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**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of Transource Pennsylvania, LLC for approval of the Siting and Construction of the 230 kV Transmission Line Associated with the Independence Energy Connection – East and West Projects in portions of York and Franklin Counties, Pennsylvania. :
: Docket No. A-2017-2640195
: A-2017-2640200

Petition of Transource Pennsylvania, LLC for a finding that a building to shelter control equipment at the Rice Substation in Franklin County, Pennsylvania is reasonably necessary for the convenience or welfare of the public. :
: P-2018-3001878

Petition of Transource Pennsylvania, LLC for a finding that a building to shelter control equipment at the Furnace Run Substation in York County, Pennsylvania is reasonably necessary for the conveniences or welfare of the public. :
: P-2018-3001883

Application of Transource Pennsylvania, LLC for approval to acquire a certain portion of the lands of various landowners in York and Franklin Counties, Pennsylvania for the siting and construction of the 230 kV Transmission Line associated with the Independence Energy Connection – East and West Projects as necessary or proper for the service, accommodation, convenience or safety of the public. :
: A-2018-3001881
: et al.

DIRECT TESTIMONY

OF

WADE GOBRECHT, ASSISTANT DIRECTOR

ON BEHALF OF

YORK COUNTY PLANNING COMMISSION

Dated: September 25, 2018

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FEB 26 2019
PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

1 **I. WITNESS BACKGROUND**

2 **Q. What is your name, position, and business address?**

3 A. Wade Gobrecht, Assistant Director, York County Planning Commission (YCPC), 28 East
4 Market Street, York, PA 17401.

5 **Q. What are your responsibilities as the Assistant Director of the YCPC?**

6 A. I provide administration oversight of several components of the York County
7 Comprehensive Plan, including the Hazard Mitigation Plan and the Housing and
8 Community Development Plan. I am also the Planning Commission lead for the York
9 County Land Preservation Committee. I work with all divisions within the planning
10 commission to help coordinate annual work plan development. I chair the
11 Communications Committee and represent the Planning Commission's interests in various
12 other committees, including the Farm & Natural Lands Trust Land Preservation
13 Committee, Affordable Housing Loan Committee and Transportation Committees. I also
14 assist with personnel administration and supervision and budget development.

15 **Q. Please describe your educational and employment background.**

16 A. I have worked at the YCPC since 2002. I am a certified Geographic Information System
17 Professional (GISP) with 18 years of experience. GIS is a system that can manipulate,
18 analyze, manage and present spatial or geographic data. I have been the Assistant Director
19 at the YCPC since June 2017. From August 2005 through June 2017 I was the Chief of
20 Information Systems where I oversaw and maintained IT and planned, implemented and
21 managed GIS activities. I have spent a lot of time developing or updating many of the land
22 use data layers for York County. I have also utilized the land use layers to run analysis for

1 many of the components to the York County Comprehensive Plan. Prior to being Chief,
2 Information Systems, I was a GIS analyst with the YCPC. I began my career as a GIS
3 professional for Lancaster and Cumberland Counties. I have a BS in Geoenvironmental
4 Studies from Shippensburg University.

5 **II. OVERVIEW OF TESTIMONY**

6 **Q. Would you please summarize your testimony?**

7 **A.** First, I will discuss background on the YCPC and the York County Comprehensive Plan.
8 Second, I will discuss various safety, land use, environmental and preservation concerns
9 that Transource Pennsylvania, LLC's (Transource) Application for approval of the siting
10 and construction of the Pennsylvania portion of the Furnace Run-Conastone 230 kV
11 Transmission Line (Transmission Line) in portions of York County, Pennsylvania
12 (Application) raises. I will conclude that the proposed Transmission Line in York County
13 will have significant negative impacts on existing land uses, the natural resources and
14 environment. I will also discuss how the proposed Transmission Line is inconsistent with
15 the Comprehensive Plan and raises safety concerns regarding construction. One of the
16 underlying principles of the Comprehensive Plan is that existing infrastructure of any type
17 should be fully utilized before additional infrastructure that will significantly impact York
18 County's preservation goals should be constructed. Based on this, I also seriously question
19 the need for this project. While I am not an expert in the area of need for additional
20 electricity transmission facilities, I have seen first-hand transmission poles in this area that
21 are not fully utilized and question why new facilities would be built when current facilities
22 are under-utilized. I also discuss the importance of local zoning ordinances and why

Transource should not be exempt from those ordinances. Given my conclusions on these issues, Transource's Application should be denied.

III. YCPC AND THE COMPREHENSIVE PLAN

Q. What is the YCPC?

A. The YCPC was created in 1959 by the York County Board of Commissioners for the purpose of creating a Comprehensive plan to guide future growth and development in York County. Our mission is to guide sustainable development and preservation to improve quality of life in York County. We have 37 full time and 3 part-time employees. We prepare and update the York County Comprehensive Plan and present it to the York County Commissioners for approval. We also review and make recommendations to municipalities on proposed municipal plans, zoning ordinance amendments and subdivision and land development plans. We administer funding community development programs that support and fulfill the goals of the County Comprehensive Plan

Q. What is the Comprehensive Plan?

A. According to the Pennsylvania Municipalities Planning Code, Section 301.4, Counties shall prepare and adopt a comprehensive plan. Section 301.4 also states that municipal comprehensive plans shall be generally consistent with the adopted county comprehensive plan. The County Comprehensive Plan¹ is a series of reports that provides a framework to guide the growth and development of the County, as well as the protection of its important

¹ The Comprehensive Plan is a very large document. In the interest of conserving resources, I have provided the above links to the Comprehensive Plan and have not included the Plan as a separate exhibit. My attorneys have advised me that 52 Pa. Code § 5.406 allows for me to use public documents issued by a governmental commission that are reasonably available to the public, without producing or identifying as an exhibit the documents, by specifying the document and where it can be found.

1 natural resources, including prime agricultural soils and environmentally sensitive areas.

2 The Comprehensive Plan has two parts. Part 1 contains information on the resource
3 components of York County, including an environmental resources inventory, natural
4 areas inventory, Growth Trends, and Community Facilities report. Part 2 contains planning
5 components, including:

- 6 • Agricultural Land Protection Plan
- 7 • Economic Development Plan
- 8 • Growth Management Plan
- 9 • Hazard Mitigation Plan
- 10 • Heritage Preservation Plan
- 11 • Housing and Community Development Plan
- 12 • Integrated Water Resources Plan
- 13 • Long Range Transportation Plan
- 14 • Open Space and Greenway Plan

15 **Q. What are the goals of the Comprehensive Plan?**

16 **A.** As a general matter, the Comprehensive Plan seeks to provide a framework to guide the
17 growth and development of the County, as well as the protection of its important natural
18 resources. Through the Comprehensive Plan, it is recommended that growth occurs in
19 established growth areas. The established growth areas contain services and infrastructure
20 necessary to support the additional development. The established growth areas occur in
21 areas surrounding the greater York area, Hanover, Shrewsbury and areas in Northern York
22 County near Interstate 83 and US 15. In rural areas, limited growth is expected to occur
23 around boroughs and village centers. This is to protect various valuable resources
24 including:

- 1 • **Agricultural Lands.** The Comprehensive Plan aims to protect high quality

2 soils and to prevent fragmentation of agricultural land. Agricultural land is an

3 important natural and economic resource. One of the tools we use to

4 accomplish this goal is working with conservation easement programs and

5 encouraging their use. We also work with municipalities on Agricultural

6 Protection Zoning to accomplish this goal. *See generally, Agricultural Land*

7 *Protection Plan.*
- 8 • **Wetlands, Streams, Water Resources, and Natural Areas.** The

9 Comprehensive Plan aims to protect water resources and natural areas and the

10 species within them. We have compiled extensive information on York

11 County's water resources, natural areas, habitats, ecosystems, and species of

12 concern. We coordinate with municipalities and various local, state and federal

13 agencies to protect these resources through ordinance and plan development,

14 providing program funds, and through coordinated efforts, such as the York

15 County Coalition for Clean Waters and the York County Stormwater

16 Consortium.
- 17 • **Floodplains and Stormwater.** In line with Article III, Section 301(6) of the

18 PA Municipalities Planning Code, the Comprehensive Plan aims to protect and

19 mitigate impacts to floodplains and supports stormwater management best

20 practices.
- 21 • **Transportation and Infrastructure.** The Comprehensive Plan, specifically

22 the Long Range Transportation Plan, aims to develop a coordinated effort to

1 implement transportation improvements and maintain existing infrastructure.
2 Capacity and safety improvements, along with asset management projects,
3 occur in growth areas that will help handle future development. To deter
4 growth from occurring outside of the growth areas, no capacity projects should
5 occur in rural areas; only safety improvements and asset management projects
6 should occur in those areas.

7 **IV. Transource Proposed Transmission Line Impacts**

8 **Q. Have you reviewed Transource's Application related to York County?**

9 A. Yes. I have also reviewed their direct testimony and exhibits.

10 **Q. Do you have any concerns with the Proposed Transmission Line?**

11 A. Yes. The construction and proposed siting of the Transmission Line will have significant
12 negative impacts on York County, including impacts on:

- 13 • Land use
- 14 • Soil and sedimentation
- 15 • Plant and wildlife habitats
- 16 • Terrain
- 17 • Hydrology
- 18 • Landscape
- 19 • Scenic areas
- 20 • Wilderness areas

21 Construction of the Transmission Line also presents safety concerns regarding floodplain
22 intrusion and roadways and bridges in York County.

23 I have also received letters of concern from the 3 York County municipalities that would
24 be directly affected by the proposed transmission lines. Their concerns include: negative
25 impacts to local road and bridge infrastructure, stormwater runoff and erosion, soils

compaction, effects on agricultural operations and livestock, loss of property values, loss of pristine viewsheds, and the overall effect on their citizens. The remainder of my testimony details these impacts on York County's resources.

A. Impacts on Agricultural Land, Tree Farms, and Orchards

Q. What impacts will the proposed Transmission Line have on Agricultural Land and Operations?

A. The proposed Transmission Line presents various issues for York County's agricultural lands and operations. Agriculture is a large and important industry in York County. According to USDA's 2012 Census of Agriculture County Profile, York County farms had a market value of products sold of more than \$230 million. The County Profile highlights that York County is ranked 2nd in Pennsylvania for the value of sales of grains, oilseeds, dry beans, and peas. It is also ranked 1st among Pennsylvania Counties in acres of soybeans for beans, wheat for grain and winter wheat for grain. York County ranks 2nd across the state for acres of corn for grain. According to the Pennsylvania Department of Agriculture, York County ranks 3rd in the state for acres of farmland preserved, totaling approximately 42,000 acres (Bureaus of Farmland Preservation Report). The majority of the easements are located in the southeastern portion of the County.

The York County Agricultural Land Protection Plan looks at the rural townships in the County and ranks them based on important agricultural factors including, existing large farm parcels, soil quality and adjacency to preserved farms. This combined analysis reveals that the townships affected by the proposed transmission line are some of the highest ranking townships regarding the important agricultural criteria. These include Lower

Chanceford Township and Fawn Township that had the highest ranking and East Hopewell Township that ended up with the highest Medium Priority Ranking. The proposed Transmission Line will cause various negative impacts including:

- Fragmentation of Agricultural Land,
- Encroachment on Preserved Farms and Conservation Easements,
- Limitations on Tree Farms and Orchards,
- Degradation of High Quality Soils and Crop Production,
- Obstacles to Crop Production in Farm Fields, and
- Limitations of Expansion of Farm Buildings/Operations

Q. What is fragmentation of agricultural land?

A. Fragmentation of agricultural land means splitting up of farmland by roads, structures and rights-of-way and/or utility easements.

Q. Why is fragmentation of agricultural land a negative impact?

A. Fragmentation of agricultural land is a negative impact because the vitality of agriculture depends on a critical mass of agricultural land. Fragmentation reduces the amount of acreage available for crop production and interferes with the effectiveness of an agricultural operation by creating obstacles to performing activities, which diminishes the strength of the overall agricultural community. This negates the purpose of agricultural zoning and agricultural conservation easements. The Pennsylvania Municipalities Planning Code requires municipalities to protect prime agricultural lands, and encourages the continuity, development and viability of agricultural operations.

Q. How will the proposed Transmission Line fragment agricultural land?

A. The area of the county where the Transmission Line and right-of-way is proposed to be located contains a majority of prime soils for agricultural production. The proposed Transmission Line and right-of-way will cut through at least 45 farms. (Information based

from York County Assessment database and GIS analysis). See the photo below, which is PUC Exhibit 337. This picture demonstrates how the proposed Transmission line will cut through farmland, with the red balloons indicating the proposed site of the Transmission line.



Access roads for the Transmission Line may also fragment agricultural land. Any permanent roads, along with the right-of-way easement, will limit opportunities to expand farming operations on these farms. According to many of the 3rd and 4th generation farmers, they are farming much differently than former generations; expanding and/or changing farming practices and/or operations is key to a viable and successful farming career. I also note that Mr. Paul McPherson, a farmer, testified at the 6:00 PM September 20, 2018 Public Input hearing that farming operations have changed dramatically in the last 20 years. He said he's not sure what his family will be doing in the next 20 years. I also note that Mr. Bob Gochenaur, a farmer and realtor, testified at the 6:00 PM May 14,

2018 Public Input hearing that properties with transmission lines are less attractive to potential buyers and that property values could be reduced by up to \$1,000 per acre.

