

STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. ___

Petition of Green Mountain Power Corporation)
for a certificate of public good, pursuant to 30)
V.S.A. § 248(j), authorizing the installation)
and operation of three temporary wind)
meteorological stations on Lowell Mountain in)
Lowell, Vermont)

Order Entered: _____

I. INTRODUCTION

This case concerns a petition filed by Green Mountain Power (“GMP” or “Petitioner”) requesting a Certificate of Public Good (“CPG”) under 30 V.S.A. § 248(j) for authorization to construct three temporary wind meteorological stations, associated equipment and access roads on Lowell Mountain, in the town of Lowell, Vermont (the “Project”). The measurement towers will be used to measure wind resources on Lowell Mountain in connection with a potential wind generation project.

GMP filed its petition, prefiled testimony, exhibits, proposed findings, proposed CPG and related documents on August 7, 2009, with the Vermont Public Service Board (“Board”), the Vermont Department of Public Service (“Department”), the other entities identified in 30 V.S.A. § 248(a)(4)(C). The Petitioner also sent notice of the filing to adjoining landowners. In addition, notice of the filing was published in _____ on _____, 2009 and _____, 2009. The notice stated that any party wishing to submit comments as to whether the petition raises a significant issue with respect to the substantive requirements of 30 V.S.A. § 248 must file comments with the Board on or before _____, 2009.

The Department and the Agency of Natural Resources (“ANR”) filed comments on _____, 2009 and _____, 2009 respectively indicating that the petition did not appear to raise any significant concerns under the substantive criteria of 30 V.S.A. § 248. Additional comments were filed by _____. None of these comments raises any significant concerns under the substantive criteria of 30 V.S.A. § 248.

The Board has reviewed the petition, the accompanying documents, and the comments and has determined that, pursuant to 30 V.S.A. § 248(j), a CPG should be issued without the notice and hearings otherwise required by 30 V.S.A. § 248.

II. FINDINGS

Based upon the petition and accompanying documents, the Board hereby makes the following findings in this matter.

1. GMP is a company as defined by 30 V.S.A. § 201(a), and as such is subject to the jurisdiction of the Vermont Public Service Board (the “Board”) pursuant to 30 V.S.A. § 203. Petition at 1.
2. GMP proposes to construct three wind measurement stations, to be used to measure the wind resource along the ridge of Lowell Mountain for up to five years. Staskus Prefiled Testimony (“pf.”) at 5.
3. The wind measurement stations will be located on several parcels of land owned by Moose Mountain Forestry, LLC (“MMF”) and Wind Blown Energy LLC (“WBE”). in the southeastern portion of the town of Lowell, Vermont, located on the western face and ridgeline of Lowell Mountain. GMP has acquired the rights to install and maintain the wind stations from MMF and WBE. Staskus pf. at 1-2, 11.
4. Site A is located on MMF lands, approximately 3100 feet from the MMF northern ridgeline boundary at 2350 feet above sea level. The existing forest canopy is open with predominately young vegetation. Staskus pf. at 4-5
5. Site B is located on MMF lands and is the site of a previous meteorological station installation in 2003 at 2548 feet above sea level. The Board approved this station for use as a meteorological testing station in *Petition of enXco (East Coast), Inc. for a Certificate of Public Good, etc.*, Docket No. 6784 (Vt. Pub. Serv. Bd. Jan. 29, 2003). The location was cleared and access to it brushed out in connection with the prior wind meteorological tower installation. The enXco station was removed in 2008, and revegetation has begun at this location. Staskus pf. at 4-5
6. Site C is located on the WBE parcel, approximately 1200’ the south of the southern ridgeline boundary of the MMF lands, at 2464 feet above mean sea level. The

existing forest canopy is open with predominately young hardwood vegetation. Staskus pf. at 5.

