

STATE OF VERMONT  
PUBLIC UTILITY COMMISSION

Petition of Vermont Gas Systems, Inc., pursuant to 30 )  
V.S.A. § 248, for a Certificate of Public Good to )  
authorize construction of a pressure-regulation station ) Case No. \_\_\_\_\_  
in Monkton, Vermont )

**PREFILED TESTIMONY OF JOSHUA SKY  
ON BEHALF OF  
VERMONT GAS SYSTEMS, INC.**

**November 9, 2017**

Summary of Testimony

Joshua Sky demonstrates that the Project satisfies the criteria of 30 V.S.A. §§ 248(b)(5) and (b)(8) related to natural resources, aesthetics and historic sites to allow the Public Utility Commission to issue Vermont Gas Systems, Inc. a Certificate of Public Good for the Project.

Mr. Sky also offers the following exhibits:

EXHIBIT VGS-JLS-1: Resume

EXHIBIT VGS-JLS-2: Section 248 Natural Resource Assessment Memorandum

EXHIBIT VGS-JLS-3: Section 248 Aesthetic Assessment Memorandum

EXHIBIT VGS-JLS-4: Section 248 Archeological Assessment Letter

**PREFILED TESTIMONY OF JOSHUA SKY  
ON BEHALF OF  
VERMONT GAS SYSTEMS, INC.**

1   **1.    Q.    State your name, title and business address.**

2           **A.**    My name is Joshua Sky. I am a Senior Scientist/GIS Manager for VHB, 40 IDX  
3 Drive, Building 100, Suite 200, South Burlington, Vermont.

4

5   **2.    Q.    Describe your professional and educational background.**

6           **A.**    I have worked as a consulting scientist and GIS manager in Vermont since 2002.  
7 I have a Bachelor of Science degree in Environmental Science from Principa College in Elsayh,  
8 Illinois and a Masters of Science degree in Forestry from the University of Vermont. My  
9 educational training includes scientific coursework in botany, dendrology, and silviculture with  
10 specialization in Geographic Information Systems (“GIS”). My professional background  
11 includes the management and direction of technical assessments of natural resource data,  
12 preparation and submittal of applications for State and Federal permits and authorizations as well  
13 as the management and development of VHB Vermont’s GIS services. I have collaborated on  
14 and managed many projects in Vermont and surrounding states that involve the assessment of  
15 complex natural resource issues, resource impacts, permitting and permit compliance. My  
16 resume is attached as **Exhibit VGS-JLS-1**.

17

18   **3.    Q.    Have you previously testified before the Public Utility Commission (“PUC”)?**

19           **A.**    Yes. I have previously testified (through prefiled testimony and/or live hearings)  
20 for the Otter Valley Solar Project, Docket No. 9770, the Lincoln Renewable Gas Project, Docket

1 No. 8596, and the Elizabeth Mine Solar Project, Docket No. 8632. I have also provided technical  
2 support to expert witnesses providing testimony for additional projects under consideration by  
3 the PUC including the Vermont Gas Systems, Inc. (“VGS”) Addison Natural Gas Project –  
4 Phase 1, Docket No. 7970; VGS Addison Rutland Natural Gas Project – Phase 2, Docket No.  
5 8180; and VGS Phase VII Looping Project, Docket No. 8472. I have also prepared or assisted in  
6 the preparation of applications for the acquisition of collateral State and Federal permits for  
7 numerous projects, which involved the assessment of ecological and natural resources, potential  
8 project impacts, and compliance with applicable regulations.

9

10 **4. Q. What is the purpose of your testimony?**

11 **A.** Adam Gero of VGS provides a detailed description of the construction of the  
12 proposed pressure-regulation station (“Station”) in Monkton, Vermont (collectively referred to as  
13 the “Project”). My testimony demonstrates that this Project is in compliance with certain criteria  
14 contained in 30 V.S.A. § 248(b)(5) and (b)(8) as discussed in more detail below.

