

**STATE OF VERMONT
PUBLIC UTILITY COMMISSION**

Case No. 26- -PET

Petition of Green Mountain Power for a Certificate of Public Good, pursuant to 30 V.S.A. § 248, authorizing the relocation and rebuild of the Taftsville Substation and related facilities in the Towns of Woodstock, Hartford, and Hartland, Vermont	
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DIRECT TESTIMONY OF WITNESS
TIMOTHY O. UPTON
ON BEHALF OF GREEN MOUNTAIN POWER

August 18, 2026

In his testimony Mr. Upton discusses the potential environmental and land-use impacts of the Project and the associated criteria under 30 V.S.A. § 248.

DIRECT TESTIMONY OF TIMOTHY O. UPTON

1 **1. Q. Please state your name, occupation, and business address.**

2 **A.** My name is Timothy O. Upton, and I am employed by VHB, Inc. (“VHB”) as
3 Director of Energy Services. My business address is 271 North Main St. Suite 204, Rutland, VT
4 05701.

6 **2. Q. Please describe your background and experience.**

7 **A.** I have worked for VHB since September 2018. From 1999 to 2018, I worked for
8 Green Mountain Power (“GMP” or “Company”) and Central Vermont Public Service as
9 Manager of Environmental Affairs. Prior to that, I worked for four years as a Land Use Planner
10 with Southern Windsor County Regional Planning Commission. I graduated from St. Lawrence
11 University in 1988. In 1992, I completed a Master of Science Degree in Natural Resources
12 Planning at the University of Vermont, and in 1995 I received a Degree as Master of Studies in
13 Environmental Law from Vermont Law School.

15 **3. Q. Have you previously testified before the Vermont Public Utility Commission**
16 **(“Commission”)?**

17 **A.** Yes, I have provided testimony before the Commission, most recently in Case
18 Nos. 26-0178-PET, 25-2468-PET, 25-1821-PET, 25-0593-PET, and 24-0636-PET.

1 **4. Q. What is the purpose of your testimony in this case?**

2 **A.** My testimony will discuss the relationship of the reconstruction and relocation of
3 the GMP Taftsville Substation, along with related transmission line construction, and the
4 removal of the existing Taftsville substation and related transmission facilities, in the Towns of
5 Woodstock, Hartland, and Hartford, Vermont (the “Project”), to the orderly development of the
6 region and its possible effects on aesthetics, historic sites, air and water purity, the natural
7 environment, and the public health and safety. The Project is described in Mr. Fiske’s testimony.

8
9 **5. Q. Please summarize your testimony.**

10 **A.** My testimony involves the potential land-use and environmental impacts of the
11 Project. Specifically, I conclude that the Project will:

- 12 • Not unduly interfere with the orderly development of the region with due
13 consideration having been given to the recommendations of the municipal and
14 regional planning commissions, the recommendations of the municipal legislative
15 bodies and the land conservation measures contained in the plan of any affected
16 municipality as required under 30 V.S.A. § 248(b)(1);
- 17 • Not have an undue adverse effect on aesthetics, historic sites, air and water purity,
18 the natural environment and the public health and safety, with due consideration
19 having been given to the criteria specified in 10 V.S.A. §§ 1424a(d) and
20 §§ 6086(a)(1) through (8) and (9)(K) as required under 30 V.S.A. § 248(b)(5);
21 and
- 22 • Not involve a facility affecting or located on any segment of the waters of the
23 state that has been designated as outstanding resource waters by the Secretary of
24 Natural Resources consistent with the policy set forth in 30 V.S.A. § 248(b)(8).

1 **6. Q. Will construction of the Project interfere with the orderly development of the**
2 **region, giving due consideration to recommendations from municipal and regional**
3 **planning commissions and municipal legislative bodies, and land conservation measures**
4 **included in the municipal plan (30 V.S.A. § 248(b)(1))?**