7. The structures at each site will consist of guyed, galvanized three-sided steel lattice towers, 18” on each side, manufactured by World Tower, Inc. The structure at Site B will be 50 meters (164 feet) tall, which is the height of the previous station at Site B. This will enable new wind measurement data to be accurately correlated to the data supplied by the previous tower. These stations will be 80 meters (262 feet) tall, which is the expected height of wind turbine hubs, in the event wind generation is subsequently developed along the ridge. Staskus pf. at 3-4, 5-7.

8. The meteorological instrumentation, including anemometers, direction sensors and temperature sensor, is manufactured by NRG Systems, Inc. of Hinesburg, VT. Sensors will be attached to the tower at multiple levels above ground with redundant sensors at the upper two levels. Temperature, other sensors and operational equipment, including electronic data recorder and photovoltaic panel will be installed approximately 3 meters above ground level. Data provided from the sensors will be collected and recorded on the electronic data recorders and transmitted via recorder cell phone, minimizing the need to access the site during the operational period. At the request of the Agency of Natural Resources, Anabat detector data collection equipment will also be installed at the top of the Site A and C stations. Staskus pf. at 7.

9. Because Stations A and C will have towers higher than 200 feet above ground level, each tower will be lit by red LED lights (one installed at the top (flashing) and two (steady-burning) at mid-point (131 ft. (40 meters))), and each tower will be painted with seven alternating orange and white bands, in accordance with Federal Aviation Administration (“FAA”) specifications. An FAA Determination of No Hazard has been issued for the Site A tower and has been requested for the Site C tower. The FAA determination for Site C is expected by early September 2009. Staskus pf. at 7-8.

10. Each tower base will be installed on foundation, consisting of a 3’ diameter, 6’-6” tall concrete pier, resting on a 6’ long x 6’ wide x 1’-6” high buried concrete slab, with all but one foot of the pier below grade. The tower will be secured by guy wire from three directions, attached to the ground by rock anchors secured to 8’ long x 2’-6” wide x 2’-6” high concrete anchor footings. The foundation and each guy anchor footing will

require excavation of between approximately 150 square feet and 420 square feet. In the event that any foundation cannot be located at the planned depth due to ledge, it will sit directly on ledge, and the above-ground portion may be increased to up to two feet above ground. In the event that any anchor footings cannot be located at the planned depth due to ledge, the affected guys will be anchored directly into ledge by means of a rock anchor approximately 2 inches in diameter. All attachments to ledge will be effected by drilling; there will be no blasting at any of the sites. Staskus pf. at 6.

11. The tower sections will be assembled vertically, by stacking each section on top of the previously-installed section. Staskus pf. at 5.

12. An area of .75 acres will be cleared at each site, although there will be little clearing required for Site B due to the previous tower installation. Felled trees and brush will be left on site, except that logs may be removed by the landowner. Ground disturbance related to all three towers will be limited to the foundations and guy anchors, with the amount of disturbance based upon rock/soil conditions. The remaining existing ground cover and root systems will be left in place, encouraging re-vegetation and discouraging the potential for soil erosion. Staskus pf. at 5-6.

13. The equipment will be delivered to the “30 cord” log landing and then transported to the three sites over approximately 3.0 miles of existing roads and approximately 1.7 miles of new roads. The existing haul roads and woods roads are part of MMF ongoing logging operations, and are managed in accordance to the Vermont Agency of Natural Resources, Department of Forests, Parks and Recreation’s *Acceptable Management Practices for Maintaining Water Quality on Logging Jobs in Vermont* (“Acceptable Management Practices”). MMF continues to implement improvements to its road network, in accordance with its Forestry Management Plan and Acceptable Management Practices. Currently ongoing activities of MMF in the measurement station access areas include adding culverts, ditches and water bars, widening the logging haul road and overhead vegetation clearance and adding extensions to interconnect access roads. Staskus pf. at 8-9.

