

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**APPLICATION OF PENNSYLVANIA :  
ELECTRIC COMPANY FOR :  
APPROVAL TO LOCATE AND :  
CONSTRUCT THE BEDFORD NORTH- :  
CENTRAL CITY WEST 115 KILOVOLT :     Docket No. A-2016-2565296  
TRANSMISSION LINE PROJECT IN :  
CENTRAL CITY BOROUGH AND :  
SHADE TOWNSHIP, SOMERSET :  
COUNTY, AND NAPIER, EAST ST. :  
CLAIR, AND BEDFORD TOWNSHIPS, :  
BEDFORD COUNTY, PENNSYLVANIA :**

**REBUTTAL TESTIMONY OF**

**BARRY A. BAKER**

**ON BEHALF OF**

**PENNSYLVANIA ELECTRIC COMPANY**

**STATEMENT NO. 3-R**

**Re: Agricultural Security Areas; Visual Impact of ROW to Allegheny Front Hawk Watch;  
and Concerns of Impacts to Water Wells.**

Dated: February 20, 2017

1                                    **INTRODUCTION AND PURPOSE OF TESTIMONY**

2    **Q.    Please state your name and business address.**  
3

4    A.    My name is Barry Alan Baker. My business address is 625 West Ridge Pike, Suite E-  
5           100, Conshohocken, PA 19428  
6

7    **Q.    By whom are you employed and in what capacity?**  
8

9    A.    I am employed by AECOM Corporation as an Associate Vice-President and Department  
10           Manager for the Impact Assessment & Permitting Department and also serve as a  
11           Technical Lead in the AECOM U.S. Transmission & Distribution practice for the Power,  
12           Energy and Industrial Business Line.  
13

14   **Q.    Please describe your professional experience and educational background.**  
15

16   A.    I received a Bachelor of Science with Honors degree in Environmental Science from the  
17           University of East Anglia in Norwich, England in 1996. A key focus was on the use of  
18           GIS and computer applications for environmental problem solving. My additional  
19           continuing education relevant to my current position includes the following courses and  
20           programs:

- 21           • Approximately 50 Project Management Classes necessary for formal certification.
- 22           • Creating and Integrating Data for Natural Resource Applications (ESRI).
- 23           • Geoprocessing with ArcGIS Desktop (ESRI).
- 24           • Spatial Hydrology Using ArcView (ESRI).

- 1 • Introduction to ArcIMS (ESRI).
- 2 • System Architecture Design for GIS (ESRI).

3 I have been employed by AECOM for the last eleven years in the roles previously  
4 discussed. In these positions I have been responsible for siting studies both as a Project  
5 Manager and as a technical lead for transmission line siting as well as new power  
6 development throughout the northeast region of the U.S., including: PA, NJ, MD, NY,  
7 CT, OH, IL, VA, DE, and MA. I also manage the Pennsylvania Area Impact Assessment  
8 & Permitting Department where I am responsible for a team of biologists, ecologists, and  
9 GIS specialists. Additionally, I am an AECOM Technical Lead designated for  
10 supporting and developing major transmission opportunities on the U.S. East Coast with  
11 a focus in the northeast. Prior to joining AECOM, I held GIS and environmental  
12 development positions for other environmental and government consultants.

13  
14 **Q. On whose behalf are you providing this testimony?**

15  
16 **A.** I am providing this testimony on behalf of Penelec for approval to locate and construct  
17 the Bedford North-Central City West 115 kV Transmission Line (“Project”).

18  
19 **Q. What is your role on the Project?**

20  
21 **A.** I serve as AECOM’s Project Manager, on behalf of Penelec, for the siting and permitting  
22 components of the Bedford North - Central City West transmission line. My  
23 responsibilities on the Project began in July 2014 and have involved oversight of the  
24 AECOM routing efforts that identified six potential routes, including five alternative

1 routes (Routes 1, 3, 4, 5, and 6) and the Proposed Route (Route 2) and that is presented  
2 for Commission approval. I oversee the scientists, biologists, planners, cultural resource  
3 specialists, Geographic Information Systems (“GIS”) analysts, and other technical  
4 specialists that have helped define the routes considered for the proposed transmission  
5 line. I also attend numerous teleconferences that take place concerning project-related  
6 routing, permitting, and public outreach efforts.

7 For project environmental consultation, I reviewed and helped coordinate the initial  
8 agency consultation and survey efforts on behalf of Penelec. These include submission  
9 of a Pennsylvania Natural Diversity Inventory (“PNDI”) large project review to the U.S.  
10 Fish and Wildlife Service (“USFWS”), Pennsylvania Department of Conservation and  
11 Natural Resources (“DCNR”), Pennsylvania Game Commission (“PGC”), and  
12 Pennsylvania Fish and Boat Commission (“PFBC”); and wetland delineation activities  
13 along the Proposed Route right-of-way.

