

STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 7508

Petition of Georgia Mountain Community Wind, LLC,)
for a certificate of public good, pursuant to 30 V.S.A.)
Section 248, authorizing the construction and operation)
of a 5-wind turbine electric generation facility, with)
associated electric and interconnection facilities, on)
Georgia Mountain in the Towns of Milton and Georgia,)
Vermont, to be known as the "Georgia Mountain)
Community Wind Project")

Order entered: 5/13/2011

ORDER RE: NON-NATIVE INVASIVE SPECIES CONTROL PLAN

Introduction

On June 11, 2010, the Public Service Board ("Board") issued an Order and Certificate of Public Good ("CPG") approving construction of a wind generation facility by Georgia Mountain Community Wind, LLC ("GMCW"). The June 11 CPG included several conditions that GMCW must meet prior to the start of construction, including condition 27, which states:

GMCW shall develop a monitoring and control plan for non-native invasive species, for Board approval. The plan shall cover a ten-year period, but should also be adaptable in terms of whether invasive species have been identified within a given time period following construction. Parties will have three weeks, from the date this plan is filed with the Board, to comment on the plan. GMCW cannot commence construction until the plan is approved.

On December 23, 2010, GMCW submitted a proposed Non-Native Invasive Species Control Plan ("Plan"). (A copy of the Plan is attached to this Order.)

In this Order we approve the December 23 Plan, with the modifications discussed below, and conclude that, as modified, the Plan satisfies condition 27 of the CPG.

Background

The Plan states that GMCW will take the following actions related to monitoring and controlling non-native invasive species:

- Project contractors will be required to inspect construction materials and equipment used to construct the Project for invasive species prior to bringing them on-site. Erosion control and revegetation methods will be conducted as to not introduce additional invasive plant species, including sources of hay for mulch and seeding mixes.
- Monitoring will occur during the growing season, typically in July, once construction of the Project is complete. Monitoring will include any disturbed ground associated with construction and a fifty-foot buffer into the undisturbed natural community.
- All nonnative, invasive species on the Vermont quarantine and watch lists will be included in the monitoring and control effort.
- The monitoring schedule will depend on whether non-native invasive species are detected at the site based upon the following scenarios:
 - Scenario One – No non-native invasive species found at the site: Monitoring will be undertaken for three years after construction is completed; if no invasive species are identified during those years, monitoring will next occur in the fifth year following construction. If no invasive species are found during the fifth year, monitoring will next occur in year ten.
 - Scenario Two – Non-native invasive species found at the site: Monitoring will be undertaken for three years after construction is completed; if during any year, invasive species are detected, monitoring will occur for two years after the year of detection and implementation of control strategies. If, after two years, no invasive species are detected, the schedule will convert to alternate year monitoring that will continue until year ten.
- If an identified invasive species is detected, data will be collected regarding the species, location (using GPS), population size, plant phenology, and associated native species. Control measures will vary depending on site conditions and the species present; however, preference will be given to manual control over the use of herbicides.
- A report of the findings and control measures implemented, if applicable, will be provided to the Board and the Vermont Agency of Natural Resources Natural Heritage Information Project.

Comments on the Plan

On March 8, 2011, the Agency of Natural Resources ("ANR") filed comments on the Plan. In particular, ANR recommends that the monitoring and control plan also be implemented

for the ten-year period following decommissioning of the Project. Additionally, ANR recommends that the monitoring and control plan extend 100 feet into undisturbed areas, rather than the 50 feet included in the Plan. ANR further recommends that the fourth paragraph of the Methodology and Monitoring Section of the Plan include the following language: "In order to provide effective elimination of some non-native, invasive species, control measures may need to be applied twice per year." ANR also states that paragraph five of the Monitoring and Methodology section is unclear regarding the language that reports would be provided to the Board and ANR "after each monitoring and control periods." ANR recommends that reports should be submitted at the end of every year in which monitoring and/or control occurred. Finally, ANR states that species that are non-native and invasive change over time, and the document should reference the most recent version of the Vermont quarantine and watch lists in order to keep current.

In response to a memorandum issued by the Board on April 11, 2011, ANR filed additional information on the need to monitor for non-native invasive species for ten years after the project is decommissioned. ANR states that decommissioning will require substantial soil disturbance, which increases the opportunity for invasive species colonization. Additionally, ANR asserts that the threat of non-native invasive species is likely to increase in the future as climate change leads to additional warming in Vermont. Finally, ANR recommends that the non-native invasive species monitoring and control be required in the decommissioning plan and money for these activities be included in the decommissioning fund.

On May 3, 2011, GMCW filed a letter opposing ANR's proposed requirement for a ten-year, post-decommissioning invasive species monitoring and control plan. GMCW asserts that it is important for the renewable energy siting process to be predictable and no other electric facility has been required to undertake post-decommissioning monitoring as proposed by ANR. GMCW states that ANR has not provided sufficient support for its proposal, but "would not oppose a 3-5 year post construction/decommissioning control plan."

No other party filed comments on the Plan.

Discussion

We conclude that, with the following modifications, the Plan meets the requirements of condition 27.

GMCW's plan sets forth two different scenarios for monitoring non-native invasive species, one if no such species are detected at the site and a second if invasive species are found. Under the first scenario, GMCW contemplates monitoring for each of the first three years, and if no species are found, the next monitoring will take place in year five. If no species are found in year five, the next monitoring will occur in year ten. We conclude that, if no invasive species are found during year five, that there is no need for monitoring during year ten. Our June 11 Order required that the Plan cover a ten-year period, but also be adaptable. The Plan addresses monitoring and control over a ten-year period if invasive species are detected; the same ten-year period is not required if invasive species are not detected during the first five years.