14. The access roads to the temporary measurement stations will be ten feet in width and overhanging vegetation cleared. All roads and access activities will comply with the construction and erosion control measures provided in the Acceptable Management

Practices. Specifically, all access will include the installation of water control measures (i.e., waterbars) and selective edge cutting for trail stabilization. These temporary accesses avoid rock outcrops, ledges, and swampy areas and ditches will be used to divert water away from the road surface. Temporary water crossings will be achieved through a combination of pole culverts (sized in accordance with the Acceptable Management Practices), outsloping turn-ups and broad-based drainage dips and be stabilized where and as recommended by MMF's Forester. Slash and other debris will be kept free from the water crossings. Staskus pf. at 8-9.

15. Following installation of the wind measurement stations, the new portion of the access routes will be maintained in accordance with Acceptable Management Practices, including waterbars (minimum 8" deep, maximum 24-30" deep) typically at a 4 degree gradient and drained away from the trail onto undisturbed litter or vegetation. Any ruts created during Station installation will be filled and all non-permanent water crossing structures removed and the channel restored. Subsequent site access will be infrequent, occurring only when needed for periodic seasonal maintenance. Staskus pf. at 10.

16. Upon termination of the wind evaluation period, the towers and associated equipment will be disassembled and removed. This will leave the sites with no visible man-made equipment. Vegetation will continue to grow, as is currently occurring at Site B and over time the sites will be restored close to their original condition. Because the cost of site restoration is minimal, no further decommissioning obligations are needed. Staskus pf. at 10.

17. The Project is estimated to cost approximately \$500,000. The estimated Project costs include permitting, equipment acquisition, installation and removal. Staskus pf. at 10.

18. GMP will commence installation work following Board issuance of a Certificate of Public Good and other applicable permits, in order to install the equipment and gather data during the upcoming winter season, as well as the upcoming bat migration season. Installation is expected to take approximately four weeks. Staskus pf. at 10-11.

Orderly Development of the Region

[30 V.S.A. § 248(b)(1)]

19. The Project will not unduly interfere with the orderly development of the region, with due consideration having been given to the recommendations of the municipal and regional planning commissions, the recommendations of municipal legislative bodies, and the land conservation measures contained in the plan of any affected municipalities. This finding is supported by findings __ to __ below.

20. The proposed Project is located entirely on private property and, will not provide electricity and involves no transmission or distribution lines. Staskus pf. at 12.

21. Notice of the Project was provided to the Lowell Selectboard, the Lowell Planning Commission and the Northeast Vermont Development Association by letter dated June 10, 2009. No comments were received in response to the notice. Staskus pf. at 11-12.

Need for Present and Future Demand for Service

[30 V.S.A. § 248(b)(2)]

22. The proposed wind measurement stations will provide an accurate estimate of wind resources on Lowell Mountain, which information is necessary to determine whether wind-powered electric generation is feasible at that location. Staskus pf. at 13.

System Stability and Reliability

[30 V.S.A. § 248(b)(3)]

23. The proposed wind measurement equipment and lights will not be connected to the electric system, and therefore will not adversely affect system stability or reliability. Staskus pf. at 12-13.

Economic Benefit to the State

[30 V.S.A. § 248(b)(4)]

24. The Project will result in an economic benefit to the State and its residents, by facilitating the provision of information necessary to determine whether wind generation is feasible at the site. Staskus pf. at 14.

**Aesthetics, Historic Sites, Air and Water Purity,
the Natural Environment and Public Health and Safety**

[30 V.S.A. § 248(b)(5)]

25. The proposed Project will not have an undue adverse effect on aesthetics, historic sites, air and water purity, the natural environment and public health and safety. This finding is supported by findings ___ to ___ below, which are the criteria specified in 10 V.S.A. §§ 1424(a)(d) and 6086(a)(1)-(8)(a) and 9(k).

Public Health and Safety

26. Reflective signage warning of the proximity of wind measuring equipment will be placed on private property along an existing trail nearby the measurement station at Site A as a precaution. Staskus pf. at 14.