5 **A.** No. The Project involves the reconstruction and relocation of an existing
6 substation in order to maintain system reliability, enhance public safety, reduce potential damage
7 from flood events, and improve aesthetics at the Taftsville hydro generation facility, which is
8 subject to an operating license issued by the Federal Energy Regulatory Commission (“FERC”).
9 The existing substation, which is adjacent to the generation facility in Taftsville, will be removed
10 and reconstructed near the intersection of U.S. Route 4 and Vermont Route 12 in Hartland. The
11 Hartland, Vermont 2025 Draft Town Plan does not directly address the construction or
12 maintenance of substation facilities, but does contain an Energy Goal to “promote electric grid
13 and power line hardening.” The Plan also contains an Energy Policy to “[s]ite generation and
14 transmission projects in locations that reinforce Hartland’s traditional patterns of growth. The
15 applicant should take all feasible measures to minimize the visual impact of the project and its
16 impact on the town’s rural character.” (Hartland Town Plan at page 82.) The Project is intended
17 to maintain system reliability and resiliency by replacing important equipment at the end of its
18 useful life and remove substation facilities from a location prone to flood damage. Although the
19 existing substation is located just over the town line in Taftsville (town of Woodstock), its visual
20 impact upon the public throughout the area will be greatly reduced by removing it from its
21 location directly adjacent to Route 4 and the Ottauquechee River and placing it at a location
22 generally shielded from public view.

1 The 2023 Woodstock Town and Village Plan, in its Flood Resilience chapter, includes
2 the following Objective: “Do not build Woodstock’s emergency services, power substations,
3 municipal buildings in the Special Flood Hazard or River Corridor Areas.” (Woodstock Town
4 and Village Plan at page 128.) While the original design for the Taftsville substation involved
5 co-location of hydro generation, transmission, and substation facilities at a single consolidated
6 site, it sits directly adjacent to a designated flood hazard area, and within the mapped River
7 Corridor for the Ottauquechee River as defined by the Vermont Department of Environmental
8 Conservation (“DEC”); in addition, the substation was severely impacted by flooding in 2011
9 during Tropical Storm Irene. Relocating the facility to the proposed location will support the
10 protection of critical infrastructure and the river corridor, and further the flood resilience goals
11 shared by Woodstock, DEC, and GMP. The Woodstock Plan includes the following statement
12 regarding utility lines:

13 *Woodstock has identified the unsightliness of utility lines as undesirable and*
14 *proposes that Woodstock encourage Green Mountain Power, Fairpoint, ECFiber*
15 *and Comcast to run transmission lines along one side of a Town Highway and*
16 *encourages that all development and subdivisions install underground utilities.*
17 *Those utility companies responsible for placement of lines are encouraged to*
18 *involve individual landowners in discussions with municipal officials as early as*
19 *possible in the planning process to avoid delays and adversarial interactions for*
20 *the parties concerned.*

21 (Woodstock Town and Village Plan at page 15.)

22 The Project does not involve the siting of new utility lines. Existing transmission lines

1 will be maintained generally in their existing alignments – with some minor changes within the
2 FERC project boundary for the hydro generation station –within the town of Woodstock.

3 As part of the Project, GMP will perform an in-place replacement of Line 107 Pole 2,
4 which is located on the north side of the Ottauquechee River, adjacent to Upper River Road in
5 the town of Hartford, and add a motor to an existing air break. The in-kind replacement is based
6 on the age of the existing pole, and the proposed pole is the same material, height, class, and
7 configuration. There are no policies in the Hartford Town Plan applicable to replacement of a
8 single obsolete pole structure.

9 The 2025 Two Rivers-Ottawquechee Regional Plan contains a Flood Resilience Goal that
10 “[t]he citizens, property, and economy of the TRO Region and the quality of the Region’s rivers
11 as natural and recreational resources are protected by using sound planning practices to address
12 flood risks” and a Flood Resilience Policy that, “[c]ritical facilities such as emergency services,
13 wastewater treatment plants, power substations, and municipal buildings shall not be built in
14 Special Flood Hazard Areas unless floodproofed or elevated to at least 2 feet above the base
15 flood elevation and designed to withstand erosion risk, and they must have dry access above the
16 base flood.” (Regional Plan at page 51.) A significant part of the Project design involves the
17 removal of substation facilities not integral to hydropower production from the Taftsville
18 generation facility in order to reduce flood- and erosion-related risks. The Regional Plan
19 includes the following Policy under Electricity Conservation and Fuel Generation: “TRORC
20 encourages the deployment of grid resilience measures such as energy storage, microgrids, and
21 grid hardening that lead to improved reliability of electric service for the region’s residents.”
22 (Regional Plan at page 159.) The Project’s design involves removal of the Taftsville distribution

1 substation from a designated river corridor and from a location where it has sustained significant
2 flood damage.

