

STATE OF VERMONT
PUBLIC UTILITY COMMISSION

Docket 7250

Amended Petition of Deerfield Wind, LLC, for a certificate of public good authorizing it to construct and operate a 15-turbine, 30 MW wind generation facility, and associated transmission and interconnection facilities, on approximately 80 acres in the Green Mountain National Forest, located in Searsburg and Readsboro, Vermont, with 7 turbines to be placed on the east side of Route 8 on the same ridgeline as the existing GMP Searsburg wind facility (Eastern Project Area), and 8 turbines along the ridgeline to the west of Route 8 in the northwesterly orientation (Western Project Area)	
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Order entered: 11/02/2022

ORDER REQUESTING COMPLIANCE STATUS UPDATE

This case pertains to the amended certificate of public good (“Amended CPG”) issued by the Vermont Public Utility Commission (“Commission”) to Deerfield Wind, LLC (“Deerfield”) for construction and operation of a 30 MW wind electric generation facility located in Searsburg and Readsboro, Vermont (the “Project”). This Order requests an update on three outstanding compliance matters in this case.

Condition 11 of the Amended CPG requires Deerfield to file a proposal to mitigate the Project’s impact on bears. Condition 12 of the Amended CPG requires Deerfield to conduct a multi-year study on the impact of the Project on bears.

In an August 4, 2016, Order, the Commission determined that the Mitigation Stipulation, which is an agreement among Deerfield, the Vermont Agency of Natural Resources (“ANR”), and the Vermont Natural Resources Council (“VNRC”) that increased the amount of funding for the bear study and allowed for three years, instead of four, of post-construction monitoring of bear use of the Project area, meets the objectives of Condition 11 of the Amended CPG.

Paragraph 3(c) of the Mitigation Stipulation states, “ANR (through [the Fish and Wildlife Department]) shall file a copy of the final Bear Study report with the [Commission] within thirty

days after its completion.” The Fish and Wildlife Department maintains a website entitled “Deerfield Wind Black Bear Study,” which states that the study concluded in 2020 and the data would be analyzed through 2021.¹ At this time, the Commission has not received a copy of the bear study results.

Condition 16 of the Amended CPG requires that the CPG Holder review bird and bat mortality data. The CPG Holder must develop an adaptive management plan if the data indicates an undue adverse impact. The Commission has final review and approval authority regarding implementation of any adaptive management plan. The CPG Holder is requested to file an update with the Commission regarding this condition.² If the data is complete and has been reviewed, the CPG Holder shall file the determination about whether an adaptive management plan is not needed for the Project. If an adaptive management plan is needed, the CPG Holder shall file an update on where it is in the process of developing such a plan, the basis for why the plan is needed, and any further information regarding compliance with Condition 16.

I request that Deerfield provide an update on the progress of the above items no later than November 18, 2022.

SO ORDERED.

¹ <https://vtfishandwildlife.com/conservation/deerfield-wind-bear-study>.

² Based on the Deerfield Wind Project Post-Construction Monitoring Plan: Birds and Bats (rev. 11/2/17), the data for the review required by Condition 16 may not be complete.

Dated at Montpelier, Vermont, this 2nd day of November, 2022.

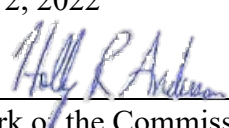


Steph Hoffman
Hearing Officer

OFFICE OF THE CLERK

Filed: November 2, 2022

Attest: _____


Clerk of the Commission

Notice to Readers: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Commission (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: puc.clerk@vermont.gov)

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