

**STATE OF VERMONT
PUBLIC UTILITY COMMISSION**

Case No.

Petition of Williston H Solar, LLC for a certificate
of public good pursuant to 30 V.S.A. § 248 for a
2.75 MW ground-mounted solar array off Redmond
Road in Williston, Vermont

**PREFILED TESTIMONY AND DECLARATION OF
CARLA FENNER
ON BEHALF OF
WILLISTON H SOLAR, LLC**

This document and associated exhibits have been filed ePUC

Summary of Testimony

Ms. Fenner's testimony assesses the Project's impacts to the following 30 V.S.A. § 248(b)(5) natural environment criteria, including: water pollution, 10 V.S.A. § 1424a(d) outstanding resource waters, headwaters, floodways, streams, shorelines, wetlands, rare and irreplaceable natural areas, necessary wildlife habitat and endangered species, sufficiency of water, burden on existing water supply, and existing water supply.

EXHIBIT LIST

Exhibit WHS-CF-1	Resume of Carla Fenner
Exhibit WHS-CF-2	Section 248 Natural Resources Assessment Memorandum

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Introduction

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

A1. My name is Carla Fenner, employed at Vanasse Hangen Brustlin, Inc. (VHB), and my business address is 20 Winooski Falls Way, Suite 400, Winooski, Vermont. I am currently the Ecological Services Team Leader for VHB in Vermont.

Q2. What is your education background, qualifications, and work experience?

A2. I have a B.S. in Natural Resources Management from the University of Hawaii. In my current role and title at VHB I am responsible in part for managing projects, technical staff, and technical work in furtherance of various ecological surveys and reporting, typically under the requirements of federal, state, and local environmental regulatory programs. I also manage and coordinate the work of various other VHB services including support of renewable energy-related projects. I have been a professional environmental consultant since 2014, specializing in natural resources identification and assessments and prior to that was employed for five years as a conservationist with the federal Natural Resources Conservation Service, conducting a variety of natural resource management and conservation projects on private lands in Vermont. In addition to assessments conducted for numerous projects under 30 V.S.A. Section 248(b)(5) review, I have prepared and coordinated applications for the acquisition of numerous federal and state environmental impact permits, which involve application of expert ecological and natural resource assessment disciplines. My resume is attached as Exhibit WHS-CF-1.

1 Q3. Have you testified previously before the Public Utility Commission?

2 A3. Yes. I have testified (through prefiled testimony and/or live hearings) for multiple projects
3 located across Vermont, particularly those related to renewable energy generation. I have
4 also provided technical support to expert witnesses providing testimony for other projects
5 under PUC review, including utility-scale projects, a representative sample of which are
6 listed on my resume.

7
8 Q4. What is the purpose of your testimony?

9 A4. My testimony supports the Williston H Solar, LLC (WHS or Petitioner) petition for a
10 Certificate of Public Good (CPG) pursuant to 30 V.S.A § 248 with respect to their
11 proposal to construct and operate an approximately 2.75 megawatt (MW) ground-
12 mounted solar electric generation facility within an approximately 11.6-acre area within a
13 perimeter fence on private property located off Redmond Road in Williston, Vermont
14 (the “Project”). Specifically, I examine whether the construction and operation of the
15 Project complies with the following natural environment criteria:

- 16 • Outstanding Resource Waters (10 V.S.A. § 1424a(d));
- 17 • Water Pollution (10 V.S.A. § 6086(a)(1));
- 18 • Headwaters (10 V.S.A. § 6086(a)(1)(A));
- 19 • Floodways (10 V.S.A. § 6086(a)(1)(D));
- 20 • Streams (10 V.S.A. § 6086(a)(1)(E));
- 21 • Shorelines (10 V.S.A. § 6086 (a)(1)(F));

- 1 • Wetlands (10 V.S.A. § 6086(a)(1)(G));
- 2 • Rare and Irreplaceable Natural Areas (10 V.S.A. § 6086(a)(8));
- 3 • Necessary Wildlife Habitat and Endangered Species (10 V.S.A. § 6086 (a)(8)(A));
- 4 and
- 5 • Water Conservation, Sufficiency of Water Supply, and Burden on Existing Water
- 6 Supply (10 V.S.A. § 6086(a)(1),(2),(3)).

7 Under my direction, VHB prepared a Natural Resource Assessment Memorandum ("NR
8 Memo"), provided as Exhibit WHS-CF-2, on which I rely when making my assessments
9 per most of these criteria.

10 As described in the NR Memo, natural resources assessments were conducted within an
11 overall approximately 79.7 acre "Study Area," which includes the Project components (the
12 array, access, perimeter fence, staging, and electrical connection, etc.).