3 The Hartland, Woodstock, and regional plans contain general goals and policies
4 encouraging the identification and protection of natural and cultural resources throughout the
5 towns and the region. Project design included identification of natural and cultural resource
6 features along with efforts to avoid and minimize impacts through careful siting of new
7 infrastructure and the use of best management practices in areas where existing infrastructure
8 will be upgraded or retired, as explained in more detail below. See **Exhibit GMP TOU-1**
9 (containing the above-referenced excerpts of Hartland Town Plan, Woodstock Town and Village
10 Plan, and Two Rivers-Ottawquechee Regional Plan). See **Exhibit GMP TOU-6** (Aesthetics
11 Report) for further discussion of municipal and regional plans.

12 GMP hired VHB to perform an inventory of natural resource features in the Project area,
13 and assess the Project as designed for potential impacts. The assessment concluded that the
14 Project will effectively avoid and minimize impacts to natural and cultural resource features.
15 The proposed relocation of the Taftsville Substation is based in significant part on an identified
16 need to remove it from its existing flood-prone location within a delineated river corridor. VHB
17 also assessed potential noise-related impacts of the facility, determining that the Project as
18 proposed will not have undue adverse impacts. GMP hired TJ Boyle Associates to assess
19 potential impacts to aesthetics and scenic and natural beauty. Jeremy Owens of TJ Boyle
20 determined that the project will not have an undue adverse impact, with his analysis including
21 further detailed discussions of potentially applicable elements of municipal and regional plans.
22 GMP hired Northeast Archaeological Research Center (NE ARC) to assess potential impacts on

1 archaeological resources. VHB provided an assessment of potential impacts to above-ground
2 historic sites for areas outside the FERC project boundary, including the new substation location
3 and affected portions of transmission line corridors. As described in greater detail below, the
4 Project as designed will avoid and minimize impacts to natural and cultural resources and
5 support regional energy-related goals. See **Exhibits GMP TOU-2** (VHB NR Report); **GMP**
6 **TOU-3** (NE ARC Archaeological Resource Assessment); **GMP TOU-4** (VHB Above-ground
7 Historic Resources Report); **GMP TOU-5** (Sound Study Report); and GMP TOU-6 (Aesthetics
8 Report).

9
10 **7. Q. Has GMP received any substantive comments from the municipal or regional**
11 **commissions related to the criteria of 30 V.S.A. § 248(b)? And if so, how has GMP**
12 **addressed them?**

13 **A.** No, GMP has not received substantive comments on the 248(b) criteria from the
14 municipal or regional planning commissions. There was a Project-related inquiry from the Town
15 of Woodstock's Fire Chief, and that is noted in Kamran Hassan's testimony.

16
17 **8. Q. 30 V.S.A. § 248(b)(5) - Will construction have any undue adverse impacts on**
18 **aesthetics, historic sites, air and water purity, the natural environment, use of natural**
19 **resources, or public health and safety? More specifically, please address criteria listed in 10**
20 **V.S.A. §§ 1424(d) and 6086(a)(1) through (8) and 9(K), impacts to primary agricultural**
21 **soils, and greenhouse gas impacts, as numbered sequentially below.**

1 A. No. GMP hired VHB to perform an inventory of natural resource features in the
2 Project area, and assess the Project as designed for potential impacts. VHB also assessed
3 potential noise-related impacts of the facility; both assessments resulted in findings that the
4 Project as proposed will not have undue adverse impacts. NE ARC assessed potential impacts on
5 archaeological resources, and VHB assessed potential impacts to above-ground historic sites. As
6 noted above, TJ Boyle Associated performed an analysis of the Project's potential effects on
7 aesthetics and scenic and natural beauty. The Project as designed will avoid and minimize
8 impacts to natural and cultural resources as described below and in Exhibits GMP TOU-2 ; GMP
9 TOU-3; GMP TOU-4; GMP TOU-5; and GMP TOU-6.