14  
15 **Q. What is the purpose of your testimony?**

16  
17 **A.** Specifically I am addressing questions related to Agricultural Security Areas asked by the  
18 landowners: Kelley, Jeffrey and Kathy. I am also addressing questions related to the  
19 view from the Hawk Watch on the Allegheny Front. In addition I am responding  
20 questions from John and Lorrain Anderson and Keith Lohr about concerns for impacts to  
21 their water wells.

22  
23 **Q. Have you sponsored direct testimony in this proceeding?**

1  
2 A: Yes, in addition to this rebuttal testimony I have also sponsored my direct testimony,  
3 Penelec's Statement No. 3 concerning line route study and environmental assessment,  
4 and exhibits identified in Statement No. 3.

1 **Q. Are you sponsoring any exhibits in your rebuttal testimony?**

2  
3 A. Yes. Attached to my rebuttal testimony are Exhibits “Exhibit BAB-R-1 - Township Ag  
4 Security Areas” displaying Agricultural Security Areas and Exhibits “Exhibit BAB-R-2  
5 through Exhibit BAB-R-11” showing the viewscape from the Allegheny Mountain Hawk  
6 Watch.

7  
8 **Q. What is the purpose of the Ag Security Law as stated in the Law?**

9 A. It states: “It is the purpose of this act to provide a means by which agricultural land may  
10 be protected and enhanced as a viable segment of the Commonwealth’s economy and as  
11 an economic and environmental resource of major importance.” 3. P.S. §902.  
12 Enrollment of farms into an ASA program is a voluntary tool offered by the Pennsylvania  
13 Department of Agriculture (PDA) for strengthening and protecting quality farmland from  
14 the urbanization of rural areas. The ASA program is governed by the Agricultural Area  
15 Security Law (3 P.S. §§901-915) and coordinated at the local level by the county and the  
16 municipalities where the ASAs are located. To be enrolled in the program requires a  
17 minimum of 250 acres from among all the participating farmers in a specific area,  
18 “Provided, That each tax parcel or account is at least ten acres or has an anticipated  
19 yearly gross income of at least \$ 2,000 from the agricultural production of crops,  
20 livestock and livestock products on such parcel or account.” 3 P. S. §905(a). Agricultural  
21 production of crops, livestock, and livestock products includes field crops, orchards,  
22 vegetables, nursery stocks, livestock, and timber products.

1 Benefits of enrollment into the ASA include development of local ordinances affecting  
2 farming activities and dismissal of nuisance complaints. Specific local ordinances may  
3 address the need of farming operations in these areas to drive farm equipment on public  
4 roads, work at early hours, and use various forms of fertilizer on the crop fields. Some of  
5 these activities generate potential nuisance complaints due to the noises and smells  
6 generated. In ASAs, these activities and their associated social effects are permitted as  
7 they are considered required components of the farming operations.

8 **Q. What was the effect of agricultural security areas on Penelec's Transmission Line**  
9 **Route Selection Study?**

10 A. A key part of the transmission line siting process is identifying easements that may have  
11 been executed to preserve environmental or cultural places including for example, land  
12 trusts, public open space, state lands, and agricultural security areas. All of these  
13 easements may be relevant components in the opportunity and constraints analysis used  
14 to develop potential route options. The Transmission Line Route Selection Study  
15 conducted for this project identified and assessed several types of conserved lands  
16 including agricultural security areas. A summary of the process and requirements of  
17 instituting an agricultural security area is provided in Section 4.2.3 of the Transmission  
18 Line Route Selection Study and a map showing the location of these areas within the  
19 project area is included as Figure 4-5 in the same report.

20 When reviewing the potential level of weight given to any opportunity or constraint a key  
21 consideration is the associated impact that construction and long-term operation of the  
22 new transmission line may have on the underlying land use. For example, constructing a

1 new transmission line across a wetland can impact the underlying function of the land in  
2 terms of fill from installation of structure foundations and access roads. In agricultural  
3 areas however, development of a transmission line is generally congruent with the  
4 continued use of farming. There may be a limited short-term impact during construction,  
5 but the long-term impact around any structure location will be minimal in terms of  
6 negatively affecting the land for agricultural use. Typically in agricultural areas, utility  
7 companies will work with the landowner in identifying preferred structure locations to  
8 aid in minimizing potential conflicts with their daily practices. In fact along the eastern  
9 portion of the project, within the existing ROW, some of these properties are in  
10 Agricultural Security Areas and farming continues under the ROW.