Q. Do you have any recommendations regarding the proposed Transmission Line to minimize impacts of agricultural lands?

A. Yes. First, I note that the best way to minimize all of the impacts I will discuss is to not construct a new Transmission Line, but instead use other available underutilized transmission line infrastructure such as the Ottercreek-Conostone 230kv line or Manor-Graceton 230kv line. See the photo below: (PUC Exhibit 327)



According to PPL Electric Utilities Corporation's response to interrogatories of the OCA, PPL has rebuilt a portion of the Conastone-Otter Creek transmission line and they are designed to support a second 230kV transmission line using the same conductor as the currently installed circuit (Response Set XII dated April 4, 2018). As to fragmentation, if the application is granted, Transource could minimize impacts by placing the Transmission

1 Line and right-of-way on the edge of fields instead of cutting directly through parcels and
2 fields of farmland.

3 **Q. What are agricultural easements?**

4 A. Agricultural Easements, or conservation easements, consist of a legal document which
5 forever preserves the agricultural use by limiting the property from certain types of future
6 development.

7 **Q. Why are agricultural/conservation easements important?**

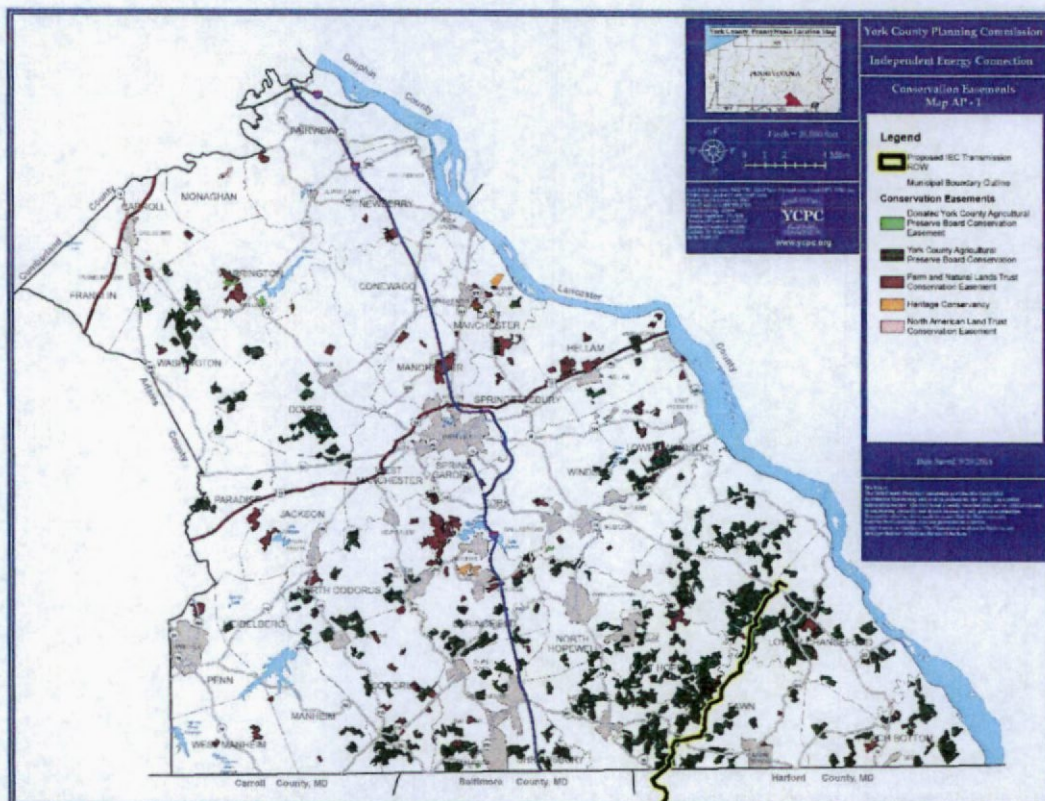
8 A. Some agricultural/conservation easement programs place restrictions on using the farm for
9 non-agricultural improvements and limits the farm to agricultural uses. Other programs
10 limit the amount of development and impervious surface that can be built on the property
11 in the future. These types of easements can be beneficial in preserving and protecting open
12 space, natural or environmentally sensitive areas, and prime agricultural soils. The
13 agricultural easements help to build continuous blocks of land that allow for viable farming
14 operations and sustainable agricultural communities.

15 **Q. How will the proposed transmission line affect the agricultural/conservation**
16 **easements?**

17 A. Landowners that participate in the conservation easement program are limited on how they
18 can develop and use their property in the future. Landowners give up certain development
19 rights and most of them must continue to use their land for commercial agricultural uses.
20 The proposed transmission line and its associated right-of-way would place further
21 limitations on these properties. According to the Transource brochure entitled
22 "Encroachments on Transmission Rights-of-Way", buildings, building extensions and

additions, aboveground fuel storage tanks, and mounding of soil in the right-of-way is prohibited. These proposed transmission line rights-of-way would limit the amount of land available to expand current agricultural capacity or adapt to different types of farming.

Governor Tom Wolf signed HB 2468 into law as Act 45 of 2018 on June 24. This legislation adds a requirement that certain projects involving eminent domain of conservation easements must be reviewed by county orphan's court and they must be satisfied that there is no reasonable and prudent alternative before taking a conservation easement. The proposed route of the transmission line would cross approximately 12 farms preserved by the York County Agricultural Land Preservation Board. See Map AP - 1 showing Conservation Easements impacted by proposed transmission line project.



1 I also note that Jeff Grove, Director of the Local Government Affairs for the PA Farm
2 Bureau, testified at the 1:00 PM May 14, 2018 Public Input hearing that preserved farms
3 need flexibility to change as agricultural markets change. I also note that Doug Wolfgang,
4 PA Department of Agriculture's Director of Farmland Preservation, testified at the 1:00
5 PM May 14, 2018 Public Input hearing that if a new right-of-way goes through a preserved
6 property, the property owner may be required to have a new conservation plan created for
7 the farm. According to the York County Conservation District (YCCD), there is already a
8 backlog of over 130 conservation plans, including over 37,000 acres, in the queue. This
9 would only increase the backlog of plans that need to be created.

10 **Q. Do you have any recommendations regarding the proposed Transmission Line to**
11 **minimize impacts on Conservation Easements?**

12 A. If the application is granted, work with the property owners and place structure near the
13 edge of fields. Set aside funds in a Land Impact Mitigation Fund so the York County
14 Planning Commission can work with Land Preservation Agencies to place an easement on
15 other prime agricultural lands for preservation to offset the impacts. Funds should also be
16 set aside for the development of new conservation plans for the properties directly impacted
17 by the transmission line.

18 **Q. How will the proposed transmission line impact tree farms and orchards?**

19 A. The transmission line maintenance regulations impose height restrictions, typically around
20 15 feet, on trees growing in the right-of-way. Farms with orchards could be impacted by
21 not being able to realize full growth potential of trees planted in the right-of-way. I also
22 note that Dolores Krick of Muddy Creek Meadows testified at the 1:00 PM May 14, 2018
23 Public Input hearing that they selectively harvest trees every 15 years for extra income.

The proposed transmission line is shown to cut through their forested area and this would negatively affect the income that they currently receive from their timber harvest. Overall, according to GIS analysis of landcover data, the proposed right-of-way would cut through approximately 64 acres of forested areas.

Q. Do you have any recommendations regarding the proposed Transmission Line to minimize impacts on orchards or tree farms?

A. If the application is granted, use higher monopoles that would enable orchard trees to growth to full height. In addition, monopoles should be placed near access roads or along the edge of an orchard to reduce potential loss of trees and to minimize the effect of the structure on orchard operations. Construction and maintenance activities should be coordinated with farming schedules to the maximum extent possible.

Q. What are high quality soils and why are they important?

A. High quality soils for agricultural purposes, also known as prime agricultural soils, are soils of the first, second or third class as defined by the United State Department of Agriculture Natural Resource Conservation Services County Soil Survey. The York County Comprehensive Plan also includes class four soils, as good soils for crop production. All of these soils produce the highest yields and require minimal amounts of energy and economic resources, so farming these soils results in the least damage to the environment.

Q. How will the proposed Transmission Line impact high quality soils and crop production?

A. The transmission line right-of-way is proposed to traverse some of the best farmland in York County. Many of the soils found within the proposed right-of-way are considered

to be prime agricultural soils. See Map PS - 1 showing the Prime Agricultural Soils (class 1 – 3) in York County and the proposed transmission line project.



Construction of the proposed transmission line would result in digging up and/or compacting these class one through four soils. Access/maintenance roads, both temporary and permanent, and tower structures would be placed over these soils, resulting in disturbed or inaccessible soils. I also note that Mark Jordan, a farmer, testified at the 6:00 PM May 14, 2018 Public Input hearing that soil compaction from construction of the transmission line can be seen years later in the difference between crop health in the compacted soils versus those in better soil structures. I also note that Todd Sommer, a supervisor for a pipeline utility, testified at the 6:00 PM September 20, 2018 Public Input hearing that after

1 construction of a utility corridor, soils will never be the same due to compaction and
2 destruction from the heavy construction equipment.

3 **Q. Do you have any recommendations regarding the proposed Transmission Line to**
4 **minimize impacts of high quality soils?**

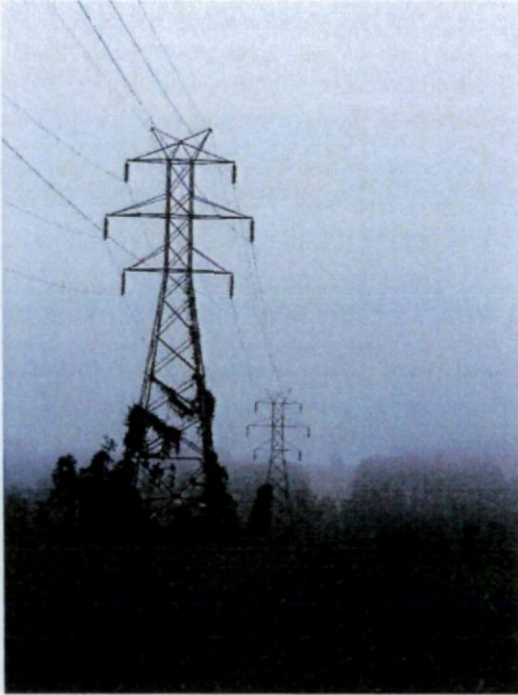
5 A. Yes. If the application is granted, place towers near the edge of fields. In addition, ensure
6 that Agricultural soils that are impacted by construction or maintenance activities are
7 restored to pre-disturbance condition by topsoil replacement and de-compaction. Farmers
8 should be reimbursed for crop yield reductions until the soils return to their pre-
9 construction yield rates. Furthermore, construction and maintenance activities should be
10 conducted in coordination with farming schedules to the maximum extent possible.

11 **Q. What other affects would the proposed Transmission Line have on Farming**
12 **Operations?**

13 A. The affected area of the county has been identified by the York County Comprehensive
14 Plan as being an important agricultural area because of its large remaining farm parcels,
15 prime agricultural farmland and concentration of preserved farms. It is vital that we do
16 everything possible to keep these farming operations viable and sustainable. Along with
17 the previous negative impacts to agricultural parcels addressed earlier in the testimony,
18 construction of the proposed transmission line would add permanent obstacles to crop
19 production in farm fields. Permanent obstacles placed in farm fields equates to the
20 recurring loss of crop production and revenue realized by both the current farmers and
21 future land stewards. In addition, it increases the chances of equipment damage due to
22 hitting the obstacle, and results in overlapping fertilizer and other chemicals, which not
23 only results in wasted money, but is also not good for the environment. I note that J. Ross

1 McGinnis testified at the 1:00 PM September 20, 2018 Public Input hearing that he
 2 received a copy of a letter from a neighboring farmer stating that a utility company was
 3 owed money because the farmer hit a utility structure with his farm equipment. This is
 4 referenced in PUC exhibit 429. I also note that Kent Blevins, of Blevins Fruit Farm,
 5 testified at the 1:00 PM May 9, 2018 Public Input hearing that the transmission lines cutting
 6 through crop fields would be a safety hazard when trying to apply chemicals through aerial
 7 spraying. I also note that Barren Shaw, owner of Shaw Orchards, testified at the 4:00 PM
 8 June 1, 2018 site visit that technology is rapidly changing and soon drones could be used,
 9 not to just inspect fields, but to apply herbicides or pesticides on site-specific spots located
 10 in the field to help crop production and eliminate disease before it can spread. He stated
 11 that it could be dangerous to fly these drones in and around tower structures and high
 12 voltage transmission lines.

13 Permanent obstacles in crop production fields could also provide areas for invasive species
 14 to inhabit. According to the York County Hazard Mitigation Plan, invasive species can
 15 cause economic or environmental harm. Since farm equipment would need to navigate
 16 around all permanent structures and would prohibit spraying directly around these
 17 structures, the area would need to be sprayed manually to keep undesirable weeds and
 18 invasive species from growing. See the photo below, which is PUC Exhibit 314.



B. Environmental Resources

Q. What impacts will the proposed Transmission Line have on Environmental Resources?

A. The proposed Transmission Line presents various issues for York County's environmental resources. Article I Section 27 of the Pennsylvania Constitution states: The people have a right to clean air, pure water, and to the preservation of natural, scenic, historic and esthetic values of the environment. York County contains a vast array of natural and environmental resources, specifically the southeastern portion of York County. The Pennsylvania Municipal Planning Code states that a County's Comprehensive Plan shall include a plan for the protection of natural resources, including, but not limited to, wetlands, aquifer recharge zones, woodlands, steep slopes, prime agricultural land, flood plains, unique areas and historic sites. The Open Space and Greenways Plan and the Natural Areas Inventory

are two components of the York County Comprehensive Plan that highlight and plan for the protection of York County's environmental and natural resources. The proposed Transmission Line will cause various negative impacts including:

- Disturbance of the North Branch Muddy Creek Natural Area Site,
- Fragmentation of Habitat Corridors,
- Degradation to Wetlands and High Quality Streams, including Wild Trout Streams and Exceptional Value Wetlands,
- Opportunities for Invasive Species through Deforestation, and
- Stormwater Runoff.

