

September 9, 1971

Mr. D. A. Griffiths  
Chief Engineer  
Vermont Electric Cooperative, Inc.  
Johnson, Vermont 05656

Dear Mr. Griffiths:

At a meeting on September 8, 1971 the Environmental Board considered a letter from Mr. Kenneth Senecal concerning a determination of whether Vermont Electric Cooperative must file for a permit for the construction of a 4,000 foot long transmission line in the Town of Wilmington.

It was the Board's unanimous decision that Vermont Electric Cooperative must cease all construction until a permit is obtained from the District Environmental Commission #2. The Board's decision was based on the fact that at the time the clearing of natural growth began on June 24, 1971, the Board's Appendix A (Power and Communication Lines and Facilities) to the Rules and Regulations of the Environmental Board were not in effect. However, the provisions of Act 250 and the existing Rules and Regulations of the Environmental Board were applicable and should have been adhered to. Under those provisions, man-made changes to a tract of land more than one acre in size required a permit from the District Commission.

It should be noted that Appendix A, which was adopted by the Board effective July 7, 1971, was designed to assist utilities in applying for permits under Act 250, and in this regard the appendix is an amplification of the requirements of the statute.

It should also be noted that the language in the Appendix A which presently states in Rule A-3 "clearance of natural growth or ground cover" was changed by the Board last month under the emergency rules provisions of the Administrative Procedures Act to read "the construction of improvements."

You can be assured that Mr. Senecal will be very eager to assist you in the filing of an application for this particular transmission line.

If I can be of any further assistance to you, please feel free to contact me.

Sincerely,

ROBERT S. BABCOCK, JR.  
Executive Officer  
Vermont Environmental Board

RSBjr:kh

cc: Benjamin W. Partridge, Jr., Chairman, Environmental Board  
Kenneth Senecal, Coordinator, District Environmental Commission #2