10
11 **9. Q. 10 V.S.A. § 6086(a)(1) – Pollution: Will any Project components result in**
12 **undue water or air pollution?**

13 A. No. With respect to air pollution, any dust from construction activities will be
14 suppressed in accordance with the Vermont Department of Environmental Conservation
15 Standards and Specifications for Erosion Prevention and Sediment Control. The Project does not
16 involve any burning.

17 As described more fully below, the Project has been designed to avoid significant
18 environmental impacts, including water pollution.

19
20 **10. Q. Will the Project result in undue noise?**

21 A. GMP hired VHB to assess potential noise impacts from the new substation
22 facility. VHB's modeling predicts that maximum substation-related noise will be approximately

33 dBA at the closest residence, and that therefore, the Project as proposed will not result in undue air pollution from noise. See Exhibit GMP TOU-5, at page 9.

11. Q. 10 V.S.A. § 6086(a)(1)(A) – Headwaters: Is the Project located on lands located in headwaters of watersheds; drainage area of 20 square miles or less; above 1,500 foot elevation; watersheds of public water supplies; or areas supplying significant recharge waters to aquifers?

A. The Project is entirely below 1,500 feet elevation, is at the bottom of the Ottauquechee River valley in an area not generally characterized by steep slopes or shallow soils, and is not located within a designated Source Protection Area. The Project is not located within a watershed less than 20 square miles in area. Accordingly, it should not be considered a headwaters location. In addition, the Project will meet all applicable regulations related to groundwater and surface water quality. Exhibit GMP TOU-2, at page 3.

12. Q. 10 V.S.A. § 6086(a)(1)(B) – Waste Disposal: Will the Project be in compliance with applicable regulations regarding the disposal of wastes?

A. Yes. In connection with decommissioning the existing substation, GMP will assess soils and foundations around oil-filled equipment in accordance with its Environmental Management and Sampling Plan for Decommissioning and Reclamation of Electrical Facilities, and dispose of any contaminated material in accordance with all applicable regulations, and in accordance with any applicable FERC requirements and FERC license terms for those transmission facilities located within the FERC boundary. Pole removals will be performed in

1 accordance with the PUC-approved Best Management Practices Associated with the Use of
2 Pentachlorophenol-Treated Utility Poles in Vermont.

3 The proposed substation design includes an oil containment berm for all oil-filled
4 equipment at the new substation facility. Along with GMP's substation monitoring systems and
5 comprehensive spill reporting/response program, this design will provide containment and
6 control of potential releases of oil from substation equipment. Failures of substation equipment
7 that may result in releases of dielectric fluid are immediately detected, investigated, and
8 remedied as part of normal system operations on a round-the-clock basis, and routine monthly
9 inspections include condition assessments of oil-filled equipment, along with identification and
10 remediation of any very small leaks not resulting in equipment failure. The facility has been
11 designed to hold any significant volume of leaked or spilled oil within the fenced yard, with the
12 capacity to contain the entire volume of oil from all on-site equipment. The contours of the
13 bermed yard prevent liquids from flowing out of the facility, and the engineered drainage system
14 includes containment structures that block the flow of petroleum-based liquids while allowing
15 the flow of water out of the yard. GMP will update its existing Spill Prevention, Control, and
16 Countermeasures Plan ("SPCC Plan") within six months of Project completion to reflect the
17 retirement of the existing Taftsville substation and the construction of the relocated facility.

18 Retired materials and other construction waste will be disposed of or recycled as
19 appropriate and in accordance with all applicable regulations. The Project as proposed will not
20 result in the creation of more than one-half acre of new impervious surface or more than one acre
21 of total impervious surface, and will not require an operational stormwater permit. See Exhibit
22 GMP JRF-3 (site plan); GMP TOU-2 at page 3, Attachment 2

1 **13. Q. 10 V.S.A. § 6086(a)(1)(C) – Water Conservation: Will the Project**
2 **require any significant use of water?**

3 **A.** No, the Project will not require significant use of water or a permanent water
4 supply.