Q. What is a Natural Area Site?

A. The Pennsylvania Natural Heritage Program (PNHP) collects information inventorying natural areas throughout Pennsylvania. According to the PNHP website, the County Natural Heritage inventories showcase information on important natural areas, habitat for rare plants and animals and other important natural resources in the state. The York County Natural Areas Inventory, which inventories Natural Area sites throughout York County, was last amended in 2004 and is a resource component of the York County Comprehensive Plan. At the time of this amendment, the North Branch Muddy Creek Natural Area was not part of the inventory, but has since been added to the PNHP inventory and is accessible through the online database.

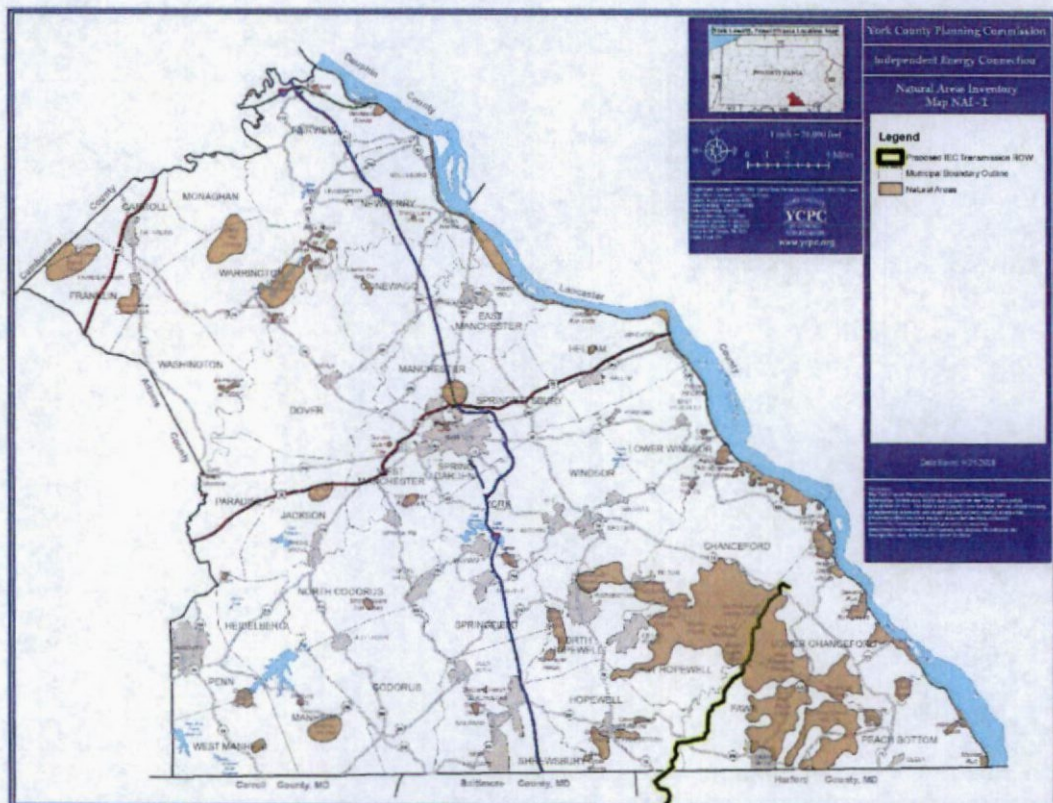
Q. What is the North Branch Muddy Creek Natural Area?

A. The North Branch Muddy Creek Natural Area is a Core Habitat for a species of concern. Information found on the PHNP website provides the following description for the North Branch Muddy Creek Natural Area: "The species of concern inhabiting these shallow wetlands require specific plant communities within a matrix of open canopied habitats. Maintain this floodplain as a wetland complex, composed of multiple types of wetlands

with both open and closed canopies. Habitat modification by beavers could help to improve the integrity of this area by reestablishing the matrix of open canopied wetland complexes.”

Q. How will the proposed Transmission Line impact the North Branch Muddy Creek Natural Area?

A. The transmission line is proposed to be constructed through the North Branch Muddy Creek Natural Area. See Map NAI – 1 showing the Natural Areas in York County, including the North Branch Muddy Creek Natural Area and the proposed transmission line project.



Any type of construction or development could have negative impacts to the natural area site. The construction process and the placement of transmission line infrastructure within

1 the North Branch Muddy Creek Natural Area could disturb or destroy habitat necessary to
2 support the species of concern within that area. Both permanent and temporary access
3 roads will be constructed during the process; both could have a negative effect on the
4 habitat. I also note that Barb Anderson, owner of a preserved farm along Muddy Creek,
5 testified at the 6:00 PM May 14, 2018 Public Input hearing that Bald Eagles are prevalent
6 in the area and there is a Bald Eagle nesting site approximately 200 yards from the proposed
7 transmission line right-of-way. During a site visit on March 26, 2018, I witnessed a Bald
8 Eagle flying in that same area on the Anderson farm.

9 **Q. Do you have any recommendations regarding the proposed Transmission Line to**
10 **minimize impacts on the North Branch Muddy Creek Natural Area?**

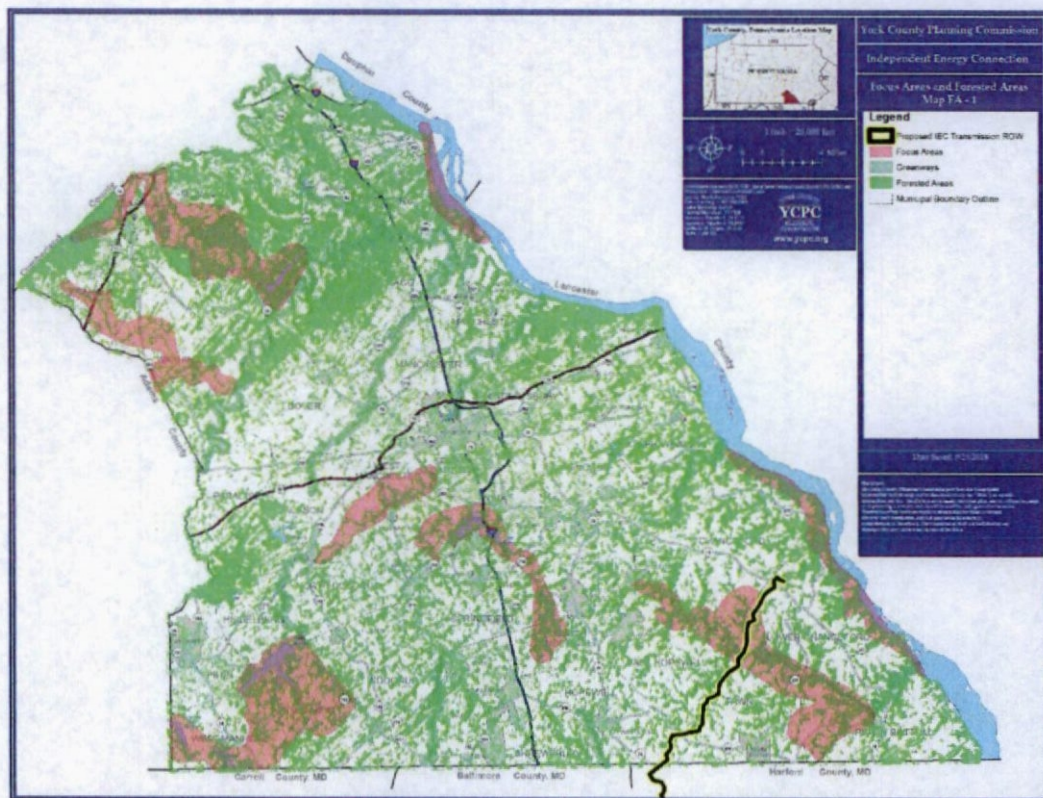
11 A. Yes. First, I note that the best way to minimize all of the Environmental Resource impacts
12 I will discuss is to not construct a new Transmission Line, but instead use other available
13 underutilized transmission line infrastructure such as the Ottercreek-Conostone 230kv line
14 or Manor-Graceton 230kv line. If the application is granted, after construction of the
15 transmission line is complete, Transource should be required to ensure that habitat is
16 comparable to pre-construction status. Transource should also be required to set aside
17 Funds in a Land Impact Mitigation Fund so the York County Planning Commission can
18 work with agencies to offset the impacts to the Natural Area.

19 **Q. What is a Habitat Corridor?**

20 A. Habitat Corridors are continuous areas of habitat that allow for the movement of plants and
21 animals. Habitat corridors are essential for connecting wildlife populations separated by
22 human activities or structures. Clearing of land can results in fragmentation of habitats and
23 barriers to animal movement.

Q. How will the Proposed Transmission Line affect the habitat corridors?

A. The proposed right-of-way would cut through many local forested stream corridors along its 12.7-mile path through York County, PA. These local corridors include many high quality cold-water fisheries that are surrounded by swaths of forested areas and are vital for wildlife movement on a local scale. The proposed transmission line would also cut through a regional corridor, identified in the York County Open Space Plan as the Muddy Creek Focus Area. See Map FA – 1 showing the Muddy Creek Focus Area and forested areas near the proposed transmission line.



This focus area includes large forested corridors that encompass Muddy Creek. The proposed transmission line would result in fragmented habitat corridors that could affect connections important to animal migration and plant and animal diversity.

Q. Do you have any recommendations regarding the proposed Transmission Line to minimize impacts on Habitat Corridors?

A. If the application is granted, Transource should be required to span corridors high enough so that they are not impacted and can remain intact. Transource should also be required to set aside Funds in a Land Impact Mitigation Fund so the York County Planning Commission can work with agencies to offset the impacts to habitat corridors.

Q. What are wetlands and High Quality Streams?

A. According to EPA, wetlands are areas where water covers the soil, or is present either at or near the surface of the soil all year for varying periods of time during the year, including during the growing season. According to the US Fish and Wildlife Service (USFWS), wetlands provide a multitude of ecological, economic and social benefits. They provide habitat for wildlife and plants, recharge groundwater, reduce flooding, provide clean drinking water and more. Some wetlands can be considered Exceptional Value. According to PA Code, Title 25, Chapter 105, Exceptional Value Wetlands deserve special protection. See Chapter 105.17 for a definition.

High Quality Streams are surface waters that meet conditions laid out in Pennsylvania Code, Title 25, Water Quality Standards (Chapter 93). The Pennsylvania Department of Environmental Protection (PA DEP) assigns each stream with a designated or existing use protection. Land use practices must not degrade high quality and exceptional value streams and must maintain the current water quality level. See the photo below: (Figure HQ - 1 showing a trout angler at Muddy Creek Forks, where the high quality South Branch Muddy Creek merges with the North Branch Muddy Creek).



Figure HQ-1

According to the PA MPC, County Comprehensive Plans should include a plan for the protection of wetlands. In York County, the Integrated Water Resources Plan is the component that focuses on water and wetland protection.

Q. How will the Proposed Transmission Line affect Wetlands and High Quality Streams?

A. The proposed right-of-way would cut through eleven (11) streams in York County, including 8 high quality/exceptional/special protection streams according to Transource's siting application. See Map HQ – 1 showing the Chapter 93 PA DEP Stream Designations near the proposed transmission line.



1
 2 York County's largest amount of high quality cold-water fisheries and wild trout streams
 3 are found in the Southeastern portion of the County and eight (8) of those streams are found
 4 within the proposed right-of-way. Two important factors that enable these streams to be
 5 high quality and hold wild trout are 1) the large amounts of forested and riparian buffers
 6 along the streams and 2) the continuous tree canopy along the stream edges. The forest
 7 and riparian buffers help to keep sediment and nutrients from entering the stream. The
 8 forested canopy helps to keep the stream temperature cool enough to support wild trout. It
 9 is a concern that if the 130 feet or larger rights-of-way are cut through these buffers and
 10 canopy, that could lead to stream and wetland degradation to these pristine natural
 11 resources.

The wetlands in this area are also associated with the species of concern, as discussed during the testimony regarding the North Branch Muddy Creek Natural Area.

Q. Do you have any recommendations regarding the proposed Transmission Line to minimize impacts to Wetlands and High Quality Streams?

A. Transource should conduct a study to verify whether exceptional value wetlands exist within the proposed right-of-way. Pennsylvania Code, Title 25, Chapter 105 protects wetlands. Section 105.18a states that PA DEP will not grant a permit under this chapter for a dam, water obstruction or encroachment located in, along, across or projecting into an exceptional value wetland, or otherwise affecting an exceptional value wetland unless the applicant affirmatively demonstrates in writing and the Department issues a written finding that several requirements are met, including that there is no practicable alternative with certain considerations as outlined in section 105.18a. If the application is granted, Transource should be required to ensure that stream corridors and wetlands can be spanned so that the stream corridors, wetlands and existing buffers remain undisturbed. If stream corridors or wetlands are disturbed, Transource should be required to mitigate as much as possible and construct buffers and/or new wetlands somewhere else within the local watershed. Transource should also be required to set aside funds in a Land Impact Mitigation Fund so the York County Planning Commission can work with agencies to offset the impacts to wetlands and high quality streams.

Q. What are Invasive Species?

A. According to the USDA's National Invasive Species Information Center, invasive species are plants, animals or pathogens that are non-native to the ecosystem under consideration

and whose introduction causes unlikely harm, including economic or environmental harm or harm to human health.

Q. How will the Proposed Transmission Line affect invasive species?

A. The proposed right-of-way will cut through a variety of landscapes and landuses as it traverses 12.7 miles through southeastern York County. Some of these include agricultural fields, pastures, orchards, forested corridors, and high quality streams. The proposed right-of-way will change the native landscape, mainly through deforestation and the placement of structures to carry the transmission line.