Outstanding Resource Waters

[10 V.S.A. § 1424(a)(d), 6086(a)(1)(A)]

27. There are no waters in the vicinity of the Project that have been designated as outstanding resource waters. Prasch pf. at 4.

Water and Air Pollution

[10 V.S.A. § 6086(a)(1)(B)]

28. The Project will not result in undue air pollution. There will be no emissions from the Project and it will emit no noise. The Project will not result in undue water pollution, as specified below. Prasch pf. at 4.

Headwaters

[10 V.S.A. § 6086(a)(1)(A)]

29. There are steep slopes (>15%) in some areas along the upper section of the new meteorological (“MET”) station access road, and the drainage areas of several of the delineated features are less than 20 square miles. Additionally, the MET tower locations themselves are located above 1,500 feet elevation. In order to ensure that the proposed Project will meet any applicable Vermont Department of Environmental Conservation

(“DEC”) health regulations, GMP will apply for coverage under the Vermont DEC General NPDES Permit 3-9020 for Construction Stormwater Discharges (“Stormwater Permit”). Consistent with the requirements of the Stormwater Permit, water quality impacts will be minimal; there will be limited soil disturbance will occur in order to anchor the MET station foundation, guy wires and winch anchors. This Project will also require minimal improvements/additions to the existing logging and woods road system for access to the measurement station locations, and a new road access from Site B to Site C. Any road improvements will follow the Acceptable Management Practices, which are currently used by Moose Mountain Forestry, LLC (“MMF”) logging activities. This Project will not have an undue adverse impact to headwaters. Prasch pf. at 5.

Waste Disposal

[10 V.S.A. § 6086(a)(1)(B)]

30. The Project will meet all applicable Department of Health (“DOH”) and DEC regulations for the disposal of wastes, and will not involve the injection of waste materials or any harmful or toxic substances into ground water or wells. Any meteorological station installation material debris, which will be limited, will be hauled off-site for disposal in accordance with applicable requirements. In addition, as described below under the soil erosion criterion, an Erosion Prevention and Sediment Control (“EPSC”) Plan will be developed as part of the Stormwater Permit to manage disturbed soil during Project construction. Any woody debris from the Project site will be used for soil stabilization or removed by the contractor. All areas of disturbed earth will be managed in accordance with the Project’s EPSC Plan. Additionally, the Project will not generate waste on an ongoing basis. Accordingly, the Project will meet all applicable DOH and DEC regulations for the disposal of wastes, and will not involve the injection of waste materials or any harmful or toxic substances into ground water or wells. Therefore, there will be no undue adverse impacts due to waste disposal as a result of the construction of the Project. Prasch pf. at 6.

Water Conservation

[10 V.S.A. § 6086(a)(1)(C)]

31. The Project will not utilize water during or after installation and, accordingly, the criteria specified in 10 V.S.A. 6086(a)(1)(C) relating to water conservation are inapplicable. Prasch pf. at 6.

Floodways, Streams, and Shorelines

[10 V.S.A. § 6086(a)(1)(D), (E) & (F)]

32. The Project will not be located in a floodway or on a shoreline. Prasch pf. at 7. This finding is supported by findings __ to __, below.

33. The measurement station sites will not be located near any streams. GMP will work to assure that any potential stream crossings will be maintained according to Acceptable Management Practices. Additionally, development and implementation of the EPSC plan under the Stormwater Permit for the MET station sites and access roads will ensure no undue or adverse impacts will result from this Project. Prasch pf. at 7-8.

34. No activities for the Project are proposed to take place within areas defined as shorelines. As such, there will be no undue or adverse impacts to shorelines as a result of the Project. Prasch pf. at 8.

Wetlands

[10 V.S.A. § 6086(a)(1)(G)]

35. The Project will therefore not violate the Vermont Wetland Rules because it does not affect a Vermont Wetland Inventory Class 1 or 2 wetland. All delineated wetlands within the vicinity of the meteorological station sites or access roads are Class 3 and the Project will therefore not trigger review under the Vermont Wetland Rules. Furthermore, the measurement station sites and access roads will not be located within any of these Class Three wetlands. As no significant wetland impacts are anticipated, there will be no undue or adverse impacts to identified wetlands as a result of the Project. Prasch pf. at 8.

