

**STATE OF VERMONT
PUBLIC UTILITY COMMISSION**

Petition of Chelsea Solar LLC, pursuant to)
30 V.S.A. § 248, for a certificate of public)
good authorizing the installation and)
operation of the “Chelsea Solar Project,” a)
2.0 MW solar electric generation facility)
located off Willow Road in Bennington,)
Vermont)

Docket No. 17-5024-PET

REBUTTAL TESTIMONY OF DORI BARTON
ON BEHALF OF PETITIONER

August 10, 2018

Exhibit CS-DB-5

Resume of Allan Thompson

Exhibit CS-DB-6

NLEB Survey Preliminary Results Report

1 **Q1. Please state your name, occupation, and business address.**

2 A1. My name is Dori Barton. I am a Wetland Ecologist with Arrowwood Environmental
3 (“AE”). My business address is 950 Bert White Road in Huntington, Vermont.

4
5 **Q2. What is the purpose of your testimony?**

6 A2. This supplemental testimony provides information in response to certain claims that have
7 been made by Libby Harris (“Harris”) and the Apple Hill Homeowners Association (“AHHA”)
8 (collectively, the “Neighbors”) via testimony of Harris and Lora Block (“Block”) submitted
9 recently in this docket.

10

11 **Q3. Have you evaluated the Project’s potential impacts on wildlife?**

12 A3. Yes. Topics related to wildlife are covered extensively in the testimony and exhibits that
13 I have previously filed in this docket. That testimony and the related exhibits are based on
14 extensive review of publicly available data and multiple in-person site surveys. The testimony and
15 exhibits that I have submitted focus primarily on wildlife and natural resource-related criteria that
16 are relevant to a Section 248 proceeding.

17

18 **Q4. Will the Project impact any necessary wildlife habitat?**

19 A4. No. As I have stated in my previously filed testimony and exhibits, the Project Site does
20 not contain any necessary wildlife habitat; therefore, development of the Project on the Project
21 Site will not result in any impacts to necessary wildlife habitat. The term, “necessary wildlife
22 habitat,” has a specific meaning in the regulatory context of a Section 248 proceeding; it does not

1 simply mean any area where wildlife is present. Necessary wildlife habitat refers to areas of
2 “concentrated habitat which is identifiable and is demonstrated as being decisive to the survival of
3 a species of wildlife at any period in its life including breeding and migratory periods (10 V.S.A §
4 6001(12)).” The Project Site contains no such areas.

5
6 **Q5. Will the Project impact any wildlife corridors?**

7 A5. No. As I have stated in my previously filed testimony and exhibits, the Project Site does
8 not contain any wildlife corridors; therefore, development of the Project on the Project Site will
9 not result in any impacts to wildlife corridors. Wildlife corridors are connections between habitats
10 and habitat elements used to meet the basic needs of wildlife (water, food, shelter). In the Vermont
11 Fish and Wildlife Action Plan (2005), the State speaks of corridors as routes that permit animals
12 or plants to travel or spread from one area or region to another. The Project Site sits within a
13 landscape that is already significantly fragmented (with major transportation corridors to the west
14 and south and dense residential development to the north and east), and lacking any connection to
15 locally significant habitat elements. While there are certainly wildlife present at the Project Site
16 periodically, the paths that they make traversing the Project Site do not rise to the level of
17 protection as wildlife corridors; the Project Site contains no such areas.

18
19 **Q6. How will wildlife that currently use the Project Site be affected by development of**
20 **the Project?**

21 A6. Development of the Project will result in the clearing of approximately 9.64 acres of
22 existing wooded vegetation at the Project Site. 7.1 acres of this area will be enclosed by a chain-

1 link perimeter fence. The perimeter fence will include a wildlife gap 6 inches from ground level
2 so that small wildlife may still cross the fence line; larger wildlife will no longer be able to cross
3 the fenceline. Resident wildlife will shift and adjust to the clearing and Project construction by
4 utilizing the surrounding wooded lands and nearby areas that will not be disturbed by the Project.
5 It is not my opinion that wildlife will express a preference for and thereby create a public safety
6 problem on nearby roadways versus the remaining wooded areas surrounding the Project Site.
7 Current patterns of wildlife periodically crossing roadways would be expected to continue.
8 Residential neighbors to the Project Site that currently observe wildlife in their yards will continue
9 to do so.

10
11 **Q7. What rare, threatened, or endangered (“RTE”) species are currently found on the**
12 **Project Site?**

13 A7. The presence of RTE species on the Project Site is discussed extensively in my previously
14 filed testimony and exhibits. No RTE wildlife species are present at the Project Site. A small
15 number of a single Rank S1 Rare plant species was identified at the Project Site (arrow-leaved
16 American aster). Per the mitigation plan agreed to with VT ANR, the populations of arrow-leaved
17 American aster within the Project Site area have already been transplanted to a permanent
18 conservation area. No other RTE plant species has been identified within the Project Site area.

19
20 **Q8. Does the Project Site contain habitat for Indiana Bat?**

21 A8. No. The area is not habitat for Indiana Bat. Arrowwood has confirmed this with the
22 Vermont Department of Fish and Wildlife.

Q9. Are Northern Long Eared Bat present at the Project Site?

A9. Under my supervision, a survey for Northern Long Eared Bat (a federally listed endangered species) was conducted at the Project Site from July 1 through July 11, 2018 by Allan Thompson. A copy of Allan Thompson's resume is included as *Exhibit CS-DB-5*. The survey was negative for the presence of Northern Long Eared Bat ("NLEB") at the Project Site as presented in the Preliminary Results Report, included as *Exhibit CS-DB-6*. A final formal report detailing the results of the survey will be filed with VT ANR prior to August 31, 2018, per the terms of the Petitioner's memorandum of understanding with VT ANR. NLEB were not detected at the Project Site; therefore, the Project will not result in undue adverse impacts to the NLEB (or any other endangered species), and NLEB-related mitigation measures are not needed.

Q10. Will the Project alter any streams?

A10. No. As I have stated in my previously filed testimony and exhibits, the Project Site does not contain any streams and the Project footprint is not located near any streams; therefore, development of the Project on the Project Site will not result in any alteration to streams. I do not doubt that during times of heavy rainfall or spring snow melt that water has been observed flowing across the ground at the Project Site. These observations of rainfall or snowmelt runoff do not correlate with the presence of a stream. A fisheries biologist from the Vermont Department of Fish and Wildlife has visited the site and confirmed Arrowwood's evaluation of stream resources at the Project Site.

1 **Q11. Does this conclude your testimony?**

2 A11. Yes.