Cutting down trees and ground disturbance during construction can allow invasive species to take over an area. According to the Pennsylvania DCNR, invasive species thrive on bare soils when native plants have been displaced. Invasive plants may also take over in and around the transmission line structures (monopoles or towers), especially since farmers have to navigate around the obstacles and are not able to directly treat those areas with their equipment. If invasive species are able to flourish in the new environment, they can cause a variety of impacts. For example, Mile-a-minute is an invasive plant species found in York County. According to Pennsylvania Department of Conservation and Natural Resources (DCNR), when invasive plants, such as Mile-a-minute, are given a chance to grow, through deforestation or ground disturbance, they can reduce habitat for native wildlife and can out-compete natives and take over native plants' habitats.

Q. Do you have any recommendations regarding the proposed Transmission Line to minimize impacts of invasive species?

1 A. If the application is granted, Transource should be required to use methodology to
2 minimize the opportunity for invasive species to grow and be transferred to new areas.

3 Some of these measures include:

- 4 • Minimize soil disturbance
- 5 • Clean construction equipment when moving to a new jobsite
- 6 • Use native plants when replanting areas
- 7 • Maintain transmission line towers and right-of-ways to prevent spread of invasive
8 species

9 **Q. How will the Proposed Transmission impact Stormwater runoff?**

10 A. The construction of the proposed transmission line could result in additional Stormwater
11 runoff and sediment loading into adjacent streams located in southeastern York County.
12 The majority of the streams in this area flow into the Susquehanna River and all of the
13 streams eventually end up flowing into the Chesapeake Bay. To fulfill federal requirements
14 to clean up the Chesapeake Bay, York County has created a Chesapeake Bay Pollutant
15 Reduction Plan (CBPRP) and is tasked with reducing the sediment loading by
16 approximately 7 million pounds by the year 2023. The Construction of a new Transmission
17 line will result in deforestation, soil compaction and soil disturbance, all negatively
18 affecting the goals of the Chesapeake Bay Pollutant Reduction Plan.

19 During the construction process, temporary and permanent access roads will be built.
20 These compact surfaces would result in increased Stormwater runoff. In addition, in areas
21 where the transmission line cuts through forestland, deforestation of those areas would be
22 necessary. Forests filter and regulate the flow of water. The forest floor acts as an
23 enormous sponge, typically absorbing up to 18 inches of precipitation before gradually

releasing it into natural channels and watercourses (sub-surface flows). Any deforestation by the project would increase the impact on floodplains. Source: Penn State Extension. Much of the forested area in southeastern York County helps to protect the steep slopes found in that area; Many of which are adjacent to high quality streams.

I also note that there is currently an initiative called the Keystone 10 Million Trees Partnership. This is a collaborative effort of national, regional, state and local agencies, conservation organizations, businesses and others. This effort aims to facilitate the planting of 10 million new trees by 2025. The deforestation necessary to accommodate the transmission line right-of-way would negate some of the progress made through the Keystone 10 Million Trees Partnership. This initiative is in line with the YCPC's coordinated stormwater efforts to filter and clean up nutrients and sediments entering York County waterways. Forested areas are also one of the key criteria of Focus Areas discussed in the York County Open Space Plan that helps connect wildlife through habitat corridors.

Q. Do you have any recommendations regarding the proposed Transmission Line to minimize stormwater impacts?

A. If the application is granted, Transource should be required to ensure proper stormwater mitigation measures are put in place. Stormwater Best Management Practices (BMPs) should be constructed to treat stormwater runoff on-site. Transource should also be required to replace the trees that it cuts down due to construction of the transmission line and associated right-of-way with similar trees somewhere else in the local watershed. Transource should also be required to set aside funds in a Land Impact Mitigation Fund so the York County Planning Commission can work with agencies and landowners to offset the impacts to deforestation and construct stormwater BMPs.

C. Impacts on Viewsheds and Agritourism

Q. What are Viewsheds and Agritourism?

A. According to the Merriam-Webster dictionary, a Viewshed is the natural environment that is visible from one or more viewing points

According to the University of California, Agritourism is a commercial enterprise at a working farm, ranch, or agricultural plant conducted for the enjoyment of visitors that generates supplemental income for the owner.

Q. What impacts will the proposed Transmission Line have on Viewsheds and Agritourism?

A. According to the York County Economic Development Plan, the primary economic opportunities in the South Eastern Region are those related to agriculture, including traditional farms, as well as agritourism and agriculturally-related support businesses. Agritourism is a key principle of several of the Economic Development strategies outlined in the York County Economic Development Plan, specifically Rural Strategy 3 – Forge a Strong Agritourism Strategy. The Plan also states that York County’s location in the relatively affluent and educated mega-region that encompasses Philadelphia, Baltimore, and Washington DC offers opportunities that attract not only locals, but also day-trippers with agritourism (e.g. bed and breakfasts, corn mazes, farmers markets).

The construction of the proposed transmission line would detract from the Agritourism experience. These agricultural businesses depend on drawing in both local community members and people from miles away. One of things that makes Agritourism attractive is that people like to escape the urban settings to visit rural country settings. Although southeastern York County has existing transmission lines, there are still areas in that part

1 of the county that offer unobstructed views of rolling hills and agricultural landscapes as
2 far as the eye can see. Constructing a new set of transmission lines through this area of the
3 county would have a negative effect on both Agritourism and scenic viewsheds. I also note
4 that Barren Shaw, owner of Shaw Orchards testified at approximately 4:00 PM June 1,
5 2018 site visit at Shaw Orchards that construction of the proposed Independent Energy
6 Connection – East Project, would negatively affect his business, specifically the pick-your-
7 own portion of the business. He said in today's market, the pick-your-own business at
8 Shaw Orchards is more profitable than the wholesale business. Shaw said, even if studies
9 say that the transmission lines are safe, people's perception of them not being safe would
10 likely keep some of them from patronizing his farm.

11 See the photo below, PUC exhibit 392, which shows the pick-your-own portion of Shaw
12 Orchards.



13
14 I also note that Hugh McPherson, owner of Maple Lawn Farms and Maizequest testified
15 on June 1, 2018 site visit at Maple Lawn Farms that he is also concerned with the potential
16 impacts on his agritourism business. People visit his farm for their events, like the

1 sunflower festival and corn maize, products, such as pick-your-own fruit and fruit-made
2 wine, and to experience the rural, scenic viewsheds in this portion of the county.

3 The construction of the transmission lines could deter patrons from visiting his farm and
4 they may choose to go elsewhere, such as, to a farm without the intrusive transmission
5 lines.

6 **Q. Do you have any recommendations regarding the proposed Transmission Line to**
7 **minimize impacts on Viewsheds and Agritourism?**

8 **A.** Yes. I note that the best way to minimize impacts is to not construct a new Transmission
9 Line, but instead use other available underutilized transmission line infrastructure such as
10 the Ottercreek-Conostone 230kv line or Manor-Graceton 230kv line.

11 **D. Safety**

12 **Q. What Safety Issues will the proposed Transmission Line have in York County?**

13 **A.** Construction of the proposed transmission line presents a few safety issues that I would
14 like to discuss. According to the York County Hazard Mitigation Plan, flooding is one of
15 the highest priority hazards that occurs in York County. Most municipalities in York
16 County prohibit or limit construction in the floodplain to prevent both raising the base flood
17 elevation and increasing flooding impacts. Impacts to local roadway and bridge
18 infrastructure during the construction of the transmission line is also a safety concern.

19 **Q. What is a floodplain?**

20 **A.** A flood plain is defined by the Pennsylvania Department of Community and Economic
21 Development (DCED) as a “relatively flat or low land area adjoining a river, stream or

watercourse which is subject to partial or complete inundations; an area subject to the unusual and rapid accumulation of runoff of surface waters from any source.” According to the York County Integrated Waters Resources Plan, one of the natural functions of a floodplain is to dissipate the energy of a given storm event. The floodplain not only absorbs the energy of the flood, but also contains the water until such a time as it is absorbed into the soils and later released downstream.

The Nation Flood Insurance Program (NFIP) regulations, a part of the Federal Emergency Management Agency (FEMA) regulations, provide flood insurance, improve floodplain management and develop maps of flood hazard zones. This program regulates both the floodway and the 1% annual-chance flood hazard area. (<https://www.fema.gov/media-library/assets/documents/18184>)

Q. How will the Proposed Transmission Line impact Floodplains?

A. According to the FEMA’s website, 66 municipalities, including Lower Chanceford, East Hopewell and Fawn Townships, participate in the National Flood Insurance Program, and have adopted a floodplain management ordinance that either restricts or prohibits development in floodplain areas. Any kind of structure, such as a temporary or permanent access road or tower, could negatively impact the floodplain and raise the base flood elevation.

Q. Do you have any recommendations regarding the proposed Transmission Line to minimize floodplain impacts?

A. If the application is granted, Transource should be required to ensure that the stream and associated floodplain can be spanned so those areas remain undisturbed. If floodplains do

1 need to be disturbed, Transource should be required to mitigate to the maximum extent
 2 possible and construct additional floodplains somewhere else along that particular stream
 3 reach. Transource should also be required to set aside funds in a Land Impact Mitigation
 4 Fund so the York County Planning Commission can work with agencies and landowners
 5 to offset the impacts to floodplains.

6 **Q. How will the Proposed Transmission Line impact Roadway and Bridge**
 7 **Infrastructure?**

8 A. During the June 1, 2018 site visit, I drove on the roads in and around the area of the
 9 proposed transmission line. Many of the roads in that area were unpaved, dirt and gravel
 10 roads. The heavy machinery and trucks used during the construction of the proposed
 11 transmission line could have negative impacts on the local infrastructure. I note that
 12 Jonathon Hash, Fawn Township Chairman of Supervisors, testified at 6:00 PM May 9,
 13 2018 Public Input hearings that a large number of roads in and around the proposed right-
 14 of-way have a thin base and may not hold up to the wear and tear from heavy truck and
 15 construction equipment. There are at least three township-owned bridges within the
 16 vicinity of the proposed transmission line that already have posted weight limits due to the
 17 deteriorating status of their structure. This information is based on the most recent
 18 inspection report. Flooding on August 31, 2018 may have changed the conditions of these
 19 bridges. These bridges are listed below:

- 20 • Bridge 38124 –Posted 31 tons – Muddy Creek Road over South Branch Muddy
- 21 Creek – built in 1954
- 22 • Bridge 38125 – Posted 15 tons – Muddy Creek Road over South Branch Muddy
- 23 Creek – built in 1919

- Bridge 38122 – Posted 28 tons – Wheat Road over South Branch Muddy Creek – Built 1961

See Map BMS – 1 showing the posted local bridges near the proposed transmission line.



Q. Do you have any recommendations regarding the proposed Transmission Line to minimize impacts to Local Roadway and Bridge Infrastructure?

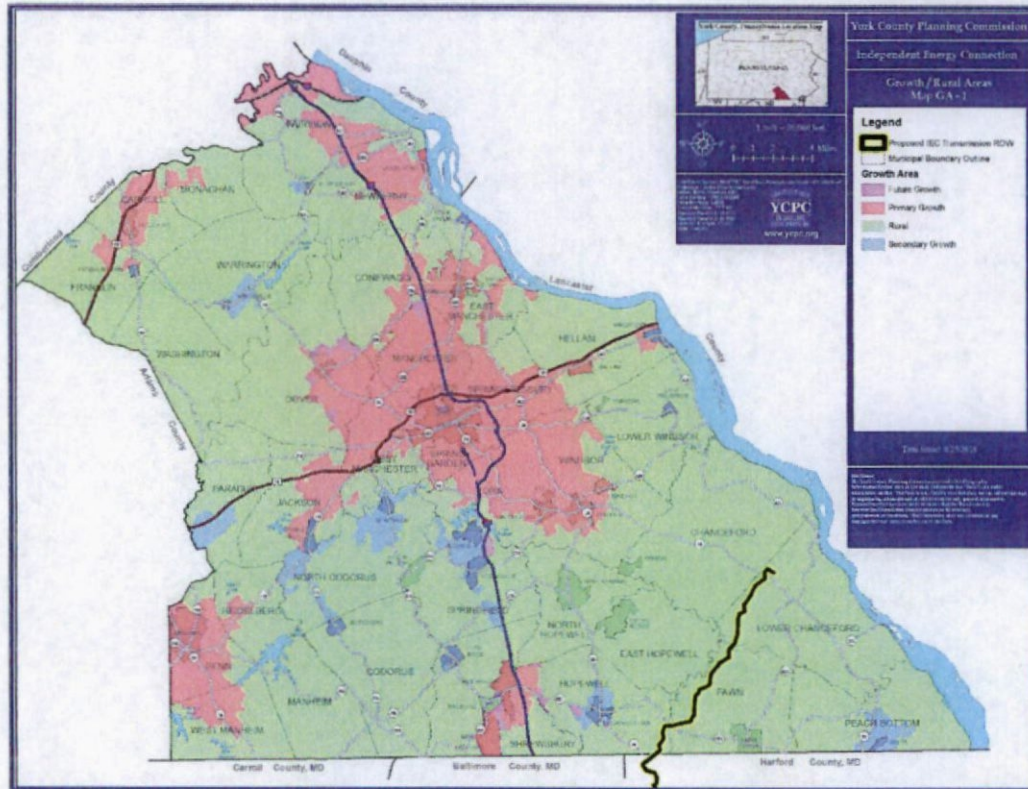
A. If the application is granted, Transource should be required to bond the roads and bridges that it will use during construction to ensure the infrastructure remains in satisfactory condition after construction is complete. Transource should also be required to ensure that consecutive roads crossing the proposed transmission line are never closed at the same time so that first responders are able to quickly and efficiently access all areas of the County.

