



State of Vermont
Office of Planning
1 National Life Drive, Davis 2
Montpelier, VT 05620-3901

Agency of Natural Resources

January 12, 2026

Electronically Filed Via ePUC
Holly R. Anderson, Clerk
Vermont Public Utility Commission
112 State Street – 4th Floor
Montpelier, VT 05620-2701

25-2931-PET, 25-1056-AN Bell Atlantic Mobile Systems LLC Rochester, VT

Agency of Natural Resources Comments

In response to the application, the Vermont Agency of Natural Resources (“Agency”) offers the following comments and requests CPG conditions under Criterion 4 and Criterion 8(A).

On January 9, 2026, the Agency received confirmation from Project representative Cooper Hayes via email that the following CPG conditions are agreeable.

Standard of Review

Title 30 V.S.A. § 248a(c)(1) states that the Vermont Public Utility Commission (“PUC”) shall not issue a CPG unless it finds that the Project “*will not have an undue adverse effect on aesthetics, historic sites, air and water purity, the natural environment, and the public health and safety, and the public’s use and enjoyment of the I-89 and I-91 corridors or of any highway that has been designated as a scenic road....*” In making its decision on whether to issue a CPG, the PUC must give “*due consideration...to the relevant criteria specified in 10 V.S.A. §§ 1424a(d) and 6086(a)(1) through (8) and (9)(k).*” The application materials reveal that the proposed Project may have the potential to cause undue adverse under specific criteria. Potential undue adverse effects are discussed below.

Criterion 4: Soil Erosion and Drainage

Stormwater Management

A Construction Stormwater Discharge Permit is required if the proposed Project would result in one or more acres of earth disturbance, or if it is less than one acre but is part of a larger common plan of development (i.e., industrial subdivision) that in total results in one or more acres of earth disturbance, *Agency’s Stormwater Permitting Rule §22-107(b)(6)*. Exposed soil and loss of vegetation resulting from vehicular access, concentrated work areas and staging is

considered construction-related earth disturbance in addition to the standard construction activities such as clearing, grading, and excavation.

In prior correspondence and the Petition, the applicant has agreed to obtain a Construction Stormwater Discharge Permit due to this project meeting the above criteria. Therefore, the Agency requests the following CPG condition:

Prior to commencing site preparation or construction of the Project, the CPG Holder shall obtain a Construction Stormwater Discharge Permit.

Criterion 8(A): Necessary Wildlife Habitat

The Agency reviews projects for conformance with the Agency’s [Guidelines for Review & Mitigation of Impacts to White-Tailed Deer Winter Habitat in Vermont \(1999\)](#)¹. DWAs serve as necessary habitat for the survival of white-tailed deer. This habitat affords necessary and invaluable shelter, allowing deer to minimize energy expenditures during winter months, thus maximizing their chances of survival. During the deer wintering season December 15 to April 15, activities within the DWA could cause deer to move in response to the sight of and noise from construction and maintenance equipment and personnel. Movement during a time of cold temperatures and metabolic stress cause deer to become weakened and more susceptible to death.

Additionally, the Agency reviews potential impacts for the Northern long-eared bat (“NLEB”). Forested areas across Vermont provide habitat for the NLEB, a species listed as federally-threatened and state-endangered. The Agency reviews potential impacts to NLEB habitat in accordance with the Agency’s [Northern Long-eared Bat Guidelines](#)². Trees with a diameter at breast height of 4 inches or greater are potentially NLEB roosting trees. If roosting trees are cut or trimmed during the bat roosting season, bats may be killed or harmed.

This site is in both a Deer Wintering Area and Northern long-eared bat habitat. To mitigate harm to both Deer Wintering Areas and Northern long-eared bat habitat, the Agency requests the following seasonal restriction CPG condition, which the applicant has already agreed to:

The Project shall either complete all site preparation and construction, including tree clearing, between 11/1-12/15 to balance protections for both Deer Wintering Areas and Northern long-eared bat habitat, or alternatively, the Project shall complete just the tree clearing between 11/1-12/15, then wait until after 4/15 to complete the rest of the site preparation and construction between 4/15-12/15.

1

[https://vtfishandwildlife.com/sites/fishandwildlife/files/documents/Conserve/RegulatoryReview/Guidelines/Guidelines_for_Review_and_Mitigation_of_Impacts_to_White-tailed_Deer_Winter_Habitat_\(1999\).pdf](https://vtfishandwildlife.com/sites/fishandwildlife/files/documents/Conserve/RegulatoryReview/Guidelines/Guidelines_for_Review_and_Mitigation_of_Impacts_to_White-tailed_Deer_Winter_Habitat_(1999).pdf)

² Northern Long-eared Bat Guidelines,

[https://vtfishandwildlife.com/sites/fishandwildlife/files/documents/Conserve/RegulatoryReview/Guidelines/Regulatory_Review_Guidelines_for_Protecting_Northern_%20Long-eared_Bats_and_Their_Habitats_\(2-2017\).pdf](https://vtfishandwildlife.com/sites/fishandwildlife/files/documents/Conserve/RegulatoryReview/Guidelines/Regulatory_Review_Guidelines_for_Protecting_Northern_%20Long-eared_Bats_and_Their_Habitats_(2-2017).pdf)

Absent compliance with the conditions requested above, the proposed Project could raise significant issues with regard to Section 248a(c)(1) and the Criteria cited above.

Thank you for the opportunity to comment on the application. Please do not hesitate to contact me at (802) 261-1400 or sarah.amatruto@vermont.gov.

Sincerely, /s/ Sarah Amatruto
Sarah Amatruto
Regulatory Policy Analyst
Vermont Agency of Natural Resources

cc: Service List (by ePUC only)