
**STATE OF VERMONT
PUBLIC UTILITY COMMISSION**

Amended Petition of Deerfield Wind, LLC for a)
certificate of public good authorizing it to construct)
and operate 17 turbine, 34 to 35.7 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 10 turbines)
along the ridgeline to the west of Route 8 in the)
northwesterly orientation (Western Project Area))

Docket No. 7250

Compliance Filing and Status Update

The Vermont Agency of Natural Resources (“ANR”) respectfully submits this compliance status update for consideration by the Public Utility Commission (“Commission”) in Docket No. 7250.

Condition 11 – Black Bear Habitat Mitigation.

Condition 11 of Deerfield’s Certificate of Public Good (“CPG”) to construct and operate a 30 MW wind electric generation facility along two ridgelines in the Towns of Searsburg and Readsboro, Vermont (the “Project”) (issued on April 14, 2009, amended on July 17, 2009) requires Deerfield to file a black bear habitat mitigation proposal for approval by the Board. On August 4, 2016, the Commission approved the Stipulation between the Deerfield Wind, LLC (“Deerfield”), the Vermont Agency of Natural Resources (“ANR”), and the Vermont Natural Resources Council, Inc. (“VNRC”) which provided that ANR would acquire at least 144 acres of black bear habitat consistent with the remote high elevation habitat impacted by the Project.

To date, with the support and input of VNRC, ANR has conserved two properties with excellent black bear habitat resources and is currently in the process of securing a third property with the funds provided to ANR by Deerfield. The details related to the black bear habitat mitigation are as follows.

1. On July 18, 2019, ANR acquired a conservation easement on a 648-acre parcel in Jamaica and Stratton, Vermont. Attachment A1 and A2 – recorded Conservation Easements. The parcel contains a black bear habitat corridor, is adjacent to conserved lands with documented high-quality black bear habitat and bear road crossings. Attachment B. There are 57 acres of remote, high-elevation, concentrated bear-scarred beech habitat, and approximately 43 acres of less concentrated beech mast habitat. The parcel also contains approximately 55 acres of Class 2 wetlands (including ecologically significant boggy beaver wetlands), rare and uncommon plants, and headwater streams. Attachment C. The conservation easement

requires the landowner, Meadowsend Timberland Limited Partnership to manage the black bear mast habitat, wetlands and streams to protect the natural resource benefits of these resources and the black bear habitat.

2. On December 20, 2019, ANR acquired a conservation easement on a 158-acre parcel in Grafton and Athens, Vermont. Attachment D – recorded Conservation Easement. The parcel contains approximately 99 acres of mast trees that provide important black bear feeding habitat. The mast area includes black cherry, oak, service berry and 44 acres of concentrated bear scarred beech. Attachments E1 and E2. The parcel is adjacent to the Turner Hill Wildlife Management Area. The conservation easement requires the landowner Windmill Hill Pinnacle Association, to manage the property in a manner that protects the black bear habitat.
3. With the some of the remaining habitat mitigation funds, ANR is currently negotiating with a landowner to purchase a 448-acre parcel located in the towns of Mt Holly and Weston. The parcel abuts the Okemo Mountain State Forest, is a critical black bear corridor, and there are numerous signs of bear activity and bear scarred beech. While the parcel has been heavily logged, the location of the parcel on the landscape and the potential for high quality mast production make the parcel an excellent addition to the mitigation package in this matter. This purchase is expected to close before the end of this year.

Condition 12 – Black Bear Study.

Condition 12 of Deerfield’s Certificate of Public Good (“CPG”) to construct and operate a 30 MW wind electric generation facility along two ridgelines in the Towns of Searsburg and Readsboro, Vermont (the “Project”) (issued on April 14, 2009, amended on July 17, 2009) requires Deerfield to conduct a multiyear study of the impact of the project on black bear. On August 4, 2016, the Commission approved the Stipulation between the Deerfield Wind, LLC (“Deerfield”), the Vermont Agency of Natural Resources (“ANR”), and the Vermont Natural Resources Council, Inc. (“VNRC”) which provided that ANR would file a copy of the final Bear Study report with the Commission.

1. Data collection for the black bear study conducted by the Vermont Department of Fish and Wildlife was concluded in the spring of 2021.
2. VFWD wildlife scientists have been working on organizing and analyzing the enormous volume of data collected through this rigorous, long-term investigation. Due to the volume of data and complexity of analysis in addition to limited staff capacity to focus specifically on this analysis, final results and conclusions are not yet available. Given the implications of the results from this research project, VFWD is hesitant to offer any preliminary thoughts regarding what the data might suggest regarding the effects of the wind energy project on black bear behavior and habitat use. Instead, VFWD recently posted a request for proposals from qualified researchers to help with data analysis and development of a final report (see scope of work below). We anticipate having a final report available to share with the Vermont Public Utility Commission by 2024.

3. Please see the attached report for additional details and background regarding this study and plans for completion. Attachment F.

Condition 16 – Bird & Bat Mortality Monitoring:

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.

1. To date, Deerfield has conducted and reported on 2 of the required 3 years of post-construction monitoring for bird and bat fatalities at the facility. The current year was the third and final season for monitoring. Field work has been completed but that report is due in February of 2023 and has not yet been submitted to ANR for review.
2. It is ANR's understanding that compliance with Condition 16 will occur after February of 2023.

Respectfully submitted on November 18, 2022, at Montpelier, Vermont.

VERMONT AGENCY OF NATURAL RESOURCES

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**STATE OF VERMONT
PUBLIC SERVICE BOARD**

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on the east side of Route 8 on the same ridgeline	)	
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(Eastern Project Area), and 10 turbines along the	)	
ridgeline to the west of Route 8 in the	)	
northwesterly orientation (Western Project Area)	)	

CERTIFICATE OF SERVICE

I, Kelly Hughes, certify that on November 17, 2022, I served a copy of the Vermont Agency of Natural Resources' *Compliance Filing and Status Update*, in the above captioned matter, to the following interested persons, by electronic mail:

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Dated at Montpelier, Vermont this 17th day of November, 2022.



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