11 With the above noted, as part of the route development process minimization of crossing  
12 agricultural security areas was considered. The attached figure "Exhibit BAB-R-1 -  
13 Township Ag Security Areas" shows all the agricultural security areas identified within  
14 the project study area at the time of the route development. These areas are widely  
15 dispersed in western and eastern sections of the study area, but more densely  
16 concentrated in the central section. The alignment of the selected route requiring new  
17 right-of-way avoided all but two parcels enrolled in the agricultural security area program  
18 (see Exhibit BAB-R-1 - Township Ag Security Areas). From west to east, the first  
19 property crossed is the Lambert parcel which was not avoidable due to routing constraints  
20 identified along Lambert Mountain Road and the need to minimize impacts to State  
21 Game Lands to the west. The second property crossed is the Anderson parcel that has  
22 routing constraints in the form of single resident homes and farm houses on either side



1 that channeled the route across their open fields. In spite of these constrained conditions,  
2 only a very small portion of these properties will actually be crossed by the transmission  
3 line right-of way and the current farming practices conducted on these lands can continue  
4 in the same manner as exists today. Since the original study was completed a third  
5 property, owned by the Kelleys, has become an Agricultural Security Area. However, as  
6 with the other ASA properties most farming practices should be compatible with the  
7 ROW development.

8  
9 **Q. Does Ag Security Law prevent eminent domain by public utility?**

10 A. As noted by the Agricultural Area Security Law, condemnation through eminent domain  
11 can occur under specific conditions:

12 *“Review by the Agricultural Lands Condemnation Approval Board and the other*  
13 *indicated bodies shall be in accordance with the criteria and procedures established in*  
14 *this section. The condemnation approvals specified by this subsection shall not be*  
15 *required for an underground public utility facility or for any facility of an electric*  
16 *cooperative corporation or for any public utility facility the necessity for and the*  
17 *propriety and environmental effects of which has been reviewed and ratified or approved*  
18 *by the Pennsylvania Public Utility Commission or the Federal Energy Regulatory*  
19 *Commission, regardless of whether the right to establish and maintain such underground*  
20 *or other public utility facility is obtained by condemnation, or by agreement with the*  
21 *owner.”*

22 **Q. What is effect of the line on Allegheny Front Hawk Watch?**

1 The Allegheny Front Hawk Watch was observed during the siting study and its location  
2 was considered as part of the routing process. The location of the Allegheny Front  
3 running north-south through the study area means that the transmission line ROW has to  
4 cross the Allegheny Front at some point. As such, and to reduce the potential visual  
5 impact from the Hawk Watch, the ROW was located further to the south. A series of  
6 visual simulations have been created that demonstrate that the potential visual impact  
7 from the Hawk Watch would be limited, with the ROW generally blending in with the  
8 surrounding landscape. The images were captured during leaf-off conditions from the  
9 northern most section of the Hawk Watch that has the most visual expanse of the  
10 proposed ROW. Exhibits Exhibit BAB-R-2 through Exhibit BAB-R-11 shows the  
11 following:

12 “Exhibit BAB-R-2 Photo locations on hawk watch”: This exhibit shows the  
13 location and direction of view for the three photo simulations.

14 Exhibits BAB-R-3 through Exhibit BAB-R-5 show the before and after images,  
15 along with the field of view, for the photo 1643 generally looking east from the  
16 Hawk Watch.

17 Exhibits BAB-R-6 through Exhibit BAB-R-8 show the before and after images,  
18 along with the field of view, for the photo 1709 generally looking southeast from  
19 the Hawk Watch.

20 Exhibit BAB-R-9 through Exhibit BAB-R-11 for the photo 1726 simulation has  
21 also been included looking directly south to the alignment. This simulation shows

1 the diagram overlay of where the alignment would be placed, but no towers would  
2 actually be visible from this location and view point.

3  
4 **Q. Would the proposed project damage the artesian well on John and Lorrain**  
5 **Anderson's or Keith Lohr's property?**

6  
7 The siting and design engineering for any transmission line project must find an optimum  
8 balance between several factors that are critical to a successful project, including  
9 limiting impacts to intermittent and permanent waterbodies and other  
10 environmental resources. Prior to and during construction, FirstEnergy will  
11 design the project to minimize earth disturbance and impacts to infrastructure  
12 associated with the project construction to the extent practicable. However, in  
13 addition to limiting disturbance to minimize potential impacts, avoidance  
14 measures are also discussed in Testimony supplied by Brinton T. McIntosh in  
15 Statement No. 4-R. Furthermore, as part of the required permitting process,  
16 FirstEnergy will prepare Erosion and Sedimentation Control ("E&SC") plans in  
17 accordance with the Pennsylvania Department of Environmental Protection  
18 ("PADEP") regulations found at Title 25, Chapter 102 of the PA Administrative  
19 Code and consistent with the standards and guidance presented in the PADEP  
20 'Erosion and Sediment Pollution Control Program Manual' issued in March 2012.  
21 The E&SC plans will present E&SC Best Management Practice ("BMP")  
22 measures that will limit the potential for erosion and sediment migration for the  
23 specific work activities Water treated by the BMPs will then be further filtered

