

Exh. NUL DB-3



Jennifer Goulet <jjgoulet08@gmail.com>

RE: [Non-DoD Source] re: Solar project off Upper Loveland Road in Norwich

1 message

Repella, Angela C CIV USARMY CENAE (USA)

<Angela.C.Repella@usace.army.mil>

Tue, Mar 29,
2022 at 3:04
PM

To: Jen Goulet <jjgoulet08@gmail.com>, "Adams, Michael S CIV USARMY CENAE (USA)" <Michael.S.Adams@usace.army.mil>

Hi Jen,

It has been a while, I hope you are doing well. Thank you for the detailed information and maps - we will reach out to the developer to notify them of our jurisdiction and inquire further.

Best,

Angela C. Repella

U.S. Army Corps of Engineers

New England District - Vermont Project Office

11 Lincoln Street, Room 210

Essex Junction, Vermont 05452

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From: Jen Goulet <jjgoulet08@gmail.com>
Sent: Tuesday, March 29, 2022 2:44 PM
To: Repella, Angela C CIV USARMY CENAE (USA) <Angela.C.Repella@usace.army.mil>; Adams, Michael S CIV USARMY CENAE (USA) <Michael.S.Adams@usace.army.mil>
Subject: [Non-DoD Source] re: Solar project off Upper Loveland Road in Norwich

U.S. Army Corps of Engineers

Vermont Project Office

11 Lincoln Street, Room 210

Essex Junction, Vermont 05452

March 29, 2022

Hi Angelea and Michael,

I am writing to tell you about a planned project in Norwich, VT that I believe will violate Section 404 of the Clean Water Act. Angelea, you may remember that I spent almost 10 years working on the wetlands and OHWM team at the Cold Regions Research and Engineering Laboratory, in Hanover NH. I was there when you worked a detail at CRREL, back in the day, although I later left to start my own business (*not environmental consulting*). Michael, you may remember that I asked for your help once before when the Town of Norwich planned to dam Charles Brown Brook to create a swimming pool. My neighbors seem to have difficulty understanding Federal regulations.

A new project, planned by Norwich Solar Technologies, is slated to fill Waters of the US during the construction of a 500 kW commercial scale solar array. In the interest of full disclosure, the project is located at [201 Upper Loveland Road](#) in Norwich. I am an abutter. The first channel they would fill is a perennial headwater stream (solid blue line) that flows out of Schmidt Bog and connects to the Connecticut River (Figure 1). The stream has bed and bank features and runs continuously (Figure 2b). The only time I saw it dry up was during the severe summer droughts in 2016-2017. Normally it runs all year. There is also an ephemeral channel (dashed line) that will be filled. It conveys snowmelt and storm waters. It flows yearly in the spring and when we have a huge storm event (Figure 2b). It is the only way for water to drain from the forested basin of the project area. I collected GPS data to make the map in Figure 1. The ephemeral

stream has a significant hydrological connection (nexus) to the headwater stream (Figure 2c). These combined waters have a significant hydrological connection (nexus) to a stream mapped as a "Highest Priority Surface Water and Riparian Area" by the State of Vermont (Figure 3). This stream drains into the Connecticut River (Figure 1). The staging area and construction road of the project will obstruct at least half of the ephemeral channel and a portion of the perennial headwater stream. Arrowwood Environmental, the consulting firm that delineated the area, misidentified the watershed's headwaters. According to their map, all channels are located north of the project area (Figure 4). This gives the erroneous impression that Waters of the US will not be impacted and no Federal permit is necessary.

Given the misidentification of the watershed headwaters and the failure to map the ephemeral drainage, Norwich Solar Technologies may not realize that a Federal permit is necessary for this project. Could you please send a letter of intent to Martha and Jim to remind them that a Federal permit is necessary when filling Waters of the U.S.? Their contact information is as follows:

Martha Staskus

Chief Development Officer

Norwich Solar Technologies

15 Railroad Row, Suite 101

White River Junction, VT 05001

staskus@norwichsolar.com

Jim Merriam
Chief Executive Officer
Norwich Solar Technologies
[15 Railroad Row, Suite 101](#)
[White River Junction, VT 05001](#)
merriam@norwichsolar.com

I very much appreciate what you do. Thank you for all your hard work on regulatory issues. If you have any questions or concerns, please let me know.

Sincerely,

Jennifer Goulet

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