1 V. **Zoning Ordinance Exemption**

2 Q. **Why should Transource not be allowed a Zoning Exception?**

3 A. The York County Planning Commission developed a County Comprehensive Plan that
4 provides a framework to guide the growth and development of the County, as well as the
5 protection of its important natural resources. One of the tools used to implement the Plan
6 are the designation of growth and rural areas. Growth areas contain infrastructure, such as
7 transportation networks, public water and sewer, utilities, and services, to handle growth
8 and development in the County. Rural areas consist of resource land, agricultural lands
9 and villages. The extension of public water and sewer is discouraged, unless necessary to
10 address a health/safety issue. In rural areas, there is a focus on agricultural and resource
11 protection and preservation.

12 The Independence Energy Connection- East project is proposed to go through an
13 established rural area in southeastern York County. This area is not undeveloped land, but
14 through planning efforts, programs, resources and funding, this area has been developed as
15 an agricultural community and an area of protection and preservation of its natural and
16 environmental resources. See Map GA – 1 showing the growth and rural area and the
17 proposed transmission line.



These agricultural communities are preserved and natural features are protected through several tools. One main tool used to accomplish this is through local zoning ordinances. Zoning ordinances put in place restrictions on development that direct growth toward desirable growth areas and preserves and protects valuable and sensitive natural areas. For example, Lower Chanceford Township's zoning ordinance places great value on protecting prime agricultural farmland by limiting certain types of development to low quality farmland only. The Township most recently adopted a zoning ordinance amendment that states: If in the Agricultural or Conservation Zoning Districts, all public utility buildings must be located on land of low quality for agricultural use as defined in Section 298(e) (1), (2), and (3) of this ordinance. This helps to ensure the future of a viable agricultural community. Looking at the substation building diagram in Transource's Petition for a

1 zoning exception and the Natural Resources Conservation Service (NRCS) prime
2 agricultural soils layer, it appears that a portion of the structure and its related access road
3 would disturb high quality soils. It is for these reasons that the York County Planning
4 Commission believes that Transource should NOT be exempt from any local zoning
5 ordinances.

6 **Q. Does this complete your testimony?**

7 **A. Yes.**

2/21/19 Hg TR

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of Transource Pennsylvania, LLC for approval of the Siting and Construction of the 230 kV Transmission Line Associated with the Independence Energy Connection – East and West Projects in portions of York and Franklin Counties, Pennsylvania. :
: Docket No. A-2017-2640195
: A-2017-2640200

Petition of Transource Pennsylvania, LLC for a finding that a building to shelter control equipment at the Rice Substation in Franklin County, Pennsylvania is reasonably necessary for the convenience or welfare of the public. :
: P-2018-3001878

Petition of Transource Pennsylvania, LLC for a finding that a building to shelter control equipment at the Furnace Run Substation in York County, Pennsylvania is reasonably necessary for the conveniences or welfare of the public. :
: P-2018-3001883

Application of Transource Pennsylvania, LLC for approval to acquire a certain portion of the lands of various landowners in York and Franklin Counties, Pennsylvania for the siting and construction of the 230 kV Transmission Line associated with the Independence Energy Connection – East and West Projects as necessary or proper for the service, accommodation, convenience or safety of the public. :
: A-2018-3001881
: *et al.*

SURREBUTTAL TESTIMONY

OF

WADE GOBRECHT, ASSISTANT DIRECTOR

ON BEHALF OF

YORK COUNTY PLANNING COMMISSION

Dated: January 30, 2019

RECEIVED
FEB 26 2019
PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

1 **I. WITNESS BACKGROUND**

2 **Q. What is your name, position, and business address?**

3 A. Wade Gobrecht, Assistant Director, York County Planning Commission (YCPC), 28 East
4 Market Street, York, PA 17401.

5 **Q. Have you previously submitted testimony in this proceeding?**

6 A. Yes. I submitted Direct Testimony on September 25, 2018

7 **Q. What is the purpose of your Surrebuttal Testimony in this proceeding?**

8 A. I am submitting surrebuttal testimony in response to statements made in rebuttal testimony
9 submitted by Barry Baker on behalf of Transource Pennsylvania LLC ("Transource")
10 ("Witness Baker"), Stephen P. Stein on behalf of Transource Pennsylvania LLC
11 ("Transource") ("Witness Stein"), and Brian Weber on behalf of Transource Pennsylvania
12 LLC ("Transource") ("Witness Weber").

13 **II. MUNICIPAL PLANNING CODE AND COMPREHENSIVE PLANS**

14 **Q. What is the Pennsylvania Municipal Planning Code (MPC)?**

15 A. According to the American Planning Association Pennsylvania Chapter's website, "The
16 Pennsylvania Municipalities Planning Code (MPC) establishes the basic framework for a
17 municipality in Pennsylvania to plan for community development through the preparation
18 of a comprehensive plan. Moreover, the MPC permits a municipality to further govern
19 development locally through both a zoning ordinance and a subdivision and land
20 development ordinance.

1 **Q. What requirements are placed on Municipalities and Counties through the**
2 **Pennsylvania Municipal Planning Code (MPC)?**

3 A. Sections of the MPC enable creation of planning agencies, the creation of a comprehensive
4 plan and outlines topics that should be included as part of the comprehensive plan. Article
5 II, Section 201 of the MPC enables the creation of both municipal and county planning
6 agencies. Section 209.1 requires those planning agencies to prepare the Comprehensive
7 Plan for the development of the municipality.

8 Section 301 of the MPC requires a Comprehensive Plan to plan for land use, which shall
9 include provisions for agriculture, preservation of prime agricultural soils and floodplains.

10 It should also include a plan for the protection of natural and historic resources, not limited
11 to, wetland and aquifer recharge zones, woodlands, steep slopes, prime agricultural land,
12 flood plains, unique natural areas and historic sites. The Comprehensive Plan should also
13 include a plan for the preservation and enhancement of prime agricultural land and
14 encourage the compatibility of land use regulation with existing agricultural operations.

15 Section 301.4 states that municipal comprehensive plans, which are adopted, shall be
16 generally consistent with the adopted county comprehensive plan.

17 **Q. The MPC requires planning agencies to create Comprehensive Plans. In your Direct**
18 **Testimony, you gave an overview of the goals of the County Comprehensive Plan that**
19 **align with the requirements of the MPC. Do you have anything you would like to add**
20 **to those statements?**

21 A. Yes. As I stated previously in my Direct Testimony, goals of the County Comprehensive
22 plan include the protection of prime agricultural soils and environmental and natural
23 resources. One of the best tools to accomplish this is through the Established Growth Areas

that were created through County and Municipal cooperation. The majority of the development and infrastructure capacity improvements should be directed within those growth areas because those areas contain existing services and infrastructure necessary to support additional development.

Q. On page 15 of the Rebuttal Testimony of Witness Baker, he states that Transource PA had met with county and local municipal leaders prior to announcing the project to the public and to get input on potential concerns. Please respond.

A. Yes, Transource did meet with staff of the York County Planning Commission prior to announcing the project to the public. During that meeting, I specifically remember the Director of the YCPC saying to Transource staff, "Could you pick a worse place in the County for this project?" We pointed out that there were numerous concerns with locating this type of project in southeastern York County. We mentioned that some concerns for this area included; topography, natural and environmental areas and resources including prime agricultural land, high quality streams and wild trout streams, and a high concentration of conservation easements.

III. AGRICULTURAL AND ENVIRONMENTAL IMPACTS

Q. Did you do any analysis on the impacts that this project would have on the area?

A. Yes. Using GIS software with Transource's final alignment and local, state and federal datasets, I was able to compile statistics that showed the direct impact on the minimum transmission line right-of-way. The minimum right-of-way is 130 feet, but Transource states it could be wider as needed. These impacted area statistics are conservative, as they

do not take into account impacts from the construction of substations, temporary or permanent roads, storage areas or other impacts outside of the transmission line right-of-way. The table below shows some of the direct environmental impacts within the right-of-way within York County, PA. The information below is based on the following data sources: York County GIS databases, USFWS National Wetlands Inventory, PA Fish and Boat Commission, PA DEP, NRCS Soils Survey and Chesapeake Conservancy Landcover data.

Feature	Impacted Area
Right-of-Way (130')	200 Acres
Wetlands	11 sites – 2 Acres
Forested Areas	64 Acres
Conservation Easements	12 Properties – 67 Acres
Agricultural Security Areas	34 Properties – 163 Acres
Prime Agricultural Soils	149 Acres
Natural Areas	1 Site – 76 Acres
Landcover	122 Acres Cropland 68 Acres Forest/Trees (including orchards) 10 Acres - Other
High Quality Cold Water Fishery	8 Streams
Class A Wild Trout Streams	1 Stream
Stream Sections that Support Wild Trout Production	1 Stream

1 **Q. On page 17 of the Rebuttal Testimony of Witness Baker, he explains that forest**
2 **clearing will be required at the top of the steep creek valleys and that the steep slopes**
3 **MAY potentially be retained. Are there any concerns with deforestation along the**
4 **creek valleys?**

5 **A. Yes. Any type of development that disrupts the natural landscape will cause concerns with**
6 stormwater runoff. This is especially true in the steep-sided creek valleys that are typical
7 in southeastern York County. Transource will need to follow Erosion and Sediment
8 controls per their NPDES permit. Stormwater BMPs should be put in place to control any
9 pre-construction run off and post-construction BMPs should be constructed to maintain
10 and treat any stormwater runoff on the site.

11 According to PA Act 167, the County is responsible for preparing and adopting a
12 stormwater management plan. York County prepared and adopted this plan as part of the
13 County Comprehensive Plan in 2011. Following the adoption and approval of the plan,
14 each municipality is required to adopt a stormwater management ordinance consistent with
15 this plan. The stormwater ordinance should manage and treat stormwater on-site and there
16 should be no increase in runoff. Riparian tree canopy is a stormwater management
17 treatment measure that is well suited to stabilize steep slopes that are found in this area of
18 the County. Riparian Tree Canopy is also beneficial in absorbing rainwater as it flows
19 across the landscape.

20 It is very concerning that Transource would be clearing trees within the right-of way and
21 replacing them with something that is less adequate in treating and maintaining stormwater
22 onsite.

1 **Q. On page 22 of the Rebuttal Testimony of Witness Baker, he explains that transmission**
2 **line structures located within the floodplain are not considered an obstacle that cause**
3 **changes in flooding such as bridges or buildings. Do you have a response?**

4 A. Yes. Placing any structure within the floodplain will raise the base flood elevation and can
5 become an obstacle during a flood. Lattice towers would be a bigger obstacle, but
6 monopoles can still act as an obstacle during a flood. During a recent flood on Otter Creek
7 in southeastern York County, I saw many pictures of debris getting wrapped around a
8 single tree. This debris includes trees, limbs, automobiles, boats and more. A newly placed
9 monopole in the floodplain could definitely act as an obstruction and effect the flood level
10 in that area, without providing any benefits of streambank stabilization or sediment
11 filtration.

12 Witness Baker states that there are no structures proposed to be located in the FEMA
13 floodplain at this time in York County. According to that statement, things could change
14 and a structure could be located in the floodplain. In the area where the right-of-way
15 crosses Alum Rock Run, according to the proposed final alignment, it appears that
16 structures may be located within or on the edge of the FEMA 100-year floodplain.

17 **Q. On pages 26, 30 and 31 of the Rebuttal Testimony of Witness Baker, he discusses that**
18 **transmission lines already exist in that area and that new transmission lines would**
19 **not dramatically alter the character of that area. Please respond.**

20 A. Transmission lines, specifically the two underutilized lines mentioned in previous
21 testimony, do exist in portions of southeastern York County; however, these were
22 constructed prior to the development of the York County Comprehensive Plan. The York

County Comprehensive Plan was initially created in 1990 and has since been continually updated. As stated earlier, the Comprehensive Plan encourages growth and infrastructure development to take place in established Growth Areas. This helps to ensure that we can maintain, and not degrade, the rural character, including current viewsheds, of the County. Through tools like Agricultural Preservation Zoning and Conservation easements, prime agricultural soils and rural and agricultural communities can be preserved and protected for the future of York County.

I believe this is another reason to use the existing underutilized transmission lines as a viable alternative to the Independence Energy Connection Project. As outlined in my Direct Testimony, this new project will only have negative impacts to the natural and environmental resources and agricultural communities within this area of the county. Further degraded viewsheds will also have only negative impacts to the residents and agri-tourism businesses in that area.

Q. On pages 27 and 28 of the Rebuttal Testimony of Witness Baker, he discusses that Transource is working to mitigate agricultural impacts due to the construction of the IEC project. Please respond.

A. Witness Baker states that they are working with landowners to minimize the agricultural impacts that will result from the construction of the IEC project. Transource is working to realign the right-of-way along property boundaries and along field edges. Many farming operations consist of farming across multiple properties and placing the structure on the property line may not minimize any impacts.

1 Witness Baker also discusses working with some landowners to discuss future expansion
2 of their operations to minimize impacts to their farming operations. Many of the farms in
3 southeastern York County are multi-generation operations. As stated in my Direct
4 Testimony and mentioned during the public input hearings, many of the current farming
5 operations are completely different than the previous generation. They need to have
6 flexibility on their farms to change and expand operations as the farming markets change
7 over the years. Current generations may not be able to envision what changes will be
8 necessary for future generations to stay in business. The proposed right-of-way cutting
9 through a farm will definitely restrict where, and possibly what types of farming operations
10 could be expanded.