Sufficiency of Water and Burden on Existing Water Supply

[10 V.S.A. § 6086(a)(2)&(3)]

36. The Project will not use any water during or after construction and will not place a burden on any existing water supply. Prasch at 9.

Soil Erosion

[10 V.S.A. § 6086(a)(4)]

37. The Project will not cause unreasonable soil erosion or cause significant drainage or run-off problems. The effects of soil erosion on adjacent water bodies and wetlands will be managed in accordance within the Project's EPSC Plan. This finding is supported by findings __ to __, below.

38. The EPSC Plan will include the installation of preventative measures, monitoring and maintenance of the measures, inspections and proactive action taken to address areas that pose significant erosion potential. Through implementation of the EPSC Plan, the Project will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result. Prasch pf. at 9.

39. Soil disturbance in connection with the Project, as described by Ms. Staskus, will be limited and located only in the area of the temporary measurement station locations and along new access roads. Access to the sites, as discussed above, will be largely along existing logging roads, woods roads and trails. Any new access will be constructed and maintained according to Acceptable Management Practices and stabilized according to the EPSC Plan. In connection with any tree clearing necessary at the tower sites, stumps and other brushy ground cover will be left in place, with no significant stumping or grubbing activities proposed. Logs may be removed by the landowner at its option. Brush that is cut will be spread out, providing ground cover or used for stabilization as mentioned above. Prasch pf. at 9-10.

Transportation Systems

[10 V.S.A. § 6086(a)(5)]

40. The Project will not cause unreasonable congestion or unsafe conditions with respect to use of highways, waterways, railways, airports and airways, and other means

of transportation existing or proposed. This finding is supported by findings __ to __, below.

41. Delivery to the MMF property of measurement station components will be accomplished via standard shipping transport. Staskus pf. at 14.

42. The Site B tower is less than 200 feet tall and therefore does not require FAA-approved lighting. The Sites A and C measurement towers will be subject to FAA-prescribed lighting and markings, as described above. All necessary Determination of No Hazard findings will be acquired prior to installation. Staskus pf. at 14.

Educational Services

[10 V.S.A. § 6086(a)(6)]

43. The Project will not cause any burden on the town of Lowell educational services. KCW staff and subcontractors (including VERA) will maintain and monitor the wind measurement stations. There will be no new full- or part-time employees added to the region as a result of the Project, and therefore no increase in the number of students attending school. Staskus pf. at 14.

Municipal Services

[10 V.S.A. § 6086(a)(7)]

44. The Project will not require Lowell to provide or expand services related to fire and police protection, solid waste disposal, sewage treatment, water supply, rescue services, or road maintenance. Nor will installation or maintenance of the temporary wind measurement stations threaten public safety. Access to the sites is controlled by MMF. Staskus pf. at 14-15.

Aesthetics, Historic Sites

[10 V.S.A. § 6086(a)(8)]

45. The Project will not have an undue adverse impact on aesthetics, historic sites or archeological resources. This finding is supported by findings __ to __, below.

46. The dimensions of the towers are such that their visibility is reduced from distances greater than 1 to 2 miles; beyond five miles these towers are difficult to discern with the naked eye. Exh. GMP-DR-1 at 15-16.

47. The measurement stations will not appear dominant or as a focal point due to their very slim profile. The neutral color of the 50 meter structure will fade into the backdrop of the sky. The 80 meter towers will also fade into the backdrop of the sky, when viewed from distances of over ½ mile or more, despite the proposed markings, because colors applied to narrow width lattice towers construction are less distinct when viewed from a distance and under most atmospheric conditions and there is only limited surface on these towers on which such colors can be painted. The colors will be visible from closer vantage points near to the base of the towers and from the air at the same level of the towers, as they are intended to be visible for aircraft safety. Views of installed towers with similar qualities that provide measurement data substantiate the conclusion that these types of towers are not dominant in the landscape. Exh. GMP-DR-1 at 13.