ANR requests that we require GMCW to implement the Plan after decommissioning. This issue was not raised during the hearings and was not required by Condition 27. However, the decommissioning process will result in significant soil disturbance and create the same conditions for invasive species colonization. Additionally, GMCW stated in its May 3 filing that it does not oppose a three-to-five year post-decommissioning control plan. Accordingly, we direct GMCW to provide for five years of non-native invasive species monitoring and control in its decommissioning plan and decommissioning fund. The monitoring and control shall follow the Plan that is approved in this Order, except that only five years of monitoring and control shall be required.

Finally, we require GMCW to comply with the other recommendations contained in ANR's March 8, 2011, letter.

Conclusion

For the reasons set forth above, we approve the December 23 Plan, with the modifications discussed above, and conclude that, as modified, the Plan satisfies condition 27 of the CPG.

SO ORDERED.

Dated at Montpelier, Vermont, this 13th day of May, 2011.

<u>s/ James Volz</u>	)	
	)	PUBLIC SERVICE
	)	
<u>s/ David C. Coen</u>	)	BOARD
	)	
	)	OF VERMONT
<u>s/ John D. Burke</u>	)	

OFFICE OF THE CLERK

FILED: May 13, 2011

ATTEST: s/ Susan M. Hudson
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: psb.clerk@state.vt.us)

Docket No. 7508
Georgia Mountain Community Wind Project
Georgia/Milton Vermont

Monitoring and Control Plan for Vermont Non-Native Invasive Species

Introduction

This Monitoring and Control Plan for Vermont non-native invasive species ("Plan") was developed in accordance with Condition No. 27 of the Vermont Public Service Board (PSB or Board) June 11, 2010 Certificate of Public Good (CPG) issued in Docket No. 7508 authorizing the construction and operation of the Georgia Mountain Community Wind Project by Georgia Mountain Community Wind, LLC ("GMCW"). Condition No. 27 of the CPG requires GMCW to develop a plan for monitoring and controlling non-native invasive species for up to ten years following Project construction and such plan is to be adaptable in terms of whether invasive species have been identified within a given time period following construction¹.

Methodology and Monitoring Schedule

GMCW will monitor and control for Vermont nonnative, invasive plant species (NNIS) for a ten year period, post-construction with earlier termination of the Plan based on at least three years of no detection. The monitoring and control against the potential establishment of invasive species will occur within disturbed areas associated with the clearing, grading, soil disturbance, or construction of the Project as well as a 50 foot buffer into the adjacent undisturbed habitat. The work will be performed by an environmental firm familiar with Vermont's non-native invasive plant species and qualified to implement this Plan.

Project contractors will be required to inspect construction materials and equipment used to construct the Project for invasive species prior to bringing them on-site. Erosion control and revegetation methods will be conducted as to not introduce additional invasive plant species, including sources of hay for mulch and seeding mixes.

Monitoring will occur annually during the growing season, typically in July, commencing when construction of the Project is complete. The area to be monitored will include any disturbed ground associated with construction and a 50ft buffer into the undisturbed natural community. The construction site perimeter will be walked and data collected and recorded on any invasive species populations identified.

Control measures will be implemented upon recording of species presence. Data on the population will include: species identification, species location via sub-meter GPS, plant phenology, size of population (in square feet or number of individuals), associated (native) species and control measures taken. Specific measures will vary depending on site conditions and the species present giving preference to manual control (hand-pulling) over the use of

¹ Public Service Board Docket 7508, Findings and Order, Page. 68-69. Page 91.

herbicides to the extent possible. Herbicide application, if necessary will be done by a state-certified applicator.

A report of the findings, and if applicable, the controls implemented, will be provided to the Vermont Public Service Board with a copy provided to the Vermont Agency of Natural Resources Natural Heritage Information Project after each of the monitoring and control periods.

Schedule

The successive yearly monitoring schedule will depend upon the presence of NNIS populations found on the site and is outlined in two scenarios, depending upon the results of the monitoring findings. The "years" refer to years after construction.

Scenario 1: No NNIS populations found on site

Years 1, 2 and 3 will be monitored. If no NNIS populations are found during those years, monitoring will next occur in year 5. If no NNIS populations are found during year 5, monitoring will next occur in year 10.

Scenario 2: NNIS populations found on site

Years 1, 2 and 3 will be monitored. If during any year NNIS populations are discovered, monitoring will occur for two years after the year of discovery and implementation of control strategies. If after two years no NNIS are found, the schedule will convert to alternate year monitoring. This will continue until year 10.

Monitored Species

Monitoring of all nonnative, invasive species on the Vermont quarantine and watch lists will be included in the monitoring and control effort. The following list is a subset of these lists based on likelihood to occur in the habitat and range of Georgia Mountain.

Goutweed (*Aegopodium podagraria*)
Garlic Mustard (*Alliaria petiolata*)
European Bush Honeysuckle (*Lonicera morrowii*)
Hybrid Honeysuckle (*Lonicera X bella*)
Tartarian Honeysuckle (*Lonicera tatarica*)
Purple Loosestrife (*Lythrum salicaria*)
Common Reed (*Phragmites australis*)
Common Buckthorn (*Rhamnus cathartica*)
European Buckthorn (*Rhamnus frangula*)
Common Barberry (*Berberis vulgaris*)
Japanese Barberry (*Berberis thunbergii*)
Spotted Knapweed (*Centaurea maculosa*)
Autumn Olive (*Elaeagnus umbellata*)
Cypress Spurge (*Euphorbia cyparissias*)
Dame's-rocket (*Hesperis matronalis*)

December 2010

Multiflora Rose (*Rosa multiflora*)
Japanese Knotweed (*Polygonum cuspidatum*)

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