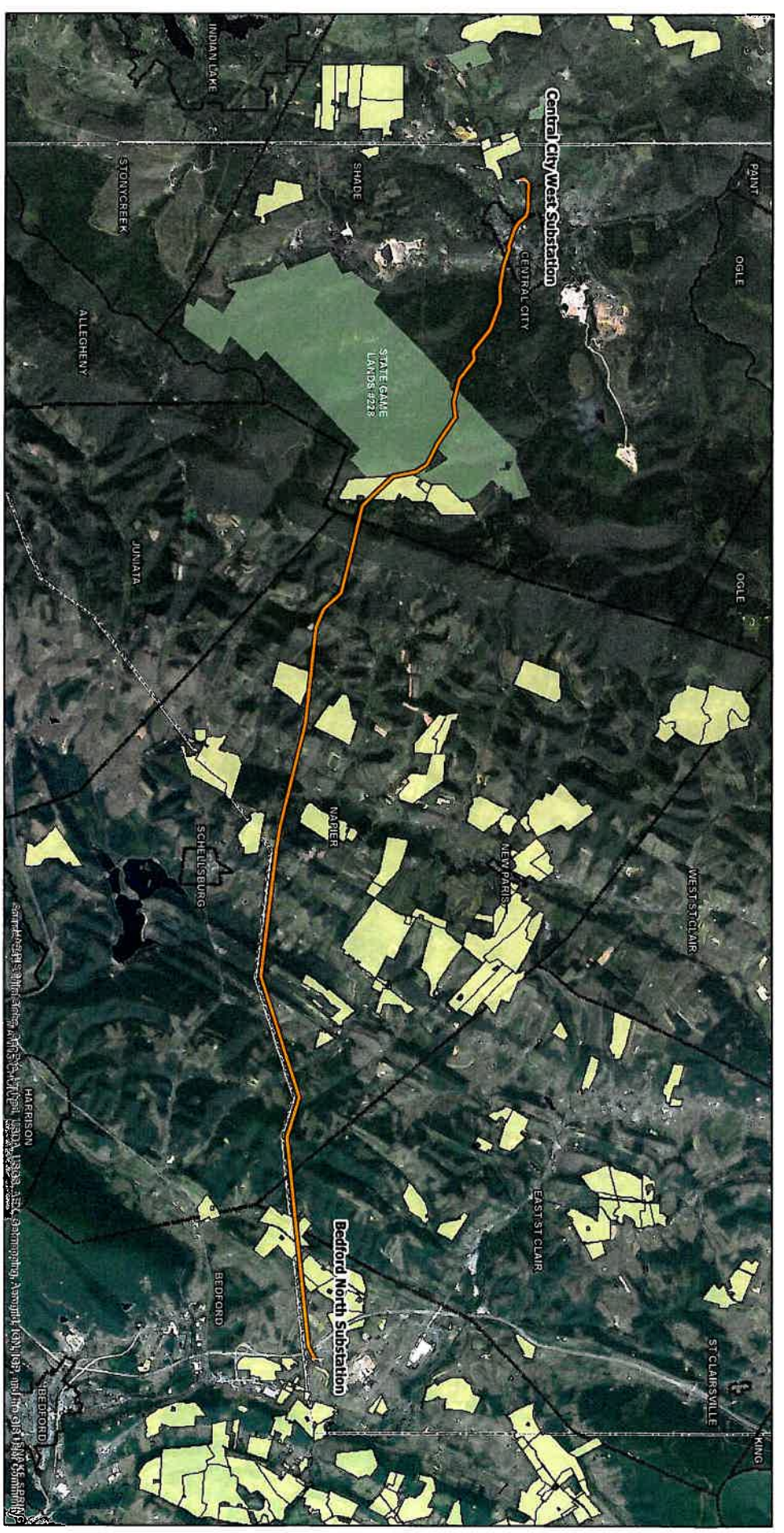
1           during infiltration into the ground further away or upgradient of the well.  
2           Similarly, stormwater that infiltrates within the disturbed area of the site will also  
3           be filtered through the underlying soils. In summary, the act of treating  
4           stormwater runoff with E&SC BMPs along with the filtering provide by  
5           infiltration will mitigate the potential for sediment to impact the artesian well.

6

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

8

9   **A.**   Yes it does. However, I would like to reserve the right to supplement my testimony if  
10 anything changes with respect to the status of the application.

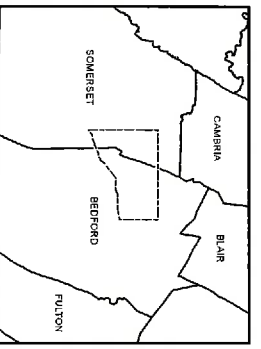


**Legend**

- Substations
- Project Study Area
- Proposed BN-CW 115 KV Transmission Line
- Agricultural Security Areas
- Township Boundary

**Notes**  
Agricultural security areas were provided by the various townships and represent the listings as of April 2015.

