

**STATE OF VERMONT
PUBLIC UTILITY COMMISSION**

Petition of Norwich Turnpike Solar, LLC for a) certificate of public good pursuant to 30 V.S.A.) §§ 248 and 8010, authorizing the installation) and operation of a 150 kW group net-metering) solar system in Norwich, Vermont)	Case No. 20-1655-NMP
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**MEMORANDUM OF UNDERSTANDING BETWEEN THE VERMONT DIVISION OF
HISTORIC PRESERVATION AND NORWICH TURNPIKE SOLAR, LLC**

This Memorandum of Understanding (“MOU”) dated as of August 5, 2020, sets forth the agreement of the Vermont Division of Historic Preservation (“VDHP”) and Norwich Turnpike Solar, LLC (“NTS” or “Petitioner”) regarding the above-captioned proceeding. VDHP and Petitioner are also referred to collectively herein as the “Parties” and individually as a “Party.” Petitioner shall conduct archaeological investigation(s) and prepare related reports to identify, evaluate, and mitigate, if necessary, impacts to archaeological sites within the Project area. Petitioner’s archaeological consultant shall submit any scope of work to VDHP for review and approval before commencing the work.

PRELIMINARY STATEMENT

On June 26, 2020, NTS filed a petition and supporting testimony and exhibits with the Vermont Public Utilities Commission (the “Commission”) requesting a certificate of public good (“CPG”) under 30 V.S.A. §§ 8010 and 248 authorizing the installation and operation of a 150 kW solar electric generation facility at 645 Turnpike Road in Norwich, Vermont (the “Project”). The array will be situated on approximately 0.7 acres of a larger property. Access to the project will be via an existing farm road off Turnpike Road that will be upgraded. Much of the project area is steeply sloped. However, the staging area and portions of the array are situated on a high terrace overlooking a pond and wetland area.

On June 11, 2020, VDHP conducted a site visit to the Project area, which consists of glacial landforms situated along Bloody Brook, a tributary of the Connecticut River. Application of VDHP Environmental Predictive Model for Locating Pre-contact Archaeological Sites (attached) results in a numeric score of 104 points, well above 32 points, the minimum threshold

for archaeological sensitivity. The site visit confirmed the Project's overall archaeological sensitivity for Native American sites, particularly within level areas of the proposed installation and staging area. VDHP understands that the Petitioner will complete all necessary archaeological investigations in the archaeologically sensitive areas prior to construction.

VDHP has also considered the Project's effect on above-ground historic structures, districts, and landscapes. To the north of the project location is a circa 1850 house and attached barn at 645 Turnpike Road, Norwich, VT. This site has not been previously evaluated for the State Register of Historic Places. However, the indirect effects of the proposed project will be limited due to distance, topography, and existing vegetation and will not be adverse.

STIPULATIONS

1. Petitioner shall conduct archaeological investigation(s) and prepare related reports to identify, evaluate, and mitigate, if necessary, impacts to archaeological sites within the Project area. Petitioner's archaeological consultant shall submit any scope of work to VDHP for review and approval before commencing the work.
2. Prior to the completion of all relevant archaeological investigations, the Petitioner, in consultation with VDHP, shall identify the Project area as a not-to-be-disturbed archaeological buffer zone. Topsoil removal, grading, scraping, cutting, filling, stockpiling, logging or any other type of ground disturbance shall be prohibited within the archaeological buffer zone until all necessary archaeological work is completed.
3. All relevant archaeological studies to identify, evaluate, or mitigate impacts to archaeological sites shall be carried out by a qualified consulting archaeologist. All such studies and associated reports shall follow VDHP *Guidelines for Conducting Archaeological Studies in Vermont* (2017). A digital copy of the final report shall be submitted to VDHP. Any archaeological reports submitted to the Public Utility Commission shall have specific archaeological site locational information redacted in accordance with 22 V.S.A. § 761(b) and 1 V.S.A. § 317(c) (20).
4. The archaeological investigations shall be scheduled so that mitigation measures, if any are determined to be necessary, can be satisfactorily planned and accomplished prior to

construction of the Project. Any archaeological sites within the Project area shall not be impacted until mitigation measures have been completed. Proposed mitigation measures must be approved by VDHP prior to implementation. Mitigation may include but is not limited to further site evaluation, data recovery, redesign of one or more proposed Project components, or modification of the buffer zone boundaries or the specific conditions that refer to the same.