15

16 **5. Q. Please provide a summary description of the Project.**

17 **A.** The Project, which is proposed to be constructed in 2018 once the necessary permits  
18 and approvals are secured, will consist of the installation and operation of a natural gas pressure  
19 regulation station for the purpose of providing natural gas service in Monkton, Vermont. The  
20 Project components will include:

21

- 1 • Construction of new 12-foot wide by 400-foot long crushed gravel surface access road
- 2 from the existing Hollow Road to the proposed Station location;
- 3 • Installation of a solar power/battery system to power the station;
- 4 • Installation of a communications enclosure for remote monitoring and operation of the
- 5 station;
- 6 • Potential installation of underground backup communication and electric lines;
- 7 • Construction of the pressure regulation station and related appurtenances to include:
- 8 ○ A 12-foot by 12-foot crushed gravel pad for the pressure regulation equipment
- 9 enclosed by a 7-foot tall perimeter fence; and
- 10 ○ Underground 2-inch steel gas pipe to connect to the existing 12-inch Addison
- 11 Natural Gas Transmission Pipeline

12  
13 **6. Q. Please describe the areas studied by VHB for purposes of preparing your**  
14 **reports for this Project.**

15 **A.** Under my direction in whole or part, VHB has prepared the following technical  
16 memoranda which I rely on when making my assessments per the below criteria:

- 17 • Section 248 Natural Resources Assessment Memorandum (**Exhibit VGS-JLS-2**);
- 18 • Section 248 Aesthetic Assessment Memorandum (**Exhibit VGS-JLS-3**);
- 19 • Section 248 Archaeological Assessment Letter (**Exhibit VGS-JLS-4**).

20 In making my assessments, Project support staff at VHB and I have relied upon the  
21 Project plans developed by Trimont Engineering as well as information provided by Vermont  
22 Gas Systems, Inc., and site visits. My understanding of the Project comes from design planning  
23 coordination with VGS and Trimont Project support staff, site visits, and I have also reviewed

1 the site plans for the Project (Exhibit AG-1), which incorporate natural resource impact  
2 avoidance and minimization. The results of VHB's specific assessments are included in detail in  
3 the above-referenced memoranda, and generally summarized below.

4  
5 **7. Q. Please summarize your testimony.**

6 **A.** My testimony addresses in whole or pertinent part: 30 V.S.A. § 248(b)(5),  
7 including 10 V.S.A. § 6086 (a)(1) (Water Pollution), (a)(1)(A) (Headwaters), (a)(1)(B) (Waste  
8 Disposal), (a)(1)(D) (Floodways), (a)(1)(E) (Streams), (a)(1)(F) (Shorelines), (a)(1)(G)  
9 (Wetlands), (a)(4) (Soil Erosion), (a)(8) (Aesthetics, Historic Sites and Rare and Irreplaceable  
10 Natural Areas), (a)(8)(A) (Rare Threatened and Endangered Species and Necessary Wildlife  
11 Habitat), (b)(5)(Primary Agricultural Soils), (b)(5) (Use of Natural Resources) and 30 V.S.A.  
12 § 248(b)(8) and 10 V.S.A. § 1424a(d) (Outstanding Resource Waters),

13  
14 **8. Q. Does the Project comply with the criteria specified above in the response to**  
15 **Question 7?**

16 **A.** Yes, in my opinion the Project will comply with the specified criteria and will not  
17 adversely affect the use of natural resources as assessed by VHB and described in the Natural  
18 Resources Memorandum included as Exhibit VGS-JLS-2. Each criterion is addressed individually  
19 below.

20

21

1     **9.     Q.     Considering the criteria listed in 10 V.S.A. § 6086(a)(1) and § 1424a(d), will**  
2 **the Project result in undue water pollution?**

3             **A.**     No, the Project will not result in undue water pollution, as discussed in more  
4 detail for the specific sub-criteria specified below.