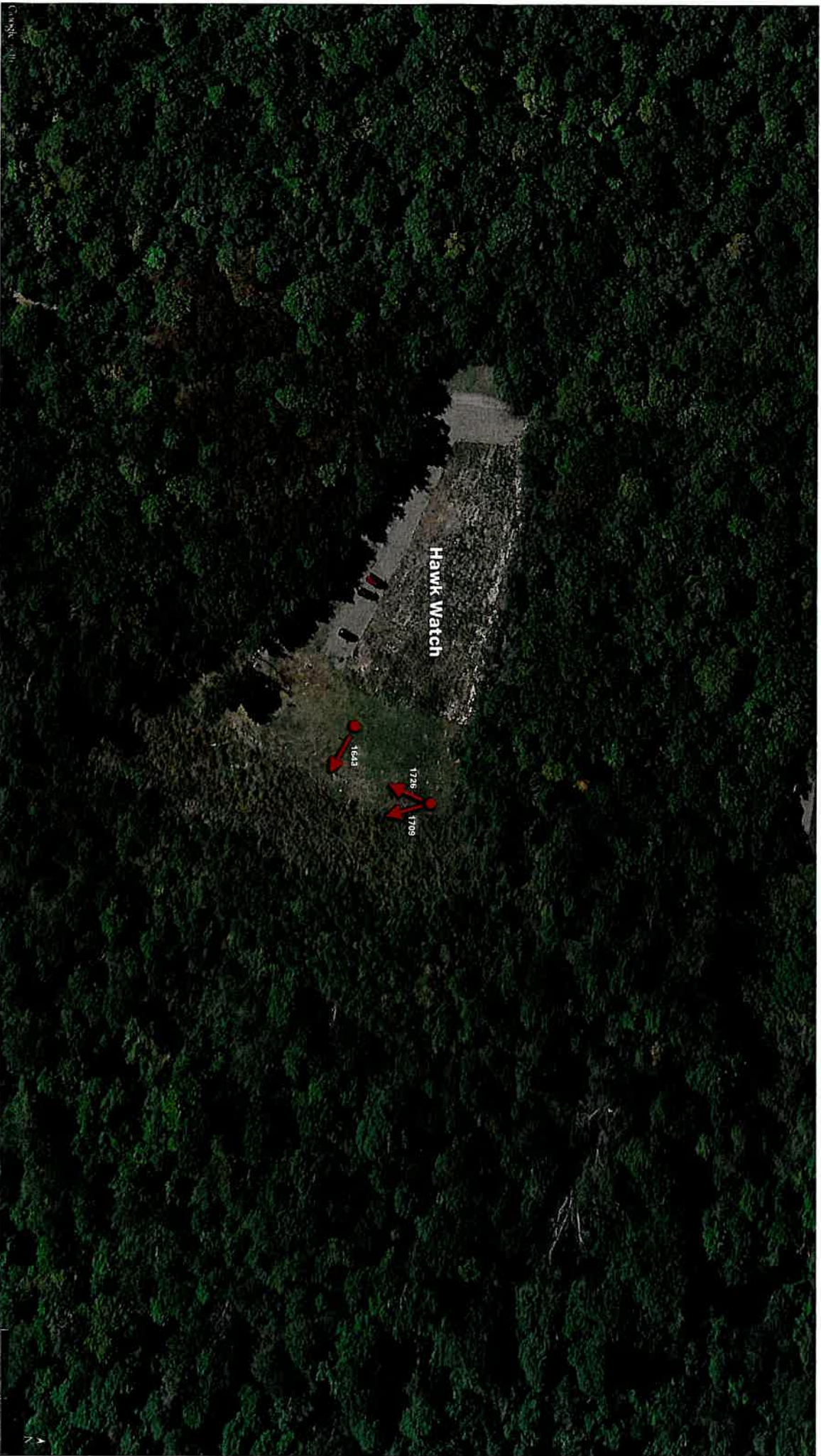
NO. 1603 State Park  
Permitting Study (PSS) 3/02  
Covered Under US FWS  
Permitting  
State Game Lands (PSS 2015)  
Bedford North-Central City West  
116KV Transmission Line Project  
for State, Federal, State Park, and Bedford Townships  
West Virginia Department of Natural Resources (DNR)