6 **14. Q. 10 V.S.A. § 6086(a)(1)(D) – Floodways: Is the Project located in a floodway?**

7 **A.** The Proposed substation is not located within a Floodway, Floodway Fringe, or
8 mapped River Corridor. The existing substation is located within the designated River Corridor
9 for the Ottauquechee River. It is immediately adjacent to a mapped Special Flood Hazard Area,
10 and has sustained damage from past major flood events. The Project as proposed will remove
11 critical infrastructure from the River Corridor and reduce potential threats from future flooding
12 and erosion. See Exhibit GMP TOU-2, at page 3 and Attachment 2.

14 **15. Q. 10 V.S.A. § 6086(a)(1)(E) – Streams: Will the Project maintain the natural**
15 **condition of streams?**

16 **A.** Yes. VHB identified two intermittent streams and one ephemeral stream in the
17 Study Area. No in-stream work is proposed. There will be pole replacement and retirement
18 work within the riparian buffer for Stream S01, which is located along the existing cleared
19 transmission right of way for Lines 105 and 108 between the existing and proposed substations.
20 All work will be limited to existing maintained transmission corridors, and riparian buffer
21 functions will not be impacted. See Exhibits GMP TOU-2, at page 4 and Attachments 1 and 2;
22 Exhibits GMP JRF-3, GMP JRF-12A, GMP JRF-12B (Project site plans).

1 **16. Q. 10 V.S.A. § 6086(a)(1)(F) – Shorelines: Is the Project located on a Shoreline?**

2 **A.** No. Substation facilities proposed for retirement are adjacent to the Ottauquechee
3 River Shoreline; their removal, along with associated transmission structure modifications, will
4 not impact the Shoreline or protected Shoreline values; nor will in-place pole replacements to the
5 north and south of the Shoreline. See Exhibit GMP TOU-2 at page 4, Attachments 1 and 2.

6
7 **17. Q. 10 V.S.A. § 6086(a)(1)(G) – Wetlands: Is the Project in compliance with the**
8 **rules of the Secretary of Natural Resources relating to significant wetlands?**

9 **A.** Yes. VHB identified six proposed Class II wetlands and an additional six
10 proposed Class III wetlands in the Study Area. Impacts to wetlands and associated upland
11 buffers have been avoided to the extent practicable. The proposed substation as designed will
12 avoid wetland impacts but will require a small amount of fill, grading, and tree clearing in the
13 regulated upland buffer associated with Wetland 2025-W100. VHB believes Project-related pole
14 replacement and retirement work will qualify as an Allowed Use under the Vermont Wetland
15 Rules, and GMP will follow all required Best Management Practices to avoid and minimize
16 potential impacts. Construction will not commence prior to issuance of a Vermont Wetland
17 Permit authorizing the proposed substation construction. See Exhibit GMP JRF-3 (proposed
18 substation site plan); Exhibit GMP TOU-2, at pages 4-5, Attachments 1 and 2.

19
20 **18. Q. 10 V.S.A. § 6086(a)(2) – Sufficient Water Availability: Is there sufficient**
21 **water available for the needs of the Project?**

22 **A.** Yes. Operation of the substation facility will not involve the use of water.

1 **19. Q. 10 V.S.A. § 6086(a)(3) – Existing Water Supply: Will the Project cause an**
2 **unreasonable burden on an existing water supply?**

3 **A.** No. The Project will not require a permanent water supply.
4

5 **20. Q. 10 V.S.A. § 6086(a)(4) – Erosion: Will the Project cause unreasonable soil**
6 **erosion or reduction in the capacity of the land to hold water?**

7 **A.** No. The Project will involve more than one acre of earth disturbance and will
8 therefore require authorization under DEC’s construction stormwater permit 3-9020. GMP will
9 ensure that Project construction is performed in accordance with DEC’s Low Risk Site
10 Handbook for Erosion and Sediment Control in Vermont or a site-specific Erosion Prevention
11 and Sediment Control (“EPSC”) plan as appropriate and indicated by risk scoring. Construction
12 will not commence until the required construction stormwater authorization has been issued. See
13 Exhibits GMP JRF-3 (proposed substation site plan), GMP TOU-2, Attachment 2.
14

15 **21. Q. 10 V.S.A. § 6086(a)(5) – Transportation: Will the Project cause unreasonable**
16 **congestion or unsafe conditions with respect to use of the highways, waterways, railways,**
17 **airports or airways, and other means of transportation existing or proposed?**

18 **A.** No. Access to the Taftsville Substation will be relocated from the existing
19 Taftsville hydro generation station on U.S. Route 4 to an existing driveway on the south side of
20 Route 4 immediately west of its intersection with Vermont Route 12. When construction is
21 complete, trips to the new facility will continue to be infrequent, consisting of routine inspections
22 and planned and unplanned maintenance.