11 Farmers that are enrolled in the York County conservation easement program have already
12 given up future dwelling rights and any possibility of subdividing off lots to supplement
13 income from their agricultural operations. It is for this reason that both owners of current
14 easements and future easements will need maximum flexibility to expand and change
15 farming operations as needed. Due to restrictions of what you can and cannot do in a right-
16 of-way easement, a property containing a high voltage transmission line would severely
17 limit how farming operations could adapt for future generations.

18 On page 28, Witness Baker states that an easement does not remove the ability of the land
19 to be used for farming. Even though this is true for crop farming, in some instances, it
20 would affect timber operations and, according to Witness Shaw, orchard operations would
21 be impacted. According to testimony and the public input hearings, livestock operations
22 would also be negatively impacted.

Crop farming can still take place within the right-of-way, but with added liability and increased safety concerns to the farmer. Farming around transmission line structures adds another obstacle in which the farmer needs to navigate. This increases the chance of damage to farm equipment and liability of hitting utility owned equipment. Also, as noted in my discovery response to Transource, Set I, safety concerns increase when farming around high voltage transmission lines. The Vermont Electric Power Company, Inc. highlights some risk factors in a document entitled "Farming Safely Around High-Voltage Electric Lines" (attached as Exhibit YCPC SR-1). This brochure discusses the added risk of electrical shock to farmers operating in and around high-voltage transmission lines. See also YCPC response to Transource Set I, Question 1, attached as Exhibit YCPC SR-2.

Q. On page 7 of the Rebuttal Testimony of Witness Stein, he discusses soils compaction resulting from construction and maintenance of the proposed IEC project. Please respond.

A. He states that compensation will generally include labor and equipment costs associated with de-compacting agricultural fields and anticipated lost agricultural yields caused by the soil compaction. As stated in my Direct Testimony and public input hearings, many farmers see decreased yields many years after construction and maintenance of high-voltage transmission lines are completed. Additional to labor and equipment costs, farmers should be compensated for actual costs of decreased yields and future decreased yields until the soils are able to produce yields comparable to the pre-construction soil structure.

1 **Q. On pages 35 and 37 of the Rebuttal Testimony of Witness Baker, he discusses that**
2 **Transource considered 8 open space related factors associated with Act 45. Please**
3 **respond.**

4 **A. On page 37, Witness Baker makes a statement about the protection of existing or planned**
5 **park, recreation or conservation sites. He states that no existing or planned park, recreation**
6 **or conservation sites (e.g. local land trusts, local conservancies, or Natural Lands Trust)**
7 **are crossed by the project. This simply is not true. First of all, according to the York**
8 **County Comprehensive Plan's Open Space component, the IEC project would cut through**
9 **the Muddy Creek Focus Area. The focus area was identified as having potential areas for**
10 **land preservation by municipalities and interested organizations due to the concentration**
11 **of valuable and sensitive environmental and natural resources found in that area.**

12 There are two main organizations that focus on conservation easement programs in York
13 County. They are the York County Agricultural Land Preservation Board and the Farm
14 and Natural Lands Trust of York County. Each of those programs have priority property
15 target lists based on certain criteria. These organizations are part of the York County Land
16 Preservation Group that started convening in 2016 to better coordinate land preservation
17 efforts within the County. Through the work that group has done, over 85,000 acres of
18 priority properties have been identified as worthy of preserving. Each agency has their
19 own list of priority properties based on their focused criteria. Some properties show up on
20 both lists. Currently 13 priority properties consisting of over 1,500 acres in those programs
21 would be impacted by the proposed IEC project.

1 **IV. LAND IMPACT MITIGATION FUND**

2 **Q. On pages 32 of the Rebuttal Testimony of Witness Weber, he discusses the funds in**
3 **the Land Impact Mitigation Fund to offset environmental impacts. Please respond.**

4 **A.** Currently a Land Impact Mitigation Fund does not exist. This is a proposal the YCPC is
5 making as a way that Transource could work cooperatively with us to mitigate the effects
6 of the proposed project. We have not proposed a specific amount of funding to help
7 mitigate all associated environmental and agricultural impacts resulting from the
8 construction of the proposed IEC project, but would work cooperatively with Transource
9 to do so. The York County Planning Commission currently administers funding on behalf
10 of a variety of agencies and would be the lead agency to coordinate the Land Impact
11 Mitigation Fund.

12 The Land Impact Mitigation Fund would be used to mitigate construction impacts related
13 to:

- 14 • Conservation Easements
- 15 • North Branch Muddy Creek Natural Area
- 16 • Habitat Corridors
- 17 • Wetlands and High Quality Streams
- 18 • Stormwater management and BMPs
- 19 • Floodplains

20 A process would need to be put into place to do the following:

- 21 • Assess the impacts from the proposed IEC project
- 22 • Identify the best solution and associated costs to mitigate/offset construction
- 23 impacts

- Identify the proper agency(s) to develop and deliver mitigation efforts
- Coordinate and administer project funding with identified agency.

Some examples of how the funds would be used include, but are not limited to:

- Funding to land preservation agencies to preserve, at a minimum, the number of acres of conservation easements impacted by the IEC right-of-way.
- Funding to restore sensitive habitat in the North Branch Muddy Creek Natural Area or tree plantings in habitat corridors that were impacted by the IEC project
- Funding to restore or recreate wetlands within the watershed where wetlands were impacted by the IEC
- Funding to offset impacts to high quality streams. This may include riparian buffers or stream restoration to improve water quality.
- Funding for stormwater BMPs to resolve stormwater runoff issues created through the construction of the IEC.
- Funding to offset floodplain impacts resulting from the construction of the IEC.

V. ZONING ORDINANCE

Q. On pages 33 and 34 of the Rebuttal Testimony of Witness Baker, he discusses the Lower Chanceford Township Zoning Ordinance. Please respond.

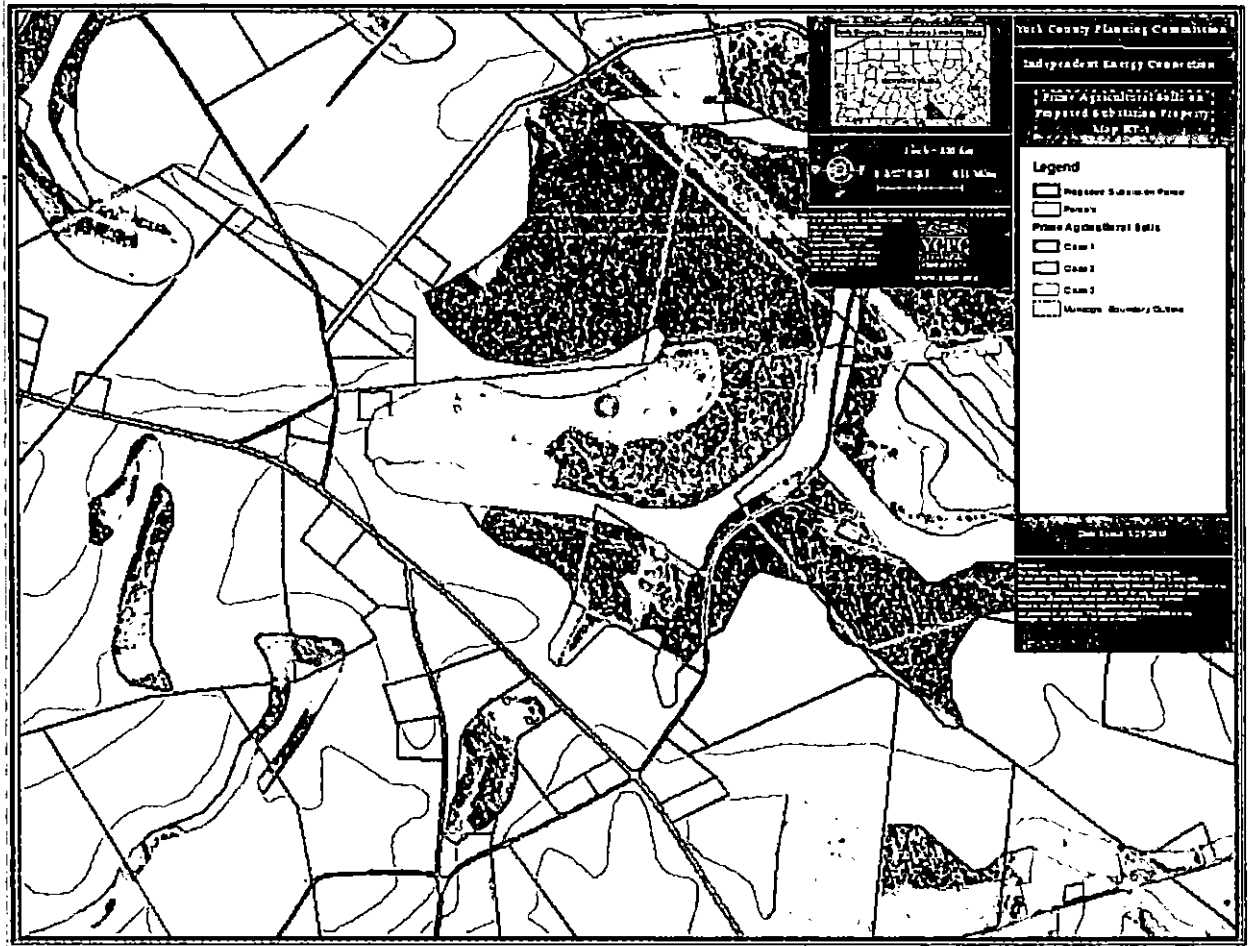
A. Witness Baker references the Lower Chanceford Township Zoning Ordinance and states section 298 (e) (1), (2) and (3) pertains to single-family residential dwellings, not public utility buildings and facilities. While this is partially true, Section 375 that deals with public utility facilities and buildings refers back to section 298 (e) (1), (2) and (3) for the

1 definition of land not considered prime agricultural land. Witness Baker also states that
2 Section 375 does not reference any requirements related to prime agricultural soils. This
3 statement is not true. Lower Chanceford Township approved an amendment to their zoning
4 ordinance on August 7, 2018 that updates Section 375. It states that public utility facilities
5 and buildings are permitted in all zoning districts subject to the following:

6 (a) If in the Agricultural or Conservation Zoning Districts, all public utility
7 buildings must be located on land of low quality for agricultural use as defined in
8 Section 298 (e) (1), (2) and (3) of this ordinance.

9 Witness Baker goes on to state that their anticipated impact of the control equipment
10 building is approximately 960 square feet and that the township considers that to be minor
11 because it is less than the 6500 square feet mentioned in Section 298 (e) (2) of the
12 ordinance. Section 298 (e) (2) states that land shall be considered of low quality if "The
13 areas of prime agricultural land are minor **AND** isolated (meaning not contiguous with
14 other areas of prime agricultural land) and cumulatively do not "exceed the lesser of one-
15 tenth (1/10) of the lot or sixty-five hundred (6500) square feet". The 6500 square feet is
16 meaningless per Witness Baker's testimony because the prime agricultural soils on the
17 property, where the sheltered control building will be located, are not considered isolated
18 and those contiguous lands will easily encompass more than 6500 square feet. On Map
19 RT-1 showing the property where the building would be placed, the prime agricultural soils
20 on the property are contiguous with other areas of prime agricultural land. This means that
21 the soils on the property shall be considered prime agricultural land, and according to
22 Section 375, "public utility buildings must be located on land of low quality".

1



2

3 I would also like to point out that Transource had requested a copy of Lower Chanceford
 4 Township's updated zoning ordinance. On October 15, 2018, I provided a copy of the
 5 amendment updates along with our response. See YCPC response to Transource Set I,
 6 Question 2, attached as Exhibit YCPC SR-3.

7 **Q. Does this complete your surrebuttal testimony?**

8 **A. Yes.**

Exhibit YCPC SR-1

Farming Safely Around High-Voltage Electric Lines

Farming safely around high-voltage electric lines

VELCO high voltage transmission lines and fiber optics cross many Vermont farms. Our transmission lines meet National Electrical Safety Code clearances designed to protect line workers and the general public, however, farmers still need to exercise precautions when working under and near energized power lines. By making your family and workers aware of potentially dangerous electrical situations, you can help prevent serious injuries or death.

Look up and save your life

First, be aware of your surroundings and the height of your farm equipment when working in the transmission right-of-way (ROW).

Unlike the wiring in a home, overhead power lines are not wrapped in electrical insulating material. Electrocuting is the most significant risk from contacting or even coming close to a transmission line. Since electricity carried by high-voltage lines can arc across air space, electrical contact between an object on the ground and an energized wire can happen even though the two do not actually touch. Avoid bringing yourself, or any object you are driving or holding, too close to an overhead power line. Even non-metallic materials, such as lumber, tree limbs, tires, ropes, straw and hay, are capable of conducting electricity.



ing a few feet. Use caution raising dump trailers and keep truck bodies in a horizontal position when traveling within the ROW. Have someone be a spotter to double check your clearance from a distance away. Remember your visibility to judge distances decreases at dusk.



Many agricultural machines are large enough to contact an overhead transmission or fiber optic line, such as, combine harvesters, fork lift trucks, telescopic material handlers, antennas on trucks, self propelled harvesters, crop sprayers, tractors, excavators and diggers. Always lower equipment before you move it, even if you are only moving

Crop height

VELCO has acquired easement rights to construct, operate and maintain power lines, and to keep the ROWs clear of all structures, fire hazards, vegetation, and any other use that may pose a safety risk or interfere with the reliability of our transmission system.

Although most crops less than 12 feet tall can be grown safely under power lines, owners of established orchards, Christmas tree farms, and trellised crops should contact VELCO to confirm maximum allowable growth heights. If you are considering converting an open field to any one of these uses within a VELCO ROW, you will need to apply for authorization from VELCO's Real Estate & ROW Department. If approved, you will also need to plan access routes for our crews' use to perform routine maintenance on the poles and wires without damaging your crops.

