

**STATE OF VERMONT
PUBLIC UTILITY COMMISSION**

Case No. 24-____ - PET

Limited Size and Scope Application)
of Bell Atlantic Mobile Systems, LLC)
d/b/a Verizon Wireless and Vertex Towers, LLC,)
for a Certificate of Public Good,)
pursuant to 30 V.S.A. § 248a, authorizing the construction)
of a telecommunications facility in Manchester, Vermont)

PREFILED DIRECT TESTIMONY OF MICHAEL LEW-SMITH

**ON BEHALF OF BELL ATLANTIC MOBILE SYSTEMS, LLC
d/b/a VERIZON WIRELESS and VERTEX TOWERS, LLC**

October 31, 2024

Summary:

Mr. Lew-Smith's testimony will demonstrate the Project's conformance with the environmental criteria applicable to the accompanying Limited Size and Scope application.

1 **Q1. Please state your name, employer and current position.**

2 A1. My name is Michael Lew-Smith. I am a Botanist and Ecologist with Arrowwood
3 Environmental (“AE”). My business address is 950 Bert White Road in Huntington,
4 Vermont.

5 **Q2. Please state briefly your professional background.**

6 A2. A copy of my resume is included as Exhibit MLS-1.

7 **Q3. Have you ever testified before the Public Utility Commission?**

8 A3. Yes. I provided testimony in many dockets before the Public Utility Commission.

9 **Q4. What is the purpose of your testimony?**

10 A4. My testimony is in connection with the application of Vertex Towers, LLC and Bell
11 Atlantic Mobile Systems, LLC d/b/a Verizon Wireless for Section 248s approval to
12 construct and operate a wireless communications project in Manchester, Vermont (the
13 “Project”). A Natural Resource Assessment Report (the “Report”) prepared by
14 Arrowwood Environmental is attached as Exhibit MLS-2. The Report addresses the
15 Project’s potential impacts on certain environmental criteria incorporated by reference:
16 namely, floodways (10 V.S.A. § 6086(a)(1)(D)), rare and irreplaceable natural areas (10
17 V.S.A. § 6086(a)(8)) and necessary wildlife habitat and endangered species (10 V.S.A. §
18 6086(a)(8)(A)). The Report concluded that the Project will not result in an undue adverse
19 impact upon the natural environment in accordance with these criteria, but did not include
20 an assessment of rare plant species. The purpose of my testimony is to supplement the
21 Report and discuss the impacts from the Project related to rare plant species.

22 **Q5. Are there any rare plant species present in the Project area?**

23 A5. Yes. A rare, threatened and endangered plant inventory was conducted on the Project on

1 June 18 and August 16, 2024. Those inventories revealed the presence of a small
2 population of black maple (*Acer nigrum*) and a large population of snowy aster
3 (*Oligoneuron album*). The black maple is considered an uncommon (S3-ranked) species
4 in the state and the snowy aster is considered a rare (S2-ranked) species in the state.
5 Neither of these species are on the Vermont state or federal list of Threatened and
6 Endangered Species.

7 **Q5. Will the Project impact either of these species and, if so, are the impacts considered**
8 **undue and adverse?**

9 A5. The Project as proposed will not impact the black maple population. In order to access
10 the proposed communication tower location, the access road will impact some of the
11 snowy aster population. A map of the plant populations and proposed access road is
12 included as Exhibit MLS-3. The original access road was proposed through the center of
13 the snowy aster population. The access road was redesigned and relocated to the east to
14 avoid as many of the rare plants as possible. As Exhibit MLS-3 illustrates, a total of 901
15 snowy aster plants were documented in the Project area. The redesigned access road
16 proposes to impact 50 of these plants, comprising 6% of the population at this site.
17 When considering if these impacts are unduly adverse, the standards outlined in the
18 Vermont Fish and Wildlife Department document “Guidance for Conducting Rare,
19 Threatened, and Endangered Plant Inventories in Connection with Section 248 Projects”
20 are generally used as guidelines. According to this guidance, the Agency will generally
21 “not consider an impact to be unduly adverse if less than... 20% of an S2 (rare) plant
22 population at the site is impacted”. Since the Project has been redesigned to impact only
23 6% of the rare plant population, following these guidelines, it is my opinion that these

1 impacts are not considered undue or adverse.

2 **Q6. Does this conclude your Prefiled Direct Testimony?**

3 A6. Yes.

Exhibits to Prefiled Testimony of Jeff Parsons

Exhibit MLS-1	Michael Lew-Smith Resume
Exhibit MLS-2	Natural Resources Assessment
Exhibit MLS-3	Map of Rare Plants