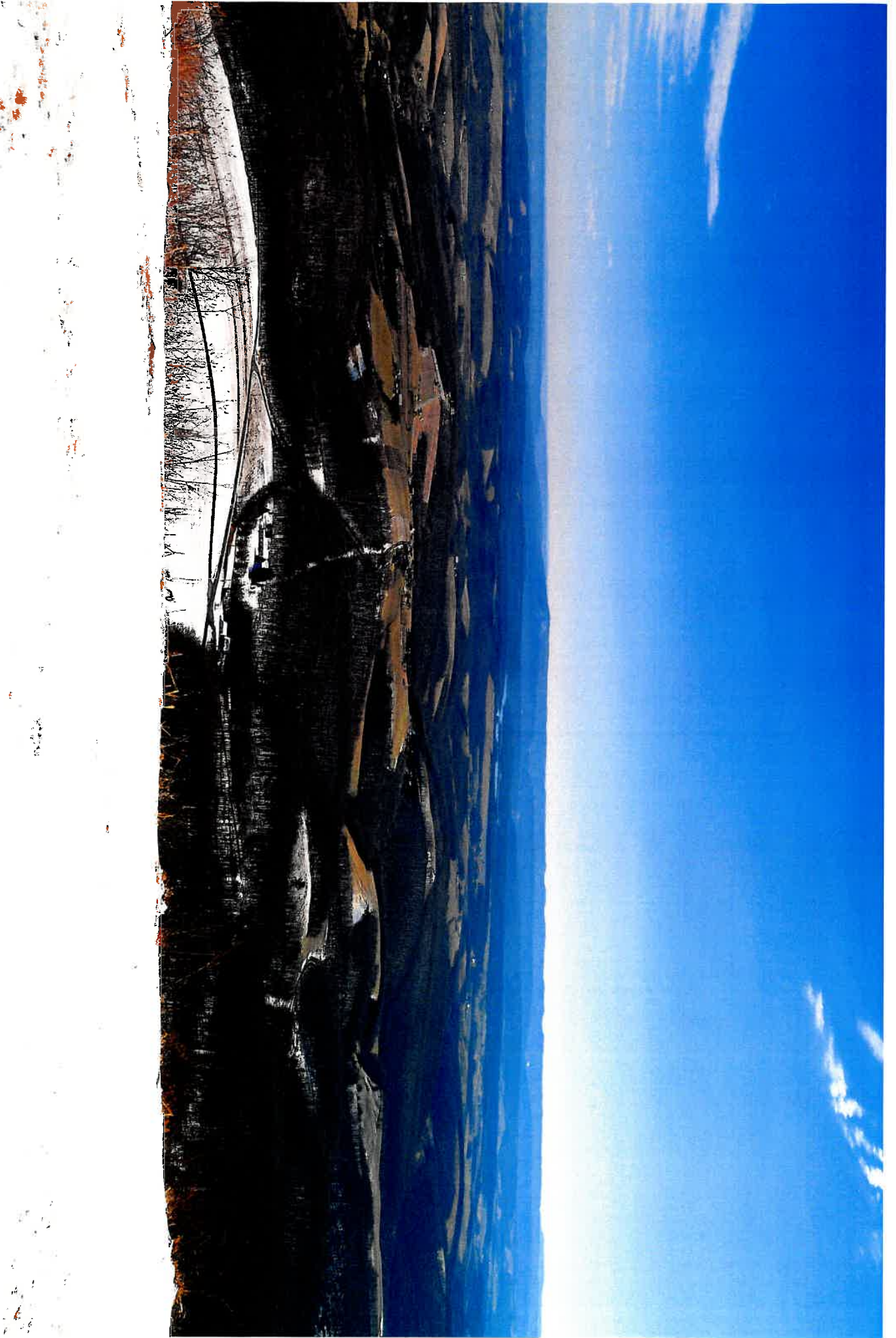


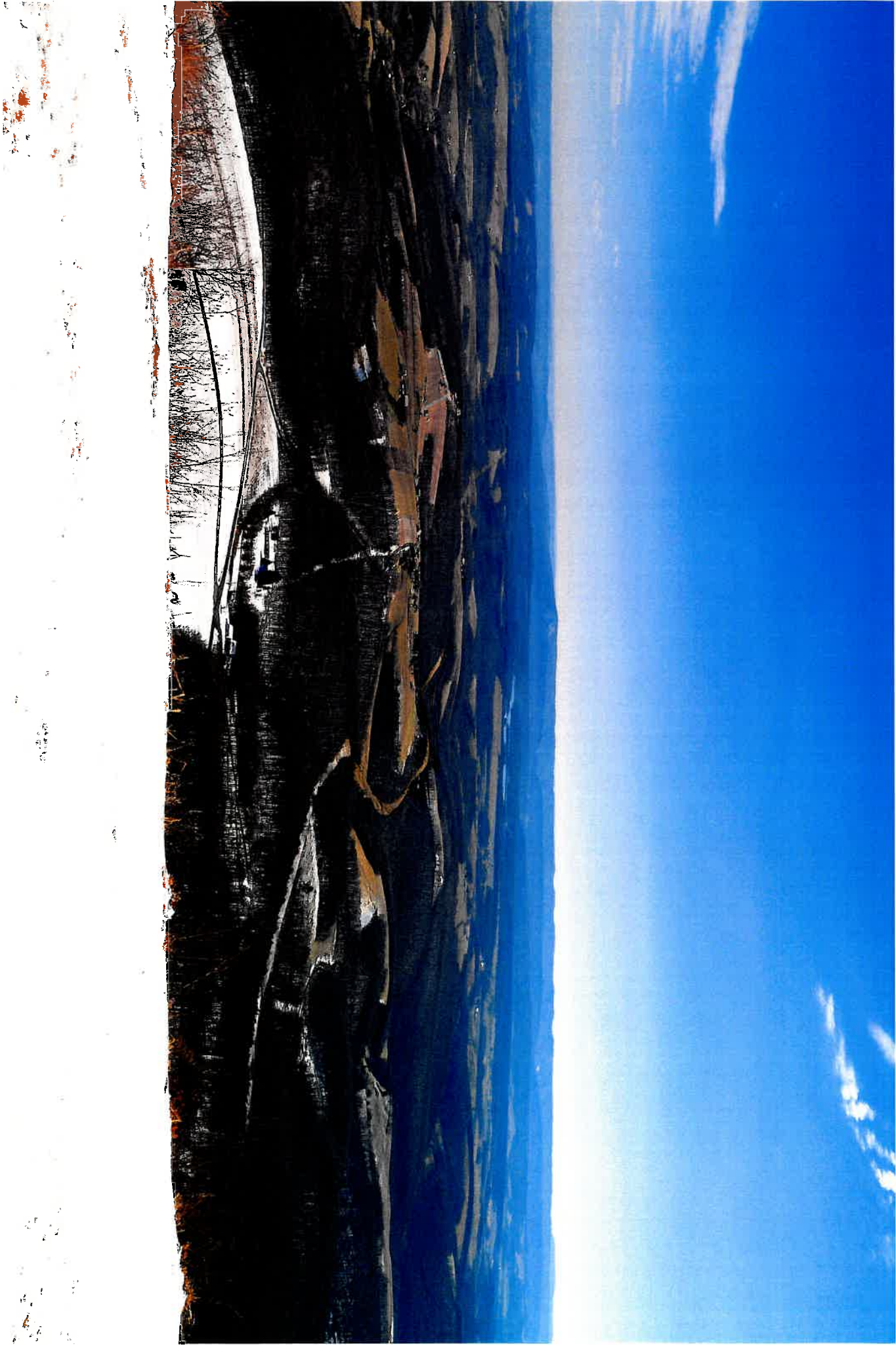
**AECOM**

**Agricultural Security Areas**  
**Bedford North-Central City West**  
**116KV Transmission Line Project**  
Somerset and Bedford Counties,  
Pennsylvania