1 **22. Q. 10 V.S.A. § 6086(a)(6) – Education: Will the Project cause an unreasonable**
2 **burden on the ability of any municipality to provide educational services?**

3 **A.** No. The Project will not require any educational services.
4

5 **23. Q. 10 V.S.A. § 6086(a)(7) – Government: Will the Project place an unreasonable**
6 **burden on the ability of local governments to provide municipal or governmental services?**

7 **A.** No. The Project will not create the need for any additional municipal or
8 governmental services.
9

10 **24. Q. 10 V.S.A. § 6086(a)(8) – Aesthetics: Will the Project components have an**
11 **undue adverse effect on the scenic or natural beauty of the area, or aesthetics?**

12 **A.** No. GMP hired TJ Boyle Associates to assess potential impacts of the Project on
13 aesthetics and natural beauty. The resulting aesthetics report concludes that the proposed
14 substation will have very limited visibility from public viewpoints, while the removal of the
15 existing facilities at the Taftsville hydro generation station will result in reduced aesthetic
16 impacts from U.S. Route 4 and the surrounding area. The report further concludes that the
17 Project will not violate any clear, written community standards; that the new proposed substation
18 site takes advantage of large evergreen and deciduous vegetation that will help screen the bulk of
19 the facility (making the installation of landscape mitigation unnecessary); that the Project will
20 not be shocking or offensive; and that any adverse impacts associated with the Project will not be
21 undue. See Exhibit GMP TOU-6, at 20-21.

1 **25. Q. 10 V.S.A. § 6086(a)(8) - Will the Project have an undue adverse effect on**
2 **historic sites?**

3 **A.** No. NE ARC performed an Archaeological Resource Assessment (ARA) for the
4 Project Area. Based on its review, NE ARC concluded that the Project is unlikely to impact any
5 significant archaeological resources and that no additional investigation is required. See Exhibit
6 GMP TOU-3, at page 14. VHB performed an assessment of potential impacts to above-ground
7 historic sites, and concluded that the Project as proposed will not result in an undue adverse
8 effect: the Project will reduce visual impacts to nearby historic structures from electrical
9 infrastructure around Taftsville hydroelectric Station, and although the removal of the
10 transmission structures near the Taftsville covered bridge represents an adverse effect due to its
11 listing on the National Register of Historic Places, the overall effect on the Taftsville Historic
12 District may be positive. VHB recommends photo-documentation of the structure prior to its
13 removal. See Exhibit GMP TOU-4, at page 12.

14
15 **26. Q. 10 V.S.A. § 6086(a)(8) – Will the Project have an undue adverse effect on**
16 **rare and irreplaceable natural areas?**

17 **A.** No. There are no significant natural communities identified in the Vermont
18 Natural Heritage Inventory (“NHI”) within the Project Study Area. The NHI includes 6
19 occurrences of significant natural communities within 3 miles of the Project. VHB surveyed the
20 Project Area for significant natural communities and observed a Northern Talus Woodland in an
21 area where no Project-related work is proposed. See Exhibit GMP TOU-2, at pages 5-6 and
22 Attachment 2.

1 **27. Q. 10 V.S.A. § 6086(a)(8)(A) – Wildlife and Endangered Species: Will the**
2 **Project destroy or significantly imperil necessary wildlife habitat or any endangered**
3 **species?**

4 **A.** No. There are no known threatened or endangered species within the Study Area.
5 There are 10 known occurrences of state-protected plant species and 6 occurrences of state-
6 protected animal species within 3 miles of the Project; VHB surveyed areas of potential habitat
7 for each of the species and did not observe any individuals. VHB also conducted a general plant
8 inventory, observing one rare plant species identified by the Vermont Nongame and Natural
9 Heritage Program as non-native to the area. VHB identified 3 state-uncommon plant species, all
10 of which will be avoided by Project-related activities.

