use natural resources?**

11           **A22.** VELCO will construct this Project while minimizing the use of natural resources.  
12 VELCO will construct the Project in accordance with the VEGM to ensure the protection of  
13 Vermont’s natural environment. Furthermore, this Project does not use natural resources other than  
14 petroleum-based products consumed by vehicles and equipment to perform the replacement work.  
15 As such, there will be no undue adverse use of natural resources.

16  
17                                   **Primary Agricultural Soils [30 V.S.A. § 248(b)(5)]**

18           **Q23. Does the Project have an undue adverse effect on primary agricultural soils**  
19 **as defined by 10 V.S.A. § 6001(15)?**

20           **A23.** No. The Project work area is located outside of any mapped primary agricultural  
21 soils; and as such there will be no impacts to primary agricultural soils. The VHB Natural  
22 Resource Assessment Study Area limits on the southern and western extents are located on the

1 edge of mapped primary agricultural soils. The Project is surrounded by residential development  
2 and a solar site, in addition to the ROW and utility infrastructure, which preclude the area from  
3 farming. There will be no undue adverse impacts to mapped primary agricultural soils. See  
4 Exhibit Petitioner JWS-2, at 5-6, Attachment 1.

5

6 **Q24. Does this conclude your testimony at this time?**

7 **A24. Yes.**

DECLARATION OF JASON W. SMITH

I declare that the testimony and exhibits that I have sponsored are true and accurate to the best of my knowledge and belief and were prepared by me or under my direct supervision. I understand that if the above statement is false, I may be subject to sanctions by the Commission pursuant to 30 V.S.A. § 30.

12/20/24  
Date

/s/ Jason W. Smith  
Jason W. Smith