

**STATE OF VERMONT
PUBLIC UTILITY COMMISSION**

Case No. 24-1898-PET

Petition of Essex A North Lot Solar, LLC for a
certificate of public good pursuant to 30 V.S.A. §
248 for a 3.5 MW ground-mounted solar array off
Robinson Parkway in Essex Junction, Vermont

**FIRST SUPPLEMENTAL PREFILED TESTIMONY AND DECLARATION OF
ADAM CRARY
ON BEHALF OF
ESSEX A NORTH LOT SOLAR, LLC**

This document and associated exhibits have been filed ePUC

Summary of Testimony

Mr. Crary’s supplemental testimony provides further information now available as part of addressing the 30 V.S.A. § 248(b)(5) natural environment criteria, specifically the Endangered Species criterion through presentation of acoustic surveying results for the northern long-eared bat (*Myotis septentrionalis*, “MYSE”) and the tri-colored bat (*Perimyotis subflavus*, “PESU”). The acoustic monitoring survey resulted in a probable absence determination for both the MYSE and PESU.

EXHIBITS

Exhibit EANL-AC-3

Results of Bat Acoustic Monitoring (Memorandum)

1

2 Q1. Please state your name, current employer, business address, and position.

3 A1. My name is Adam Crary, employed at Vanasse Hangen Brustlin, Inc. (VHB), and my
4 business address is 40 IDX Drive, Building 100, Suite 200, South Burlington, Vermont. I
5 am currently the Renewable Energy Team leader for VHB in Vermont.

6

7 Q2. Are you the same Adam Crary who testified previously in this matter?

8 A2. Yes.

9

10 Q3. What is the purpose of your testimony?

11 A3. My testimony summarizes the results of bat acoustic monitoring completed by VHB for
12 the Project. VHB's initial Section 248 Natural Resources Memorandum for this Project
13 dated June 12, 2024 (exh. EANL-AC-2), stated "if time of year clearing is not conducive
14 to construction timeline, acoustic surveying for NLEB will be performed to detect the
15 presence or absence of NLEB in the Project vicinity." VHB now understands the Petitioner
16 would need the ability to begin construction as soon as all necessary permits are secured
17 so would not be able to commit to seasonal restrictions on tree clearing. Prior to this
18 understanding, as a proactive measure to collect the monitoring data within the appropriate
19 2024 survey window (and not lose an entire year if missed), VHB completed a passive
20 acoustic survey between June 18 and July 27, 2024, during the appropriate seasonal
21 window for such a survey. When it became clear seasonal restrictions could not be
22 committed to, VHB analyzed the data as presented in the *Results of Bat Acoustic*
23 *Monitoring* memorandum, dated November 1, 2024, and introduced herein as Exhibit

1 EANL-AC-3. Detailed methodology and results of the survey are provided in the
2 memorandum.

3
4 Q4. Please describe the work VHB performed to evaluate the presence of or probable absence
5 of the state and federally endangered MYSE (otherwise referred to above as “NLEB”), as
6 well as the state endangered PESU, and the results of that work.

7 A4. Both MYSE and PESU are state-protected bats known from the Project vicinity that
8 could be impacted by tree cutting that is not seasonally restricted to expected dormancy.
9 To ensure the surveys could be done in the appropriate 2024 seasonal window, following
10 understood United States Fish and Wildlife Service (USFWS) procedures, VHB deployed
11 three Pettersson D500x Ultrasonic Detectors between June 18 and July 27, 2024. Sites 1
12 and 2 were deployed for five detector-nights, while Site 3 was deployed for four, totaling
13 the minimum required level of effort of fourteen detector-nights, per the USFWS’ *Range-*
14 *wide Indiana Bat and Northern Long-eared Bat Survey Guidelines*. Data analyses were
15 completed by qualified VHB Bat Biologist (Meg Lout, CWB). The acoustic monitoring
16 survey resulted in a probable absence determination for both the MYSE and PESU.
17 Further survey details of VHB’s specific assessment are included in Exhibit EANL-AC-
18 3.

19 VHB transmitted its November 1, 2024 *Results of Bat Acoustic Monitoring* memorandum
20 to Alyssa Bennett of the Vermont Fish and Wildlife Department (VFWD) on November 4,
21 2024. Based on VHB’s findings, no time of year restrictions, or further bat conservation

1 measures, should be required for tree clearing associated with the Project. ANR concurs
2 with this conclusion.

3 Q5. Have the results of the additional bat acoustic survey information affected your conclusions
4 stated in your previous testimony, regarding the Project's effects on the Section 248 criteria
5 you opined on?

6 A5. No. As described in Exhibit EANL-AC-3, time of year restrictions are not needed due to
7 the probable absence MYSE and PESU. As such, it continues to be my opinion that there
8 will be no undue adverse impact on endangered (protected) species.

9
10 Q6. Does this conclude your testimony?

11 A6. Yes.

WITNESS DECLARATION

I, Adam Crary, being over 18 years of age, and competent to testify on these matters declare that on behalf of Petitioner, I prepared my prefiled testimony and exhibits in the above captioned matter and I have the necessary expertise to testify to the same information. I declare that the testimony and exhibits that I have sponsored are true and accurate to the best of my knowledge and belief and were prepared by me or under my direct supervision. I understand that if the above statement is false, I may be subject to sanctions by the Commission pursuant to 30 V.S.A. § 30.

Dated at Monkton, Vermont, this 13th day of November, 2024.

/s/Adam Crary

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