Organic farms

Since VELCO's Vegetation Management program includes, among other things, the selective use of herbicides in certain areas, please notify us if you have or plan to register as an organic farm. If you have questions regarding our use of herbicides as part of our vegetation management program, please contact VELCO..



Shock, water and smoke hazards

Under certain conditions, non-hazardous nuisance shocks can occur when touching metal objects near the transmission line, but away from the high-voltage wires. The shocks are caused by a voltage induced from the transmission lines into nearby metallic objects, like vehicles, fences, metal buildings or roofs, and irrigation systems that are near the line or parallel the line for some distance. The shock can resemble touching the spark-plug ignition wires on your lawnmower or car.

Refueling vehicles is also not allowed on rights-of-way because there is a chance that a spark from an induced voltage could ignite the fuel.

Electricity can be conducted through water, so never allow an irrigation system to spray a continuous stream onto power lines or pole structures. Position rain and slurry guns so that jets of water or slurry cannot contact the overhead lines when they are in use, and remember, high winds should be taken into account.

Smoke and hot gases from a large fire can create a conductive path for electricity. When a fire is burning under a transmission line, electricity could arc from

the wire through the smoke and to the ground, endangering nearby people and objects.

Logging

Logging or tree cutting near any



transmission lines can be very hazardous and requires special caution. Please contact VELCO prior to logging or cutting near the transmission lines. Since trees conduct electricity, if one should fall into or close to a transmission line, the current could follow the tree trunk to the ground and endanger anyone standing near its base. If you come upon a tree that has fallen into a power line, stay away from it and call VELCO immediately.

ROW uses and unauthorized encroachments

VELCO will consider requests to use our ROW, but only if they do not cause a safety risk. We have developed guidelines for these conditional uses that may be considered and approved by VELCO engineers and managers. After an initial consultation, VELCO will require you to submit a formal request which may include providing documentation for our review. Examples of non-permitted uses in the easement area include, but are not limited to, buildings, swimming pools, signs, grade changes, drainage ditches, slurry ponds, storage buildings, and fences or walls that might unreasonably obstruct our access, or pose a safety risk. For more information, visit www.velco.com/row.

General safety

For your safety, do not fly kites or model airplanes near the ROW, do not climb or attach anything to transmission poles, never touch a fallen wire, never shoot at transmission facilities—gunshot can cause flashovers or may cause the wire to fall to the ground and is a violation of federal law. Please help us keep our rights-of-way safe, and our service reliable by reporting any unusual activity or condition.

If you come into contact with a power line

Make sure everyone on your farm knows what to do in the event of an emergency.

If equipment you are operating contacts the transmission line, do NOT get off the machinery unless you are in immediate danger. Call 911 and your local utility immediately.

Electrocution is possible if anyone touches both the machine and the ground at the same time. If you must leave the equipment, land with feet together and arms close to your body. Keep your feet touching each other and shuffle away from the machinery or fallen wire – do not run. Do not go back for any reason until VELCO has informed you that the area is safe.



If you have damaged a guy wire, pole or any buried wires, please call VELCO immediately so we can reinstall the wires.

For more information on power line safety, or to report an unusual condition or suspicious activity, please contact VELCO at 802-770-6357.

Dig Safe: Call before you dig! 888-DIG-SAFE

VERMONT LAW REQUIRES ANYONE WHO DIGS TO NOTIFY UTILITY COMPANIES BEFORE STARTING.

About VELCO

Vermont Electric Power Company is an independent transmission company which was formed in 1956. Local utilities joined together to create the nation's first statewide, "transmission only" company in order to share access to clean hydro power and maintain the state's transmission grid. VELCO's system includes:

- 732 miles of transmission lines
- 13,000 acres of rights-of-way
- 53 substations

The company's associates work hard every day to provide Vermont with safe and reliable power.

For questions about the distribution lines and equipment serving your home, business or farm, contact your local electric utility.

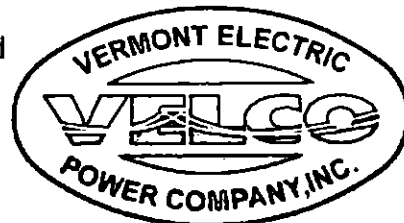


Exhibit YCPC SR-2

YCPC response to Transource Set I, Question 1

Application of Transource Pennsylvania, LLC Filed Pursuant to 52 Pa. Code Chapter 57, Subchapter G,
for Approval of the Siting and Construction of the 230 kV Transmission Line Associated with the
Independence Energy Connection-East Project in Portions of York County, Pennsylvania;
Docket No. A-2017-2640195

Application of Transource Pennsylvania, LLC Filed Pursuant to 52 Pa. Code Chapter 57, Subchapter G,
for Approval of the Siting and Construction of the 230 kV Transmission Line Associated with the
Independence Energy Connection – West Project in Portions of Franklin County, Pennsylvania;
Docket No. A-2017-2640200

**YORK COUNTY PLANNING COMMISSION'S RESPONSES TO TRANSOURCE
PENNSYLVANIA, LLC'S INTERROGATORIES AND REQUESTS FOR PRODUCTION OF
DOCUMENTS, SET I**

1. Re YCPC Statement No. 1. Do farmers in York County currently farm around and under high voltage transmission lines?

RESPONSE: The answer varies depending on the type of farming operation that is impacted by the high voltage transmission line. From my experience, some crop farmers may generally farm under and around high voltage transmission lines, however, they do this with increased risks, expense and liability. For example, the Vermont Electric Power Company, Inc. highlights some risk factors in a document titled "Farming safely around high-voltage electric lines". The document covers the dangers of electrocution, nuisance shocks, and using farm machinery around transmission lines. It clearly supports that there is an increased risk to the farmers that work under and around high voltage transmission lines.

According to public input hearing testimony in this proceeding, farmer have testified that there is an increased expense with having to farm around tower structures. Farming around those structures creates an overlap of fertilizers and herbicides, which is a wasted expense.

Farming around transmission line structures also leads to increased liability. This is referenced in my testimony. Mr. McGinnis testified about a neighboring farmer being charged by the utility company after hitting a utility structure with a piece of farm equipment.

From the testimony that I heard during the public input hearings, it is not clear that livestock farmers would continue to let their animals graze under or around high voltage transmission lines. Several dairy farmers testified about their concerns about reduced milk production that results from high voltage transmission lines. Dolores Krick and others from Muddy Creek Meadows testified about their concerns about how stray voltage could affect their horses and their business. During the public input hearing on September 20, 2018 at 6:00, Jeffery Rutz, a livestock artificial inseminator with 30+ years of experience, testified that he believes that livestock near high voltage transmission lines experience reproduction issues.

Application of Transource Pennsylvania, LLC Filed Pursuant to 52 Pa. Code Chapter 57, Subchapter G,
for Approval of the Siting and Construction of the 230 kV Transmission Line Associated with the
Independence Energy Connection-East Project in Portions of York County, Pennsylvania;
Docket No. A-2017-2640195

Application of Transource Pennsylvania, LLC Filed Pursuant to 52 Pa. Code Chapter 57, Subchapter G,
for Approval of the Siting and Construction of the 230 kV Transmission Line Associated with the
Independence Energy Connection – West Project in Portions of Franklin County, Pennsylvania;
Docket No. A-2017-2640200

**YORK COUNTY PLANNING COMMISSION'S RESPONSES TO TRANSOURCE
PENNSYLVANIA, LLC'S INTERROGATORIES AND REQUESTS FOR PRODUCTION OF
DOCUMENTS, SET I**

Farmers that harvest trees as a crop would not be able to continue selective harvest within the transmission line right-of-way. Trees are required to be cleared within the right-of-way and there are restrictions put in place regarding what can be planted within the right-of-way and height restrictions are put into place.

PROVIDED BY: Wade Gobrecht

DATE: October 22, 2018

Exhibit YCPC SR-3

YCPC response to Transource Set I, Question 2

Application of Transource Pennsylvania, LLC Filed Pursuant to 52 Pa. Code Chapter 57, Subchapter G,
for Approval of the Siting and Construction of the 230 kV Transmission Line Associated with the
Independence Energy Connection-East Project in Portions of York County, Pennsylvania;
Docket No. A-2017-2640195

Application of Transource Pennsylvania, LLC Filed Pursuant to 52 Pa. Code Chapter 57, Subchapter G,
for Approval of the Siting and Construction of the 230 kV Transmission Line Associated with the
Independence Energy Connection – West Project in Portions of Franklin County, Pennsylvania;
Docket No. A-2017-2640200

**YORK COUNTY PLANNING COMMISSION'S RESPONSES TO TRANSOURCE
PENNSYLVANIA, LLC'S INTERROGATORIES AND REQUESTS FOR PRODUCTION OF
DOCUMENTS, SET I**

2. Re YCPC Statement No. 1, page 37. Provide a complete copy of Lower Chanceford Township's recently adopted zoning ordinance amendments, including the date of adoption.

RESPONSE: Transource has provided a copy of the zoning ordinance with their Petition of Transource Pennsylvania, LLC for a Finding that a Building to Shelter Control Equipment at the Furnace Run Substation in York County, Pennsylvania is Reasonably Necessary for the Convenience or Welfare of the Public. I am providing the Ordinance Amendment that was adopted by Lower Chanceford Township on August 7, 2018.

PROVIDED BY: Wade Gobrecht

DATE: October 22, 2018

AN ORDINANCE TO AMEND THE "LOWER CHANCEFORD TOWNSHIP ZONING ORDINANCE" ADOPTED BY LOWER CHANCEFORD TOWNSHIP ON JULY 5, 1971, AND AMENDED ON OCTOBER 7, 1975, DECEMBER 30, 1976, JULY 7, 1977, JULY 3, 1979, SEPTEMBER 3, 1981, FEBRUARY 2, 1982, JUNE 1, 1982, JULY 5, 1983, DECEMBER 6, 1983, MAY 1, 1984, APRIL 1, 1986, OCTOBER 6, 1987, JANUARY 4, 1988, OCTOBER 4, 1988, JANUARY 2, 1990, APRIL 3, 1996, NOVEMBER 7, 1996, MARCH 7, 2000, JULY 3, 2001, SEPTEMBER 3, 2002, APRIL 1, 2003, JUNE 3, 2003, APRIL 4, 2006, SEPTEMBER 4, 2007, APRIL 1, 2008, FEBRUARY 3, 2009, JANUARY 4, 2010, NOVEMBER 4, 2010, AUGUST 2, 2011, JANUARY 3, 2012, AUGUST 6, 2013, MARCH 3, 2015, AUGUST 4, 2015 AND FEBRUARY 2, 2016.

BE IT ENACTED AND ORDAINED by the Board of Supervisors of Lower Chanceford Township, York County, Pennsylvania as follows:

1. Section 202.1 of the Lower Chanceford Township Zoning Ordinance is hereby amended to add as principal permitted uses the following:

- 7. Solar Farm (See Section 377)
- 8. Wind Farm (See Section 378)

2. Section 202.2 of the Lower Chanceford Township Zoning Ordinance is hereby amended to delete the following "Section 298(e)(1) and (2) and to substitute therefore the following "Section 298(e)(1)(2) and (3)."

3. Section 203.1 of the Lower Chanceford Township Zoning Ordinance is hereby amended to add as permitted principal uses the following:

- 8.. Solar Farm (See Section 377)
- 9. Wind Farm (See Section 378)

4. Section 203.2 of the Lower Chanceford Township Zoning Ordinance is hereby amended to delete the following "Section 298(e)(1)(2)" and to substitute therefore the following "Section 298(e)(1)(2) and (3)."

5. Section 298(c) of the Lower Chanceford Township Zoning Ordinance is hereby amended to delete the following "Section 202.9(e)" and to substitute therefore the following "Section 298(e)(1) and (3)."

6. Section 204.1 of the Lower Chanceford Township Zoning Ordinance is hereby amended to add as principal permitted uses permitted the following:

- 30. Solar Farm (see Section 377)
- 31. Wind Farm (See Section 378)

7. Section 205.1 of the Lower Chanceford Township Zoning Ordinance is hereby amended to add as principal permitted uses the following:

- 12. Solar Farm (See Section 377)
- 13. Wind Farm (See Section 378)

8. Section 375 of the Lower Chanceford Township Zoning Ordinance is hereby amended to delete the same in its entirety and substitute therefor the following:

SECTION 375 - PUBLIC UTILITY FACILITIES AND BUILDINGS

Public utility facilities and buildings are permitted in all zoning districts subject to the following:

- a. If in the Agricultural or Conservation Zoning Districts, all public utility buildings must be located on land of low quality for agricultural use as defined in Section 298(e) (1), (2) and (3) of this ordinance.
- b. If in the Agricultural or Conservation Zoning Districts, the construction of a public utility building in excess of four hundred (400) square feet or the installation of other structures encompassing more than four hundred (400) square feet shall reduce the number of dwelling rights allocated to the tract by Section 298(a) of this ordinance by one (1). Such uses shall not be permitted unless there is at least one (1) dwelling right to allocate to such use.
- c. Front, side and rear yards shall be provided in accordance with the regulations of the district in which the building is located.
- d. Height of building shall be as required by the district regulations.
- e. Unhoused equipment shall be enclosed with a chain-link fence six (6) feet in height, topped with barbed wire.
- f. Housed Equipment - When the equipment is totally enclosed within a building, no fence or screen planting shall be required and the yard shall be maintained in conformity with the district in which the facility is located.
- g. Screen planting in residential districts - The required fence for unhoused equipment shall be surrounded by an evergreen planting.
- h. The external design of the building shall be in conformity with the buildings in the district.