5. Through these processes, the site areas will be preserved, and the Project will not result in an adverse effect on archaeological resources.
6. This MOU is governed by Vermont law and any disputes under this MOU shall be decided by the Commission.
7. The Parties agree that this MOU shall not be construed by any party or tribunal as a waiver as to jurisdiction or otherwise having precedential impact on any future proceeding involving either Party, except as necessary to implement this MOU or to enforce an order of the Commission resulting from this MOU.
8. The Parties have made specific compromises to reach this Memorandum of Understanding. In the event that the Commission fails to approve this MOU in its entirety or acts to overrule or disapprove any portion hereof, each such Party agrees that the agreement set forth herein may terminate, if such Party determines in its sole discretion, and each shall have the same rights as each would have had absent this MOU.

Dated at Richmond, Vermont this 5th day of August, 2020.

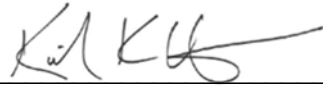
VERMONT DIVISION FOR HISTORIC PRESERVATION

By:


Maxwell I. Krieger, Esq.

Dated at Burlington, Vermont this 5th day of August 2020.

PAUL FRANK + COLLINS P.C.
Attorneys for Norwich Turnpike Solar, LLC

By: _____

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VERMONT DIVISION FOR HISTORIC PRESERVATION
Environmental Predictive Model for Locating Pre-contact Archaeological Sites

Project Name
DHP No.

County
Map No.

Staff Init.

Town
Date

Additional Information

Environmental Variable	Proximity	Value	Assigned Score
A. RIVERS and STREAMS (EXISTING or RELICT):			
1) Distance to River or Permanent Stream (measured from top of bank)	0- 90 m	12	
	90- 180 m	6	
2) Distance to Intermittent Stream	0- 90 m	8	
	90-180 m	4	
3) Confluence of River/River or River/Stream	0-90 m	12	
	90 –180 m	6	
4) Confluence of Intermittent Streams	0 – 90 m	8	
	90 – 180 m	4	
5) Falls or Rapids	0 – 90 m	8	
	90 – 180 m	4	
6) Head of Draw	0 – 90 m	8	
	90 – 180 m	4	
7) Major Floodplain/Alluvial Terrace		32	
8) Knoll or swamp island		32	
9) Stable Riverine Island		32	
B. LAKES and PONDS (EXISTING or RELICT):			
10) Distance to Pond or Lake	0- 90 m	12	
	90 -180 m	6	
11) Confluence of River or Stream	0-90 m	12	
	90 –180 m	6	
12) Lake Cove/Peninsula/Head of Bay		12	
C. WETLANDS:			
13) Distance to Wetland (wetland > one acre in size)	0- 90 m	12	
	90 -180 m	6	
14) Knoll or swamp island		32	
D. VALLEY EDGE and GLACIAL LAND FORMS:			
15) High elevated landform such as Knoll Top/Ridge Crest/ Promontory		12	
16) Valley edge features such as Kame/Outwash Terrace**		12	

17) Marine/Lake Delta Complex**		12	
18) Champlain Sea or Glacial Lake Shore Line**		32	
E. OTHER ENVIRONMENTAL FACTORS:			
19) Caves /Rockshelters		32	
20) <input type="checkbox"/> Natural Travel Corridor <input type="checkbox"/> Sole or important access to another drainage <input type="checkbox"/> Drainage divide		12	
21) Existing or Relict Spring	0 – 90 m	8	
	90 – 180 m	4	
22) Potential or Apparent Prehistoric Quarry for stone procurement	0 – 180 m	32	
23)) Special Environmental or Natural Area, such as Milton aquifer, mountain top, etc. (these may be historic or prehistoric sacred or traditional site locations and prehistoric site types as well)		32	
F. OTHER HIGH SENSITIVITY FACTORS:			
24) High Likelihood of Burials		32	
25) High Recorded Site Density		32	
26) High likelihood of containing significant site based on recorded or archival data or oral tradition		32	
G. NEGATIVE FACTORS:			
27) Excessive Slope (>15%) or Steep Erosional Slope (>20)		- 32	
28) Previously disturbed land as evaluated by a qualified archeological professional or engineer based on coring, earlier as-built plans, or obvious surface evidence (such as a gravel pit)		- 32	
** refer to 1970 Surficial Geological Map of Vermont			
			Total Score:
Other Comments :			
0- 31 = Archeologically Non- Sensitive 32+ = Archeologically Sensitive			