48. The proposed lighting will not direct light of any significant intensity below minus 10 degrees of the horizontal plane created by the direct cast of the light itself, and therefore do not create glare or untoward light impacts to the naked eye situated below the tower base. The red color is less intense and has less contrast than other light colors (typically white or off white). There are no impacts to sky glow or night sky viewing from these types of lights. Exh. GMP-DR-1 at 16, 18.

49. The cleared areas will be on the higher ground of the mountain's height of land, which is continuously wooded. The cleared areas will not be readily visible, if at all, and will not create adverse conditions when viewed from surrounding public vantage points, particularly those vantage points situated below base of the towers. The roads are all located under and within the forested canopies of the mountainside and therefore limited, if any visibility of these elements is anticipated. If visible, the roads will appear as linear shadow lines in the canopies. Exh. GMP-DR-1 at 16.

50. Based on field study and a topographical map, which permits an evaluation of how the land form may block views of the tower, only 55% of the area within a five mile radius will have potential visibility of one or more of the towers. Most (83%) of this potential viewshed area is forested, further reducing potential visibility due to the forest

canopy, even in winter (branch density and evergreens). Only 10% of the potential viewshed area is located in non-forested areas, and less than 1% located on open waters. There are also many other focal points in the project area and the region, including broad panoramas and the main spine of the Green Mountains to the west, which attract the viewer's attention and reduces the visual effect of the measurement stations on Lowell Mountain. Exh. GMP-DR-1 at 16-17, Exh. 1.

51. There are few public vantage points or scenic resources within the 5 mile viewshed. The Long Trail is located outside of this radius, and from its closest point at the summit of Belvidere Mountain it will be difficult to pick out the measurement stations with the naked eye and they will certainly not appear as dominant elements that will draw the eye. There is only a narrow band of potential visibility from the waters Lake Eden, and no visibility from the shorelands. The Town of Albany Ballpark is outside of the potential viewshed, and there are only two open sections of Route 58 that will have any potential visibility of the towers, at some 2-½ miles in distance. The area around the Irasburg Common will not have significant views of the project, due to the surrounding buildings and vegetation. The towers will likely not be visible from the Wild Branch Wildlife Management Area in Eden, to the south of Lowell Mountain, because the area is almost completely forested. Exh. GMP-DR-1 at 16-17.

52. For these reasons, the project, as proposed, will not result in an adverse impact on aesthetics. Exh. GMP-DR-1 at 16-17.

53. The Lowell Town Plan dated 2003 indicates that there are no specific community standards that would preclude the construction of temporary (or permanent) wind measurement stations. The Northeast Vermont Development Association's 2006 Regional Plan addresses maintenance of scenic quality in minimizing the impacts of energy generation and transmission facilities. The Plan also encourages the development of renewable energy and the use of renewable resources. There are no specific standards with regard to scenic resources in the plan. The temporary nature of the proposed project avoids any lasting impacts to scenic quality or aesthetics. The Project will not violate any clearly written community standards. Exh. GMP-DR-1 at 20-21.

54. The Project is difficult to discern from distances over three miles. Towers of this sort are not uncommon in the landscape and there are a number of locations in Vermont

where lit towers are visible and have not resulted in unacceptable impacts to aesthetics when viewed at night. Vermonters are used to seeing night lighting of towers, both constant and flashing, in both rural and developed areas of the state. The distance of the Project from most potential viewers will further reduce their visual impact. Due to the temporary nature of the project, its minimal footprint with regard to the clearing required and the dimensions of the tower base, the lack of widespread visibility and the qualities of the proposed structures themselves, the proposed Wind Measurement Stations will not offend the sensibilities of the average person. Exh. GMP-DR-1 at 21.