- i. Access for Unhoused Equipment - Where vehicular access is across the front yard, the gate shall be constructed of solid materials having not less than fifty (50) percent solid in ratio to open space. In residential districts, the permitted public facilities shall not include the storage of vehicles or equipment used in the maintenance of any utility and no equipment causing unreasonable noise, vibration, smoke, odor, or hazardous effect shall be installed.

9. Section 377 is hereby added to the Lower Chanceford Township Zoning Ordinance as follows:

SECTION 377 - SOLAR FARM

This use is permitted as a principal permitted use in the Agricultural, Conservation, Commercial and Industrial Districts subject to the following:

- a. In the Agricultural and Conservation Districts, the use must, together all driveways providing access to such use, be located on land of low quality for agricultural use as defined in Section 298(e)(1)(2) and (3) of this ordinance.
- b. All facilities and equipment used in connection with the solar farm must be located at least one hundred (100) feet from any dwelling, other than a dwelling owned by the owner of the land on which the solar farm is located.
- c. All solar related facilities must be enclosed with a six (6) feet high fence unless otherwise secured.
- d. A security fence with a hedge planting on the outside of the fence must be erected to screen the solar farm from adjacent residential uses. Plant materials used in the screen plantings shall be at least two (2) feet in height when planted. The screen plantings shall be maintained permanently and any plant material which does not live shall be replanted within one (1) year.
- e. A Building Permit shall be required before the installation of any solar farm and a Use Certificate shall be required before commencement of any operation of a solar farm.
- f. All structures associated with the solar farm, including panels, shall be subject to the lot yard setback, coverage and height requirements of the applicable zoning district.
- g. No part of the solar farm may be located between the front of a principal building and the front lot line (even if it is located outside of the front yard setback) unless such facilities are completely screened from the street.

- h. All on-site utility and transmission lines and any pipes associated with the solar farm shall, to the extent feasible, be placed underground and if crossing land not a part of the solar farm itself, shall be placed at a depth which shall not interfere with agricultural use of the surface area.
- i. All solar panels shall be situated in such a manner as to prevent concentrated solar radiation or glare from being directed onto adjacent properties, roads or public gathering places.
- j. Free-standing solar panels, including an array of solar panels, shall not be considered impervious surface for purpose of storm water management if a grass cover is maintained beneath the panels. All other structures shall be considered impervious for purposes of application of the township's Storm Water Management Ordinance and for purposes of application of maximum lot coverage limitations within the applicable zoning district.
- k. Signage or text on solar energy systems may be used to identify the manufacturer, equipment information, warranty or ownership but shall not be used to display any commercial advertising message or anchor any streamers, balloons, flags, banners, ribbons or other materials to attract attention.
- l. All mechanical equipment of the solar farm, including any structure for batteries or storage cells, shall be completely enclosed by a minimum of eight (8) feet high fence with a self-locking gate and shall include vegetative screening around the fence.
- m. Should any solar farm cease to be used, the owner or operator or the then owner of the land on which the solar farm is located shall remove all elements of the solar farm within one (1) year from cessation of operation. Failure to effect such removal shall constitute an authorization for the township to remove all elements of the solar farm from the property and assess the cost of removal to the owner of the land on which the solar farm is located. Upon the failure of the owner to pay costs of removal within thirty (30) days of notice thereof, the township may file a municipal lien against such land to recover the costs of removal, together with reasonable attorney fees.
- n. The owner of any lot shall, prior to the issuance of a Building Permit permitting the installation of a solar farm on such lot, enter into an agreement with the township committing the owner to pay to a Township Energy Fund an annual sum of \$2,000.00 per megawatt of capacity, payable in a lump sum before January 15th of each calendar year during commercial operation of the solar farm with the first such payment due in full upon the township's

issuance of a Use Certificate permitting the operation of such solar farm and subsequent payments payable on or before January 15th of each succeeding calendar year, with such payment to be adjusted at the end of each five (5) year period to reflect changes in the Consumer Price Index-Seasonally Adjusted U.S. City Average, For All Items, For All Urban Consumers ("CPI-U") as published by the U.S. Department of Labor, Bureau of Labor Statistics during the previous five (5) year period to reflect changes in the index since the year the Use Certificate was issued. Thus, if there is ten (10%) per cent increase in the "CPI-U" between the year in which the Use Certificate was issued and the end of the five (5) year period, the amount of required payment shall be increased by ten (10%) per cent.

10. Section 378 is hereby added to the Lower Chanceford Township Zoning Ordinance as follows:

SECTION 378 - WIND FARM

This use is permitted as a principal use in the Agricultural, Conservation, Commercial and Industrial Districts subject to the following:

- a. In the Agricultural and Conservation Districts, the use must together with all driveways providing access to such use be located on land of low quality for agricultural use as defined in Section 2908(e)(1)(2) and (3) of this ordinance.
- b. All tower locations must be at least the tower height plus twenty (20) feet from a property line and at least one and one half (1-1/2) times the tower height from any dwelling, other than one owned by the owner of the wind farm, and at least one and one half (1-1/2) the tower height from any public road right-of-way line.
- c. The maximum tower height shall not exceed one hundred ninety (190) feet, including the rotor and blades, and the minimum height must be at least twenty (20) feet above the ground surface.
- d. All mechanical equipment associated with the operation of the wind farm, including buildings or structures for batteries or storage cells, must be enclosed with an eight (8) feet high fence with a self-locking gate, there must be hedge plantings to screen the building or structure from adjacent residential uses. Plant materials used in the screen plantings shall be at least two (2) feet in height when planted. The screen plantings shall be maintained permanently and any plant material which does not live shall be replanted within one (1) year.

- e. A Building Permit shall be required before beginning the installation of any wind farm and a Use Certificate shall be required before commencing operation of any wind farm.
- f. No wind farm facilities may be located between the front of a principal building and the front lot line (even if it is located outside of the required front yard setback).
- g. All on-site utility and transmission lines and any pipes associated with the wind farm shall be located underground at a depth which permits agricultural use of the surface.
- h. Signage or text on solar energy systems may be used to identify the manufacturer, equipment information, warranty or ownership but shall not be used to display any commercial advertising message or anchor any streamers, balloons, flags, banners, ribbons or other materials to attract attention.
- i. No wind farm facility shall be artificially lighted or illuminated except to the extent required by the Federal Aviation Administration.
- j. Wind turbines and towers shall be of the nonintrusive colors such as white, off-white or gray.
- k. No wind farm facility shall extend over parking area, access drives, driveways or sidewalks.
- l. Wind energy facilities, including turbines, shall not generate noise which exceeds fifty-five (55) decibels nor ten (10) decibels of ambient noise in any one hour, whichever is higher. This level may be exceeded only during short-term events such as utility outages and/or severe wind storms.
- m. Applicant shall provide to the township a detailed plan on how the components of the wind farm will be transported to the property and what provisions will be taken to prevent damage to area roads and infrastructure. The applicant shall repair any damaged to local roads or other infrastructure caused by the transportation or installation of any portions of the wind farm to the same or better condition than what existed prior to the damage.
- n. Should any wind farm cease to be used, the owner or operator or the then owner of the land on which the wind farm is located shall remove all elements of the wind farm within one (1) year from cessation of operation. Failure to effect such removal shall constitute an authorization for the township to remove all elements of the wind farm from the property and



assess the cost of removal to the owner of the land on which the wind farm is located. Upon the failure of the owner to pay costs of removal within thirty (30) days of notice thereof, the township may file a municipal lien against such land to recover the costs of removal, together with reasonable attorney fees.

- o. The owner of any lot shall, prior to the issuance of a Building Permit permitting the installation of a wind farm on such lot, enter into an agreement with the township committing the owner to pay to a Township Energy Fund an annual sum of \$2,000.00 per megawatt of capacity, payable in a lump sum before January 15th of each calendar year during commercial operation of the wind farm with the first such payment due in full upon the township's issuance of a Use Certificate permitting the operation of such wind farm and subsequent payments payable on or before January 15th of each succeeding calendar year, with such payment to be adjusted at the end of each five (5) year period to reflect changes in the Consumer Price Index-Seasonally Adjusted U.S. City Average, For All Items, For All Urban Consumers ("CPI-U") as published by the U.S. Department of Labor, Bureau of Labor Statistics during the previous five (5) year period to reflect changes in the index since the year the Use Certificate was issued. Thus, if there is ten (10%) per cent increase in the "CPI-U" between the year in which the Use Certificate was issued and the end of the five (5) year period, the amount of required payment shall be increased by ten (10%) per cent.

11. Section 378A is hereby added to the Lower Chanceford Township Zoning Ordinance as follows:

SECTION 378A - WIND ENERGY CONVERSION SYSTEM

This use is permitted in all zoning districts as an accessory use subject to the following:

- a. The tower location must be at least tower height plus twenty (20) feet from a property line.
- b. The maximum height shall not exceed one hundred ninety (190) feet, including the rotors and blades.
- c. The tower and generating unit must be kept in good repair and sound condition as evidenced by an inspection performed at least once every five (5) years by an inspector approved by the township. Upon abandonment of the use, the tower and related structures shall be dismantled and removed from the property within sixty (60) days. Failure to effect such removal shall constitute

an authorization for the township to remove the tower and related structures from the property and assess the cost of such removal to the owner of the land on which the tower and structures are located. Upon the failure of the owner to pay the costs of removal within thirty (30) days of notice thereof, the township may file a municipal lien against such land to recover the costs of removal, together with reasonable attorney fees.

12. Section 405 of the Lower Chanceford Township Zoning Ordinance is hereby amended to add at the end thereof the following:

"In the event the applicant or whoever at that time may be the owner of a property which has been granted a Use Certificate by the township shall, for a period of six (6) months, fail to be in compliance with any of the requirements for such use as set forth in the Zoning Ordinance, or with any of the conditions attached to such use by the township in the Use Certificate, such Use Certificate shall be revoked and the use shall be immediately discontinued."

13. Section 443 of the Lower Chanceford Township Zoning Ordinance is hereby amended to add at the end thereof the following:

"In the event the applicant or whoever at that time may be the owner of a property which has been approved as the location of a use by special exception granted by the Zoning Hearing Board shall for a period in excess of six (6) months fail to be in compliance with any conditions attached to such special exception, the special exception shall expire and the use shall be immediately discontinued".

14. Section 501 of the Lower Chanceford Township Zoning Ordinance is hereby amended to add after the definition of "Sign" and before the definition of "Special Events" the following:

SOLAR FARM - One or more arrays, collectors or photo voltaic modules which convert sunlight into mechanical or electrical energy in excess of the amounts reasonably utilized on the premises where such facilities are located. Facilities located on the roof of buildings are excluded from this definition.

15. Section 501 of the Lower Chanceford Township Zoning Ordinance is hereby amended to add after the definition of "Use" and before the definition of "Woodland" the following:

WIND ENERGY CONVERSION SYSTEM - A device or system of components and apparatus which converts wind energy into mechanical or electrical energy.

WIND FARM - Two or more windmills, wind wheels or wind energy conversion systems which convert wind energy into mechanical or electrical energy in excess of the amount of such energy reasonably utilized on the property where the windmills, wind wheels and wind energy conversion systems are located.

ORDAINED AND ENACTED by the Board of Supervisors of Lower Chanceford Township,
York County, Pennsylvania on the 7 day of August, 2018.

ATTEST:

LOWER CHANCEFORD TOWNSHIP
BOARD OF SUPERVISORS

Ashley M. Wiley
Secretary

By: *David Glenn*
David Glenn, Chairman

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of Transource Pennsylvania,
LLC for approval of the Siting and
Construction of the 230 kV Transmission
Line Associated with the Independence
Energy Connection – East and West
Projects in portions of York and Franklin
Counties, Pennsylvania.

Docket No. A-2017-2640195
A-2017-2640200

Petition of Transource Pennsylvania, LLC
or a finding that a building to shelter
control equipment at the Rice Substation
in Franklin County, Pennsylvania is
reasonably necessary for the convenience
or welfare of the public.

P-2018-3001878

Petition of Transource Pennsylvania, LLC
for a finding that a building to shelter
control equipment at the Furnace Run
Substation in York County, Pennsylvania
is reasonably necessary for the
conveniences or welfare of the public.

P-2018-3001883

Application of Transource Pennsylvania,
LLC for approval to acquire a certain
portion of the lands of various landowners
in York and Franklin Counties,
Pennsylvania for the siting and
construction of the 230 kV Transmission
Line associated with the Independence
Energy Connection – East and West
Projects as necessary or proper for the
service, accommodation, convenience or
safety of the public.

A-2018-3001881
et al.

**TESTIMONY VERIFICATION OF
WADE GOBRECHT ON BEHALF OF
YORK COUNTY PLANNING COMMISSION**

I, Wade Gobrecht, hereby certify that I am the Assistant Director of the York County

Planning Commission (YCPC) and that, in such capacity, I have provided testimony on YCPC's behalf.

I hereby verify that I have provided the following written testimony for admission into the record and that these documents were prepared by me and under my supervision:

- YCPC Statement No. 1, the Direct Testimony of Wade Gobrecht, with no exhibits.
- YCPC Statement No. 1-SR, the Surrebuttal Testimony of Wade Gobrecht, with 3 exhibits (YCPC SR-1, YCPC SR-2 and YCPC SR-3).

I certify that the facts set forth in the testimony are true and correct to the best of my knowledge, information and belief; that if I were asked the questions contained therein today that my answers would remain the same. I understand that the statements made in my testimony are subject to the penalties at 18 Pa C.S. § 4909 related to the unsworn falsification to authorities.

Date: _____

2/19/19

Wade A. Gobrecht

Wade Gobrecht, Assistant Director
York County Planning Commission