



State of Vermont

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Agency of Natural Resources

November 21, 2011

By email and U.S. Mail

Susan Hudson, Clerk

Vermont Public Service Board

Drawer 20, 112 State Street

Montpelier, VT 05620-2701

Docket No. 7508: Georgia Mountain Community Wind

Dear Mrs. Hudson:

On October 27, 2011, the Public Service Board directed Petitioner Georgia Mountain Community Wind ("Georgia") to submit a revised Decommissioning Plan. On November 4, 2011, Georgia responded to ANR comments by requesting the Board approve the Plan. The Vermont Agency of Natural Resources offers the following reply to the November 4, 2011, Georgia response.

In its October 27, 2011 Order, the Board requested that Georgia should "address how leaving the Project's roads in place would be consistent with its commitment to restore the Project site, to the extent practical, to preconstruction conditions. GMCW should also provide an updated cost estimate that includes the removal of the Project's roads and pads."

The Revised Plan does not satisfy the Board Decision or CPG

The Purpose of the Plan was stated in the Findings and Decision of the Board and in the Certificate of Public Good. As the Board reiterated in its October 27, 2011 Memorandum,

Upon decommissioning, the Project site will be restored to pre-construction conditions to the extent practical. The Fund should be adequately funded to ensure that the Project site returns to its pre-construction condition and reestablishes a stable forest community after the generation facility ceases to be used for commercial production.¹

The Decommissioning Plan must return the site to its preconstruction conditions and must reestablish a stable forest community.

¹ Docket No. 7508 Findings 273 and 274.

The revised Decommissioning Plan does not comply with the Certificate of Public Good nor does it address the Board's question. The Decommissioning plan and Fund must be sufficient to "ensure that the Project site returns to its pre-construction condition and reestablishes a stable forest community after the generation facility ceases to be used for commercial purposes." The standard established by the Board order is necessarily high. Petitioner's proposal for partial regarding and reseeding does not return the area to its preconstruction condition, nor does it guarantee the site will be returned to its forested condition. Petitioner has failed to dedicate a sufficient share of the decommissioning fund to site restoration. Only \$36,000, a small percentage of the fund has been dedicated to site restoration.

Because the decommissioning plans of both the Kingdom Community Wind ("KCW") and Georgia projects are required to help remediate for forest fragmentation impacts, the Board should rely on the Board approved KCW plan when evaluating the sufficiency of the Georgia decommissioning plan. In Georgia, the Board found that forest fragmentation and its effect on the natural environment necessitates a robust decommissioning plan that will return the site to its preconstruction conditions and reestablishes a stable forest community. The decommissioning plan approved for the KCW project was developed to help offset the fragmenting effects of the project. The mitigation in KCW, as in Georgia, requires a robust decommissioning plan to return the site to its preconstruction conditions and mitigation through conservation easements.

The KCW Decommissioning Plan represents the latest advances in the science of ecological restoration. The KCW Plan established the standard for restoration for fragmenting impacts; the Georgia decommissioning plan should adhere to this standard. Georgia was aware of the decommissioning plan when it filed its decommissioning plan. That Georgia waited a year and one half before submitting its plan should not relieve it of its obligation of a decommissioning plan that will "ensure the site returns to its pre-construction condition and reestablishes a stable forest community."

Petitioner maintains that it should not be held to the same standard as KCW because the Georgia project is smaller. Rather than relieve Petitioner of its restoration obligation, the smaller footprint should make it easier for Petitioner to conduct the restoration work required and requested by ANR.

The location of the Georgia project in the Champlain Valley, an area rife with invasives, further compels the necessity of an ecological restoration plan with the establishment of forested conditions as its goal.²

Removal of the Road

Petitioner conflates the Board requirements for a Decommissioning Plan and conservation easement. Because of the fragmenting effects of the project, the Board required that Petitioner obtain a conservation easement and develop an adequately funded decommissioning plan that would restore the area to its preconstruction conditions. Accordingly, the road surface within and outside the easement area must be restored. That Petitioner has fulfilled its easement condition does not relieve it of its obligation to restore the areas outside the easement as required by the Board Order.

² See Finding 204.

Many of the roads within the easement are dirt roads with a forest canopy. In contrast, the roads being constructed for the project will require additional clearing, construction of sideslopes, and placement of stormwater infrastructure. The fragmenting effects of the roads will remain unless the decommissioning plan requires removal of the road.

Site preparation and Reestablishment

The requirement that Petitioner apply organic compost and mulch is not unreasonable to meet the purpose of returning the area to its preconstruction condition. The area is prone to invasives and the plan should minimize the opportunity for transporting invasive species. Petitioner's alternative suggestion is inadequate. Petitioner should not be importing topsoil from some other location and transporting it to the project site. Importing topsoil necessitates that it be stripped from some other location and increases the potential for invasives. As suggested by ANR, Petitioner should store the topsoil removed from the site during construction so that it may be used by Petitioner later during decommissioning.

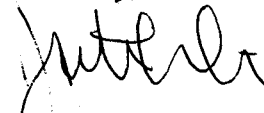
Absent adequate compost and mulch there will be an insufficient base for the establishment of a forest environment. The KCW project will be implementing the decommissioning and restoration elements ANR has requested here. That the plan has already been approved demonstrates its practicability.

Revegetation and monitoring

Petitioner ignores the factual basis for the decommissioning plan and the Board's decision that the site be returned to a forested condition. Eric Sorenson testified about the impacts of forest fragmentation and invasive species, the need for monitoring, and the need for reestablishing forest communities. The findings support ANR's request for the planting of woody plants and for monitoring.

Thank you for the opportunity to comment on the Revised Decommissioning Plan. Please contact the undersigned if you have any questions regarding the ANR comments.

Sincerely,



Judith L. Dillon

Enclosure
Cc: Service List

**STATE OF VERMONT
PUBLIC SERVICE BOARD**

In re: Georgia Mountain Community Wind,
LLC

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Public Service Board
Docket No. 7508

CERTIFICATE OF DISCOVERY

I, Glennis Drew, certify that on November 21, 2011, I served a copy of ANR's Reply to Petitioner's Revised Decommissioning Plan, in the above captioned matter, electronically to the following persons, whose Email addresses are listed and by U.S. Mail, postage prepaid to all:

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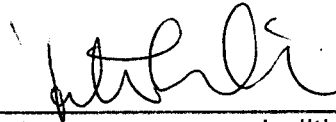
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Dated at Montpelier, Vermont this 21st day of November, 2011

By:



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