

**STATE OF VERMONT
PUBLIC UTILITY COMMISSION**

Petition of Randolph Davis Solar LLC for a	)	
certificate of public good pursuant to 30 V.S.A.	)	
§§ 248 and 8010, authorizing installation and	)	Case No. 21-2939-NMP
operation of a 500 kW (AC) photovoltaic group	)	
net-metering system in Randolph, Vermont	)	

**SURREBUTTAL TESTIMONY OF
DORI BARTON
ON BEHALF OF PETITIONER**

September 1, 2022

Ms. Barton’s rebuttal testimony responds to portions of the rebuttal prefiled testimony of Joan Allen regarding the Randolph Davis Solar Project’s potential natural resource impacts.

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**SURREBUTTAL PREFILED TESTIMONY OF
DORI BARTON
ON BEHALF OF PETITIONER**

1. Introduction

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

A1. My name is Dori Barton. I am a Wetland Ecologist with Arrowwood Environmental (“AE”). My business address is 950 Bert White Road in Huntington, Vermont. I have previously submitted prefiled testimony and a natural resources assessment for the Randolph Davis Solar Project (“Project”) on behalf of Randolph Davis Solar LLC (the “Petitioner”).

Q2. What is the purpose of your rebuttal prefiled testimony?

A2. My surrebuttal testimony responds to the rebuttal prefiled testimony of Joan Allen regarding the Project’s potential natural resource impacts.

2. Surrebuttal Testimony

Q3. Answer 4 of Ms. Allen’s rebuttal testimony asserts the Project will have an adverse impact on black bear habitat. How do you respond?

A3. I disagree. The wildlife assessment and conclusions in our report are based upon and consistent with accepted standards established under Act 250 and Section 248, and based

1 upon those accepted standards, the Project site does not contain necessary black bear
2 habitat.

3
4 Criterion 8(A), which addresses necessary wildlife habitat, requires a determination (1)
5 that the habitat constitutes “necessary wildlife habitat”; and (2) if so, that the Project “will
6 destroy or significantly imperil” such habitat. A “necessary wildlife habitat” means
7 concentrated habitat which is identifiable and is demonstrated as being decisive to the
8 survival of a species of wildlife. 10 V.S.A. § 6001(12).

9
10 The type of concentrated and identifiable habitat that would be decisive to the survival of
11 black bears species would include stands of beech and oak trees, and spring feeding
12 wetlands. There are no beech or oak stands in the Project limit of disturbance (“LOD”),
13 nor has Ms. Allen suggested there are. The single stump shown in Exhibit JA-19 is not
14 reflective of a “concentrated” habitat. The wetland near Davis Road discussed by Ms.
15 Allen is outside of the LOD and will not be “destroyed” or “significantly imperiled” by the
16 Project. In fact, the wetland will not be impacted at all. To the extend black bears visit
17 that wetland, they will continue to have access after the solar array is installed. There are
18 no wetlands/seeps/streams within the Limits of Disturbance.

1 Q4. Answer 6 of Ms. Allen's rebuttal testimony contends that you cannot conclude that the
2 Project will have no adverse impact on rare, threatened, or endangered ("RTE") animal
3 species without first having conducted "informed surveys that determine the full suite or
4 RTE species that might inhabit the property for some portion of their life cycle." How do
5 you respond?

6 A4. As I responded in by rebuttal testimony, none of the bird species Ms. Allen has mentioned
7 in her testimony are rare or uncommon, nor is the habitat necessary wildlife habitat or a
8 significant natural community. Similarly, we do not disagree that the mammals listed in
9 Ms. Allen's testimony are potentially present in the Project area at different times.
10 However, again, the species listed are neither rare nor uncommon on the Vermont
11 landscape, including forests and agricultural settings in proximity to human development.
12 The listed species are likely to be intermittently present on the property with or without the
13 proposed Project.

14 The natural resource assessment involves the identification of appropriate habitat for rare,
15 threatened and/or endangered species. If and when appropriate habitat is identified,
16 targeted field surveys (such as acoustic bat surveys) may be employed to determine the
17 presence/absence of a species. Potential roosting habitat for Northern Long-eared bat is
18 present and discussed in the Natural Resources Report. The natural resource assessment
19 did not result in the identification of habitat for other listed rare, threatened or endangered
20 species.

21

22

1 **3. Conclusion**

2 Q5. Does this conclude your testimony?

3 A5. Yes.

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