11 The NHI includes 3 state-listed threatened or endangered animal species in the Project
12 vicinity: northern long-eared bat, little brown bat, and eastern whip-poor-will. There are no
13 known occurrences of the state- and federal-listed northern long-eared bat within one mile of the
14 project; the Project area is considered potential summer habitat, and because proposed tree
15 clearing amounts to less than 1 percent of forest cover within one mile of the Project site no
16 further conservation measures are proposed. Little brown bat occurrences are more than one
17 mile from the Project site and there are no removals of enclosed structures proposed; therefore,
18 no impacts are expected. The eastern whip-poor-will occurrence is more than 2 miles from the
19 Project site and VHB finds it unlikely that the Project will impact the species.

20 The only area of Necessary Wildlife Habitat identified by VHB is a mapped Deer
21 Wintering Area (“DWA”) to the south and west of the maintained corridor for GMP Line 105.
22 Although substation construction will take place within 300 feet of the DWA, the closest

1 substation element is a small amount of grading, which is approximately 290 feet from the DWA
2 at its closest point. The closest substation component is the perimeter fence, which is over 350
3 feet from the DWA at its closest point. Particularly in light of the fact that the closest portion of
4 the DWA is located on north- and east-facing slopes, which are not optimal for habitat function,
5 VHB does not recommend time-of-year restrictions for substation construction. Transmission
6 line reconstruction and retirement activities will take place in close proximity to the DWA. In
7 order to avoid impacts, GMP will not conduct tree work within the line right-of-way and line
8 work within 300 feet of the mapped feature between December 15 and April 15 unless
9 specifically authorized to do so by the Vermont Department of Fish and Wildlife. See Exhibit
10 GMP TOU-2, at pages 6-7, Attachment 2.

11
12 **28. Q. 10 V.S.A. § 6086(9)(k) – Public Investments: Will the Project unnecessarily**
13 **or unreasonably endanger any public or quasi-public investment in the facility, service, or**
14 **lands, or materially jeopardize or interfere with the function, efficiency, or safety of, or the**
15 **public’s use or enjoyment of or access to the facility, service, or lands?**

16 **A.** No. Existing access from U.S. Route 4 for the distribution substation will be
17 eliminated. Access to the proposed facility will be from an existing driveway on the south side
18 of Route 4 immediately west of its intersection with Vermont Route 12. Upon completion of
19 construction, the nature and frequency of access for inspections and maintenance activities will
20 be the same as for the existing substation and will not interfere with the existing uses of the
21 roads. Public access to the Ottauquechee River, which is partially governed by the terms of
22 GMP’s license to operate the Taftsville hydro station, will not be impacted by the relocation and

1 retirement of substation and transmission line facilities near the shoreline.

2
3 **29. Q. 30 V.S.A. § 248(b)(5) - Will there be any significant Project impacts related**
4 **to the use of natural resources or greenhouse gases?**

5 A. No. Emissions from construction vehicles will be small in scale and temporary.
6 The Project does not involve the use of any equipment containing sulfur hexafluoride gas.

7
8 **30. Q. 30 V.S.A. § 248(b)(5) - Will the Project affect any “primary agricultural**
9 **soils” as defined by 10 V.S.A. § 6001?**

10 A. The only mapped Primary agricultural soil (PAS) unit in the Study Area occurs in
11 the village of Taftsville. Areas proposed for Project-related work involve the existing Taftsville
12 hydro generation station and the corridor occupied by U.S. Route 4. These areas no longer retain
13 any potential for commercial agricultural use and therefore the Project will have no impact on
14 their viability. See Exhibit GMP TOU-2, at page 7, Attachment 2.

15
16 **31. Q. Could you discuss the Project’s impacts relative to Outstanding Resource**
17 **Waters, 10 V.S.A. § 1424a(d), 30 V.S.A. § 248(b)(8)?**

18 A. The Project is not located on or near any Outstanding Resource Waters. See
19 Exhibit GMP TOU-2, Attachment 2.

20
21 **32. Q. Does this conclude your testimony?**

22 A. Yes.

DECLARATION OF TIMOTHY O. UPTON

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.

08/18/26
Date

/s/ Timothy O. Upton
TIMOTHY O. UPTON
VHB