5  
6     **10.    Q.     10 V.S.A. § 6086(a)(1)(A) – Headwaters: Is the Project located on lands**  
7 **located in headwaters?**

8             **A.**     No, the Project is not located in a headwaters area. A portion of the Project could  
9 be considered to be located in a Headwaters location as defined in 10 V.S.A. § 6086(a)(1)(A)(ii),  
10 because portions of the Project area are within a watershed less than 20 square miles at the  
11 discharge point of the Project. However, the Project does not meet the other four sub-criteria (i),  
12 (iii), (iv) & (v) of a headwaters area and, in our opinion, should not be considered a headwaters  
13 area. Furthermore, the Project would not adversely impact groundwater and surface water  
14 quality, and the Project would meet applicable health and Vermont Department of  
15 Environmental Conservation (“DEC”) regulations regarding the quality of groundwater and  
16 surface waters. Please refer to Exhibit VGS-JLS-2, p. 3, for additional details.

17

18     **11.    10 V.S.A. § 6086(a)(1)(B) – Waste Disposal: Will the Project be in compliance with**  
19 **DEC regulations related to the disposal of wastes?**

20             **A.**     The Project will meet applicable regulations regarding the disposal of waste and  
21 will not involve the injection of waste materials or toxic substances into ground or surface  
22 waters.

1 I have reviewed pertinent aspects of the Project and plans under this criterion, in  
2 particular sanitary wastewater, stormwater runoff, and general construction waste including tree  
3 and brush debris. The Project will not result in the generation of sanitary wastewater. The Project  
4 will result in earth disturbance of approximately 0.40 acres, significantly less than the 1-acre  
5 jurisdictional threshold, and would not require authorization under the Vermont Construction  
6 General Permit 3-9020 for construction stormwater discharges. Nevertheless, during construction  
7 of the Project, VGS will adhere to the standards and specifications in the August 2016 edition of  
8 the Low Risk Site Handbook for Erosion Prevention and Sediment Control. The Project will not  
9 require authorization for operational stormwater discharges because the site will include  
10 approximately 0.11 acres (4,900 square feet) of impervious surface associated with the proposed  
11 gravel access road and gravel area surrounding the pressure regulation station as well as 0.07  
12 acres (3,100 square feet) of impervious surface associated with the existing house, garage and  
13 driveways following the completion of the Project. Total impervious surface would be  
14 approximately 0.2 acres, significantly less than the 1-acre of total impervious area at which point  
15 an operational stormwater permit would be required. Project construction waste and tree/brush  
16 debris will be properly disposed of.

17

18 **12. Q. 10 V.S.A. § 6086(a)(1)(D) – Floodways: Is the Project located in a floodway**  
19 **or floodway fringe?**

20 **A.** No, the Project is located outside of any mapped special flood hazard areas or  
21 river corridors. Please refer to Exhibit VGS-JLS-2, p. 4, for additional details.

22

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

3 A. Yes, the Project has been designed to avoid impacts to streams. There is one  
4 intermittent stream located over 50-feet to the east of the proposed access road that partially  
5 drains the ditch along the Hollow Road. Please refer to Exhibit VGS-JLS-2, p. 4-5, for additional  
6 details.

7  
8 **14. Q. 10 V.S.A. § 6086(a)(1)(F) – Shorelines: Is the Project located on a Shoreline?**

9 A. No, there are no Shorelines located within the Project area. Please refer to Exhibit  
10 VGS-JSL-2, p. 5, for additional details.