55. Other than the temporary nature of the installation, there are few effective mitigation measures for this type of a project. The towers are being erected to record wind data and thus must be sited on higher elevations and above treelines. GMP will only clear the necessary area to accommodate the towers on their individual sites. The lighting of the towers will result in no direct glare below the horizontal plane nor create any impacts that will impair the visibility of the night sky. The narrow profile and guyed, lattice type construction of the tower structure further mitigates the impact. The reliance on existing logging haul roads and woods roads to access the project sites are also a mitigation measure. Exh. GMP-DR-1 at 21-22.

56. For these reasons, the Project will not result in an adverse impact to aesthetics and the scenic beauty of the area and, even if the impact were determined to be adverse, it will not be undue. Exh. GMP-DR-1 at 22.

57. There are three sites of historic significance in Albany and eleven in Eden that are within the five-mile radius. A portion of the Bayley-Hazen Road is adjacent to Lowell Mountain. Based on a field investigation, The project will not undermine an important or identified visual resource associated with these resources, will not distract from them, will not affect the appreciation or experience of them, nor impair the public's ability to interpret their qualities. As a result, the project will not have an adverse impact on historic resources of local, state or national significance. Exh. GMP-DR-1 at 18-20.

58. Based on discussions with the University of Vermont Consulting Archeology Program and a review of the Division for Historic Preservation Archeological Information System map, there are no known archeological features in the Area of

Potential Effect (“APE”) (consisting of the access roads and station sites), and the Project will have no effect on significant archeological resources. Staskus pf. at 15.

**Rare and Irreplaceable Natural Areas and Necessary
Wildlife Habitat and Endangered Species**

[10 V.S.A § 6086(a)(8)]
[10 V.S.A. § 6086(a)(8)(A)]

59. The Project will not cause undue adverse impact to Rare and Irreplaceable Natural Areas and Necessary Wildlife Habitat and Endangered Species. This finding is supported by findings ___ to ___, below.

60. The Non-game and Natural Heritage Program (“NNHP”), regarding known elemental occurrences of rare, threatened, and endangered (“RTE”) plants, as well as necessary wildlife habitat, has no listings of any federally or state protected plant species within the locations of the MET stations or access roads. A field survey for occurrences of RTE plants confirmed the NNHP records. Prasch pf. at 11.

61. Vermont Fish and Wildlife has mapped areas of Montane Spruce-fir Forest community (S3 rank) at discreet locations along the ridgeline. Site B is the only site located within this mapped habitat type. Site A is located within an open canopy stand of yellow birch, paper birch, and sugar maple with hobblebush in the understory. Site C is also located within an open canopy of yellow birch with wood fern forming nearly a closed cover within the herbaceous layer of the understory. Only minimal tree clearing will be required for installation of the meteorological stations, particularly at Site B, where the overstory of spruce and fir had been cleared some 5 years ago for installation of a meteorological station for a previous study. Regeneration of spruce and fir saplings in this area is robust and, since the meteorological station at Site B will be installed at the same location as the previous measurement site, any additional clearing of spruce and fir will not be significant. In addition, given that the access routes to the meteorological station sites will primarily utilize existing logging roads with limited clearing necessary for new access roads, there will be no undue adverse impact to necessary wildlife habitat, including potential habitat for both black bear and white-tailed deer. There is also no anticipated impact to wetlands that may be utilized by black bears. Therefore, the Project

will not cause undue adverse impact to Rare and Irreplaceable Natural Areas and Necessary Wildlife Habitat and Endangered Species. Prasch pf. at 11-12.

Development Affecting Public Investments

[10 V.S.A. § 6086(a)(9)(K)]

62. The Project will not unnecessarily or unreasonably endanger the public or quasi-public investment in any public facilities, services or lands, or materially jeopardize or interfere with the function, efficiency, or safety of the public's use or enjoyment of or access to any such facility, service or lands. Staskus pf. at 15.