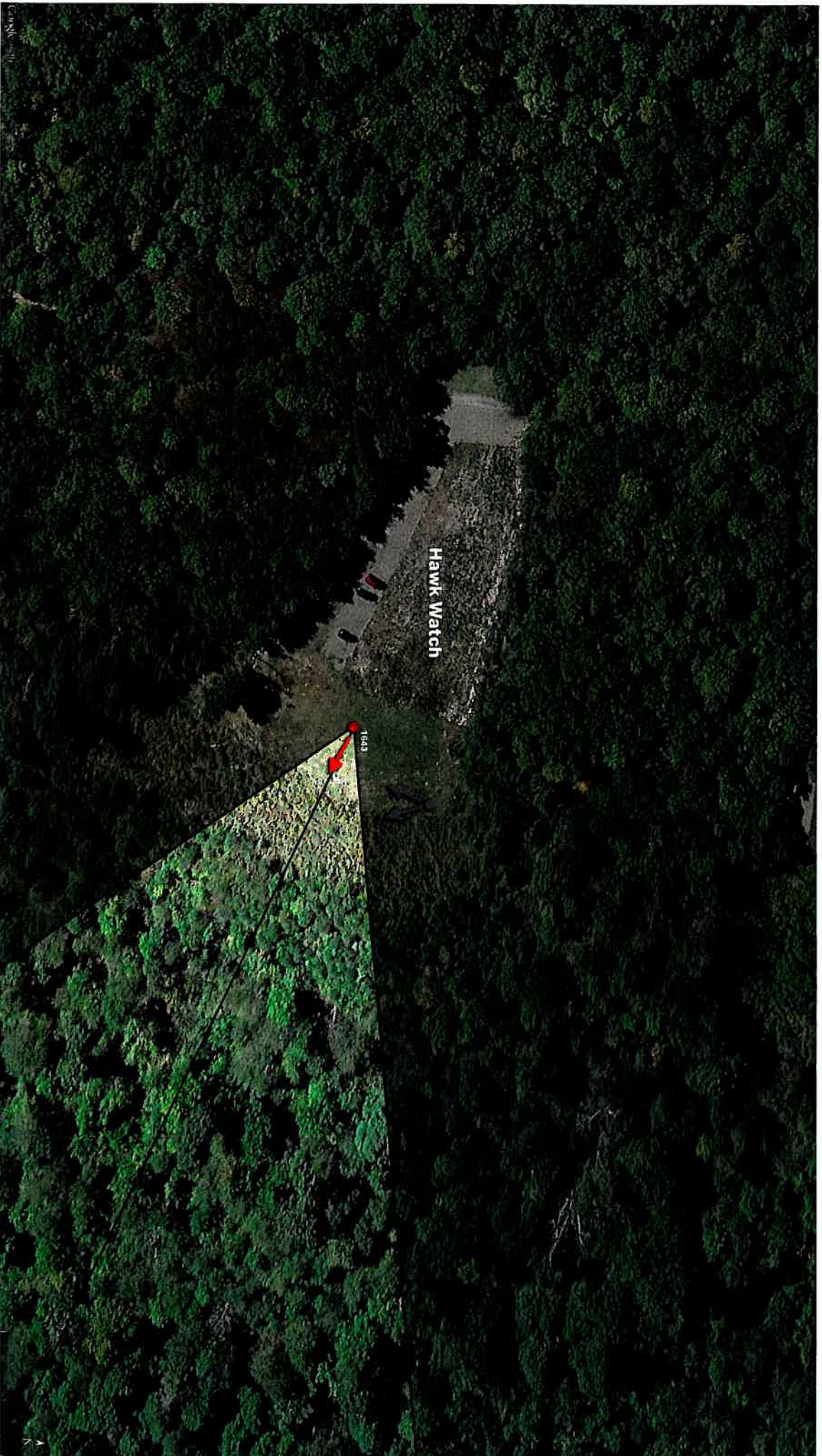
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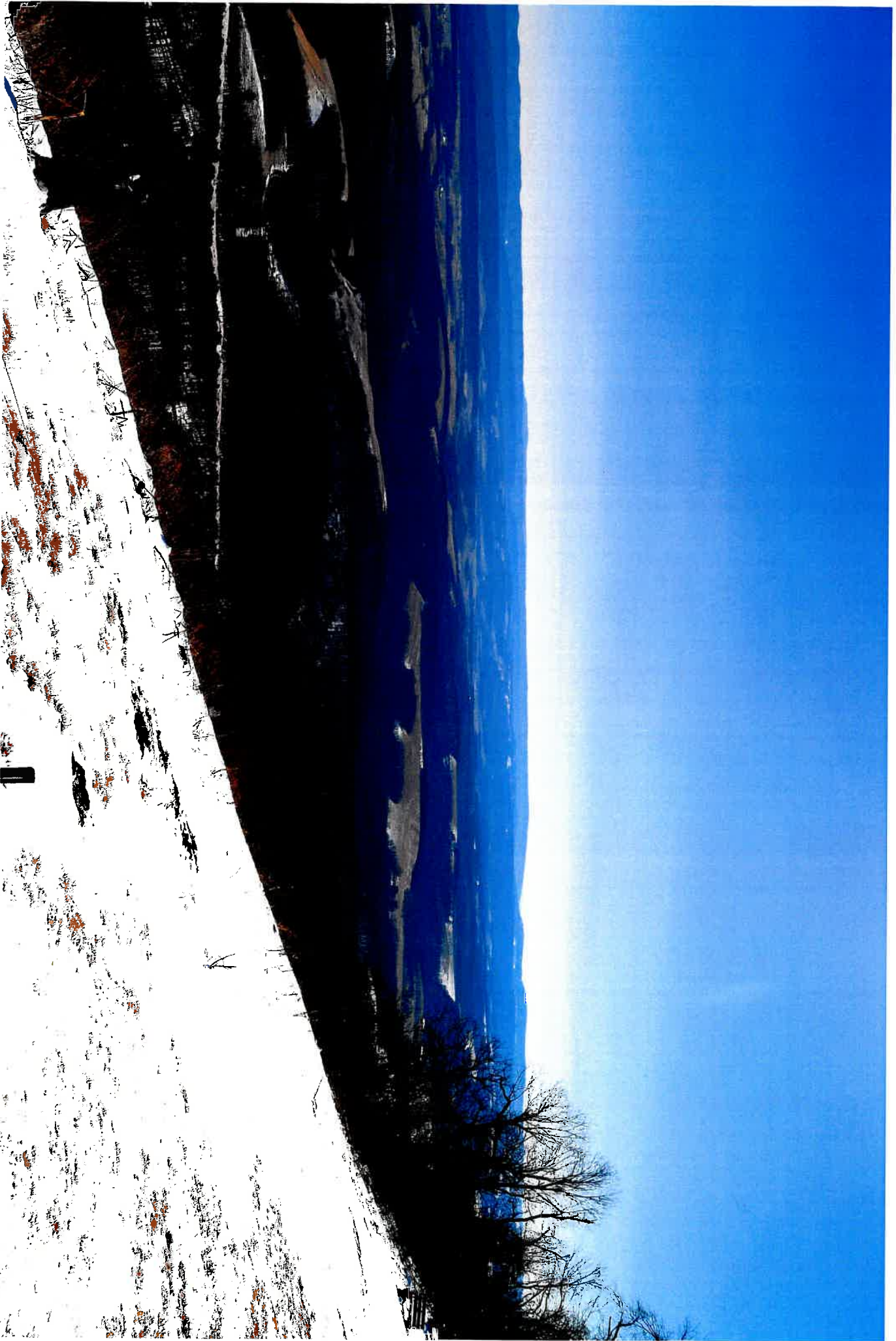


Exhibit No.  
BAB-R-7-BN CC 1709  
(After)



