

**STATE OF VERMONT
PUBLIC UTILITY COMMISSION**

Petition of Green Mountain Power for a Certificate)
of Public Good, pursuant to 30 V.S.A. § 248,)
authorizing the rebuild of the Georgia Substation) Case No. 26-0651-PET
located at 2066 Ballard Road in the Town of)
Georgia, Vermont)

**THE VERMONT AGENCY OF AGRICULTURE, FOOD
AND MARKETS' COMMENTS IN RESPONSE TO PETITIONER'S PROPOSED
CPG**

On October 2026, Petitioner filed Proposed Findings and CPG, which include conditions to protect PAS, Proposed Findings and CPG. AAFM agrees with the proposed findings but asks for a minor edit for clarity.

On page 25 of the Proposed Findings and CPG, Petitioner proposes the following findings in relevant part:

114. The Project's impacts to PAS are considered de minimis and do not require compensatory mitigation per AAFM procedure. Crary pf. at 19; Exhibit GMP-AC-2, Attachment 8; GMP-AAFM MOU, ¶ 3.

115. Per the GMP-AAFM MOU, GMP and AAFM agree that the Project's impacts to PAS are de minimis, with 0.41 acres of permanent impact and 0.22 acres for temporary impacts. GMP-AAFM MOU, ¶¶ 1, 3.

116. Per the GMP-AAFM MOU, GMP and AAFM agreed that certain conditions to address the Project's temporary PAS impacts should be included in any CPG issued by the Commission. GMP-AAFM MOU, ¶ 2. All of these conditions have been included in the CPG that accompanies this Order.

This project proposes both permanent and temporary impacts. The temporary impacts are those impacts resulting from construction activity during construction. The proposed permanent impacts are those impacts resulting from the proposed permanent infrastructure, and although currently *de minimis*, may count towards cumulative permanent impacts in any subsequent expansion of the substation or similar construction.

Temporary impacts involve soils that will not be permanently impacted as a result of construction and are intended to remain intact and usable for agricultural purposes upon completion of construction. To that end, Applicants and Petitioners must take appropriate steps to preserve the integrity of the soil, and to return it to its original condition.¹ Therefore, the *de minimis* threshold is generally inapplicable to temporary impacts.

To avoid any potential confusion of the types of impacts and appropriate conditions, AAFM the following edits to petitioner's proposed conditions (added in **bold**):

114. The Project's **permanent** impacts to PAS are considered *de minimis* and do not require compensatory mitigation per AAFM procedure. Crary pf. at 19; Exhibit GMP-AC-2, Attachment 8; GMP-AAFM MOU, ¶ 3.

115. Per the GMP-AAFM MOU, GMP and AAFM agree that the Project's **permanent** impacts to PAS are *de minimis*, with 0.41 acres of permanent impact and 0.22 acres for temporary impacts. GMP-AAFM MOU, ¶¶ 1, 3.

116. Per the GMP-AAFM MOU, GMP and AAFM agreed that certain conditions to address the Project's temporary PAS impacts should be included in any CPG issued by the Commission. GMP-AAFM MOU, ¶ 2. All of these conditions have been included in the CPG that accompanies this Order.

AAFM agrees that the conditions agreed to in the GMP-AAFM MOU should be included in the CPG, and for the PUC's convenience, those conditions are listed below:

- a) For the temporary substation, GMP agrees:
 - i. GMP will remove 6 inches of topsoil at the location for the temporary substation and move it directly to the temporary stockpile location (just south of the temporary substation) as shown on Exhibit GMP JRF-3 (Revised);
 - ii. GMP will remove 6 inches of topsoil at the location for the temporary substation and move it directly to the temporary stockpile location (just south of the temporary substation) as shown on Exhibit GMP JRF-3 (Revised);
 - iii. If the 6 inches of soil removed has layers of different soil types, GMP will separate the soils into separate stockpiles for each soil type; Stockpiled soil shall be placed so that its base is at least three feet away from any part of the site that has a slope of 15% or greater;

¹ Rule 5.904, as appropriately incorporated pursuant to Rule 5.903 requires "reclamation of any primary agricultural soils at the facility site to ensure each area of direct impact shall be materially the same as it was before construction."

- iv. The removed soil will be placed on top of fabric to protect the underlying soil, and silt fencing will be placed around this soil; GMP will also install a gate on the access road to deter theft of the stockpiled soil;
 - v. Access to the soil stockpile area will be along the existing farm road and along a delineated access route to the stockpile area; and
 - vi. Once the temporary substation can be removed at the end of construction (expected to be approximately a year), GMP will 1) perform agricultural subsoiling/tilling of the soils under the temporary substation location, and 2) then return the 6 inches of topsoil to the same location from which it was removed.
- (b) Project grading is shown on Exhibit GMP JRF-3 (Revised).
- (c) To reduce impacts to PAS from soil compaction for 1) installation of the new transmission poles east of the substation (and right of the access drive) and 2) for the temporary substation construction and related soil stockpile, the CPG holder shall use tracked equipment with a gross axle weight of less than or equal to 12,000 lbs. If tracked equipment is not available timber matting shall be used in conjunction with standard wheeled equipment.

AAFM respectfully requests that the PUC include the edits described above and include each of the GMP-AAFM MOU conditions as conditions of the CPG.

Dated at Montpelier, Vermont this 7th day of October 2026.

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