Least-Cost Integrated Resource Plan

[30 V.S.A. § 248(b)(6)]

63. The Project facilitates the potential acquisition of new renewable resources. GMP's 2007 IRP encourages the acquisition of in-state new renewables. 2007 IRP at 104-105. The Project will also help GMP meet renewables requirements, including the RPS. Staskus pf. at 16.

Compliance with Electric Energy Plan

[30 V.S.A. § 248(b)(7)]

64. The Project complies with the 2005 Electric Plan (the "Plan"). Electric policy described in the Plan includes providing service "in a manner that is consistent with efforts to protect the quality of the environment over time. ...Meeting Vermont's energy needs in a sustainable way... means making a long-term commitment to maintain the appropriate contributions from renewable resources and minimizing our dependence on imported fossil fuels." The Plan describes wind power as technologically viable and ecologically acceptable. Staskus pf. at 16.

Existing or Planned Transmission Facilities

[30 V.S.A. § 248(b)(10)]

65. The Project will not be served by any transmission facilities, existing or planned. Staskus pf. at 16.

Section 248(j) Criteria

- 66. The facilities are of limited size and scope. Findings ___ - ___, above.
- 67. Petition does not raise significant issues with respect to the substantive criteria under Section 248. Findings ___ - ___, above.
- 68. Public interest satisfied by application of Section 248(j) procedures. Findings ___ - ___, above.

III. CONCLUSION

Based upon all of the above evidence, the proposed construction will be of limited size and scope; the petition does not raise a significant issue with respect to the substantive criteria of 30 V.S.A. § 248; the public interest is satisfied by the procedures authorized by 30 V.S.A. § 248(j); and the proposed project will promote the general good of the state.

IV. ORDER

IT IS HEREBY ORDERED, ADJUDGED AND DECREED by the Public Service Board of the State of Vermont that the construction and installation of three temporary wind measurement towers and associated equipment on Lowell Mountain in Lowell, Vermont, for up to a five-year period, in accordance with the evidence and the plans presented in this proceeding, will promote the general good of the state of Vermont in accordance with 30 V.S.A. § 248, and a certificate of public good shall be issued in this matter.

Dated at Montpelier, Vermont this _____ day of _____, 2009

_____)
 _____) PUBLIC
 _____) SERVICE
 _____)
 _____) BOARD
 _____)
 _____) OF
 _____) VERMONT

OFFICE OF THE CLERK

Filed:

Attest: _____
Clerk of the Board

NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: Clerk@psb.state.vt.us)

Appeal of this decision to the Supreme Court of Vermont must be filed with the Clerk of the Board within thirty days. Appeal will not stay the effect of this Order, absent a further Order by this Board or appropriate action by the Supreme Court of Vermont. Motions for reconsideration or stay, if any, must be filed with the Clerk of the Board within ten days of the date of this decision and order.

STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. _____

Petition of Green Mountain Power Corporation)
for a certificate of public good, pursuant to 30)
V.S.A. § 248(j), authorizing the installation)
and operation of three temporary wind)
meteorological stations on Lowell Mountain in
Lowell, Vermont

Entered: _____

CERTIFICATE OF PUBLIC GOOD ISSUED
PURSUANT TO 30 V.S.A SECTION 248(j)

IT IS HEREBY CERTIFIED that the Public Service Board of the State of Vermont this day found and adjudged that the proposed construction of three meteorological stations and associated infrastructure improvements (the "Project"), 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. Construction, operation, and maintenance of the Project shall be in accordance with the plans and evidence submitted in this proceeding.
2. Prior to site preparation or construction, GMP will file with the Board and the parties, all required permits and authorizations, including the issuance of authorization to discharge of the Vermont Department of Environmental Conservation, and the Federal Aeronautics Administration Determination of No Hazard.
3. A certificate of public good shall be obtained from this Board prior to the construction of any wind turbines or associated improvements at this site.
4. All components of the wind measurement towers shall be removed from the site within five years of the date of this Certificate.