11  
12 **15. Q. 10 V.S.A. § 6086(a)(1)(G) – Wetlands: Is the Project in compliance with the**  
13 **Vermont Wetland Rules relating to significant wetlands?**

14 A. Yes, the Project will comply with the Vermont Wetland Rules. As described in  
15 more detail in Exhibit VGS-JSL-2, p. 6-7, VHB delineated a single Class II wetland within the  
16 Project's natural resource study area. The wetland delineation was reviewed by Wetlands  
17 Program staff during an agency site visit on October 11, 2017. The Project has been designed to  
18 avoid and minimize impacts to the wetland and wetland buffer to the greatest extent practicable.  
19 Based on the Project design there will be no anticipated impacts to the Class II wetland and there  
20 will be a small, approximately 0.04 acres (1,900 square feet), amount of unavoidable Class II  
21 wetland buffer impact. VGS will apply for authorization under the Vermont Wetland General  
22 Permit (3-9025) for the Class II wetland buffer impacts associated with the Project and await

1 permit issuance before commencing with construction. Therefore, we conclude that the Project  
2 will be in compliance with the Vermont Wetland Rules.

3

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

6 **A.** No. As previously discussed, the Project would result in earth disturbance of less  
7 than 1-acre and would not require authorization under the Vermont Construction General Permit  
8 3-9020.

9

10 **17. 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, the Station will not be visible from the surrounding areas due to existing  
13 topographic differences and forested vegetation. Please refer to Exhibit VGS-JLS-3 for  
14 additional details. Accordingly, no aesthetic mitigation is necessary and no aesthetic mitigation  
15 plan has been proposed as part of this Project.

16

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

19 **A.** No. The University of Vermont Consulting Archeology Program determined that the  
20 area is not archeologically sensitive and would not impact historic resources. Please refer to  
21 Exhibit VGS-JLS-4 for additional details.

22

1 **19. Q. 10 V.S.A. § 6086(a)(8) Will the Project have an undue adverse effect on rare**  
2 **and irreplaceable natural areas?**

3 A. No. There are no rare or irreplaceable natural areas located on or in close proximity  
4 the Project. Please refer to Exhibit VGS-JLS-2, p. 7-8, for additional details.

5

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

9 A. No. The Project has been designed to avoid any impacts to rare, threatened or  
10 endangered plant and animal species and Necessary Wildlife Habitat. The Project will not impact  
11 critical habitat of the federally protected Indiana bat (*Myotis sodalis*) species and will follow  
12 Vermont regulatory guidance for the protection of the northern long-eared bat (*Myotis*  
13 *septentrionalis*). Therefore, we conclude that the Project will not significantly imperil necessary  
14 wildlife habitat or endangered species. Please refer to Exhibit VGS-JLS-2, p. 8-9, for additional  
15 details.

16

17 **21. Q. 30 V.S.A. § 248(b)(5) - Will the Project impact any “primary agricultural**  
18 **soils” as defined by 10 V.S.A. § 6001?**

19 A. No. The National Resource Conservation Service soil map units within the Project  
20 area include Muck and Peat (MUID 001Mv), Berkshire and Marlow extremely stony loams, 20  
21 to 50 percent slopes (MUID 001BsE), and Berkshire and Marlow extremely stony loams, 3 to 20  
22 percent slopes (MUID 001BsC). Please refer to Exhibit VGS-JLS-2, Attachment 1 to see the

1 location of these soils. These soils are not considered primary agricultural soils as defined by 10  
2 V.S.A. § 6001.

3

4 **22. Q. 30 V.S.A. § 248(b)(8), 10 V.S.A. § 1424a(d) - Does the Project affect any**  
5 **bodies of water that have been designated as outstanding resource waters?**

6 **A.** No. There are no outstanding resource waters in the vicinity of the Project. Please  
7 refer to Exhibit VGS-JLS-2, p.2-3, for more details.

8

9 **23. Q. Please summarize the conclusions of your testimony.**

10 **A.** The proposed Station will not have a significant effect on aesthetics, historic sites,  
11 water purity, the natural environment, the use of natural resources, and where applicable and as  
12 described in my testimony, public health and safety, with due consideration having been given to  
13 the criteria specified above.

14

15 **24. Q. Does this conclude your testimony?**

16 **A.** Yes.

17