

**STATE OF VERMONT
PUBLIC UTILITY COMMISSION**

Investigation pursuant to 30 V.S.A. §§ 30	)	Case No. 20-1611-INV
and 209 into whether the petitioner initiated	)	
site preparation at Apple Hill in	)	
Bennington, Vermont, for electric	)	
generation in violation of 30 V.S.A. §	)	
248(a)(2)		

AFFIRMATION OF ROBERT KOBELIA

1. My name is Robert Kobelia and I am the owner of Forester Extraordinaire LLC (the "Company"), a forest management and log brokerage company based in Bennington, Vermont. My business address is 3015 West Road in Bennington, Vermont. The facts set forth herein are based on my personal knowledge and if called as a witness I could competently testify thereto.

2. The Company was hired by PLH Vineyard Sky LLC (the "Owner") to perform land clearing work on the land located at 1033 Willow Road, Bennington, VT and the adjacent 5-plus acre parcel located off Apple Hill Road (the "Site"). Prior to conducting any site clearing activities, I walked the site with the Owner's engineer, Krebs and Lansing, who marked off and flagged the two conservation areas at the Site which are known to contain Rare, Threatened or Endangered (RTE) plant species (the "Conservation Areas"). These areas have not been and will not be impacted during the site clearing activities that the Company is conducting on behalf of the Owner. I've included as **Exhibit A** hereto photo documentation to prove that these areas have not been impacted. The pictures were taken on June 24, 2020.

3. I met with Officer Patrick Lowkes from the Vermont Agency of Natural Resources ("ANR") on June 16, 2020 when Officer Lowke conducted an inspection of the Site. He explained that he was ordered to drive three hours and that he did not have a map of the Site or of the Conservation Areas. I showed him the map I had in my possession, prepared by Krebs and

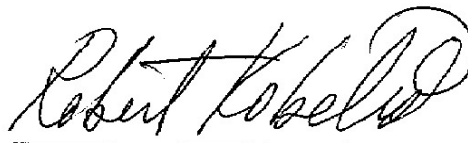
Lansing, and showed him on the map where the Conservation Areas were located and fenced off. I also told Officer Lowkes that Krebs and Lansing had surveyed the boundaries for the clearing area as well as the Conservation Areas and that they had been flagged with orange and blue ribbon.

4. The statement in ANR's comments that "The officer raised the issue of the existence of the rare plants at the site but was not given any indication that measures were being taken to avoid impacting the plants" is simply untrue. I showed Officer Lowke's where the Conservation Areas were located on a map, which he should have been able to clearly see were not impacted by the clearing activities. Officer Lowke's visit to the Site took place over a period of no more than 5 minutes, during which he did not ask any additional questions, ask to be shown the Conservation Areas or raise any concerns.

5. It should also be noted that in addition to the bright orange fence installed by Krebs and Lansing to identify the Conservation Areas, there is also a silt fence installed along the edges of these Conservation Areas to provide a layer of protection against any discharge of sediment to these areas. The silt fence and the 4 inch orange barrier ribbon also prevents any machinery from going into these areas. In addition to the specific instruction from the Owner to avoid the any damage to the Conservation Areas, I am also following the State of Vermont Department of Forests, Parks and Recreation's Acceptable Management Practices.

I declare under penalty of perjury that the foregoing is true and correct.

Executed: June 25, 2020
Bennington, Vermont



Robert Kobelia

Photo #1

Looking South to Willow Road (orange fence is to discourage trespassing)



Photo #2

Looking north from entrance of Willow Road along the westerly boundary of RTE #2



Photo #3

Looking north along the westerly boundary of RTE #2. A small buffer was left between the RTE and the silt fence.



Photo #4

View of southwest corner of RTE #2



Photo #5
North line of RTE #2



Photo #6
North Line of RTE #2



Photo #7
Looking South into RTE #2



Photo #8
Standing in northeast corner RTE #2 looking north



Photo #9
Looking north into RTE #3