13 In making my assessments, Project support staff at VHB and I have relied upon the Project
14 plans developed by VHB using information provided by Petitioner and its
15 design/consultant team. In making my assessments, I also rely on the Project description
16 supplied by the Petitioner's Project Manager, Jake Clark. Project support staff and I have
17 also reviewed the site plans for the Project (Exhibit WHS-JC-2). The results of VHB's
18 specific assessments are included in detail in the above-referenced memorandum, and
19 generally summarized below.

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2
3 **SECTION 248 CRITERIA**
4 **Outstanding Resource Waters**
 (10 V.S.A. §1424a(d)(2) & (13))

5 Q5. Is this Project located on or would it affect any segment of the waters of the state that have
6 been designated as outstanding resource waters by the Water Resources Board, former
7 Water Resources Panel, or the Agency of Natural Resources?

8 A5. No. As described in Exhibit WHS-CF-2, page 3, the Project is not located in the vicinity
9 of waters that have been designated outstanding resource waters.

10
11 **Water Purity, the Natural Environment**
12 **and Water Pollution**
13 (30 V.S.A. § 248(b)(5) & 10 V.S.A. § 6086(a)(1)-(8))

14 Q6. Will this Project result in undue water pollution?

15 A6. No, for the reasons enumerated under the specific water-related criteria discussed below,
16 and as also discussed in the prefiled testimony of Project witness Stephanie Wyman.

17
18 **Headwaters**
19 (10 V.S.A. § 6086(a)(1)(A))

20 Q7. Is the Project located in a Headwaters area, and if so, will it reduce the quality of ground
21 or surface water?

22 A7. No. As described in detail in Exhibit WHS-CF-2 at pages 3-4, the Project is not located in
23 a Headwaters area. The Project will nevertheless be constructed to not adversely impact
24 ground or surface water quality and to meet applicable health and DEC regulations.

25
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Floodways

(10 V.S.A. § 6086(a)(1)(D) & 1424a(d)(3))

Q8. Is the Project within a floodway, floodway fringe, or river corridor, and if so, will it have an undue adverse effect on such areas, or endanger the health, safety, and welfare of the public or riparian owners during flooding?

A8. No. There are floodway areas (floodway fringe and river corridor) associated with the Winooski River along the northern edge of the Project's Study Area, but all are avoided by the Project's design. There is also a river corridor that is not mapped by the Agency of Natural Resources (ANR) but would be applied subject to the Flood Hazard and River Corridor Protection Procedure, on a section of delineated perennial stream to the south and west of the array, the full extent of which would be avoided by the Project. Exhibit WHS-CF-2, pages 4-5 provides further details behind VHB's assessment and these results.

Streams

(10 V.S.A. § 6086(a)(1)(E))

Q9. Please describe any streams or waterways in the Project vicinity.

A9. As described in detail in Exhibit WHS-CF-2 at page 5-6, VHB conducted on-site investigations for and delineations of streams and surface waters within the Project Study Area. There are no streams within the Project site and the Project will not alter the natural condition of any streams. The top-of-bank of a section of perennial stream was delineated to the west of the Project, and intermittent and ephemeral stream channels were delineated within the Study Area to the east and west/southwest of the Project. A 50-foot riparian buffer is applied to delineated perennial and intermittent streams (other than the 100-foot riparian buffer for the Winooski River), as shown in WHS-CF-2. The Project is designed

1 to avoid construction activities within streams and has avoided and minimized activities
2 within riparian buffers to the extent practicable as described below. A more complete
3 description of methodologies and findings from VHB's natural resources assessments,
4 including details of on-site stream delineations and impact avoidance and minimization
5 measures, is included in Exhibit WHS-CF-2.

6
7 Q10. Will the Project maintain the natural condition of streams?

8 A10. Yes. The Project avoids any work within delineated streams and therefore will not result
9 in any direct impact. Indirect impacts will be avoided through the use of erosion prevention
10 and sediment control measures during construction and minimizing activities within
11 riparian buffers to the extent practicable.

12
13 Q11. Will the Project impact stream buffers?

14 A11. Yes. The impacts are unavoidable as they are due to the Project's interconnection location to
15 the west on the other side of a delineated perennial stream from the array, as well as minimal
16 cutting along the successional field edge on the east and west side of the array for mitigation
17 of risk of equipment damage and for operational phase shade management. A total of
18 approximately 776 square feet of clearing and 23,566 square feet of trimming or cutting is
19 proposed (0.54 acre total) within riparian buffer areas. Avoidance and minimization
20 measures are outlined in further detail in WHS-CF-2. Notably, the proposed cutting and
21 trimming in a riparian buffer to accommodate the Project's overhead interconnection line
22 would only cut woody vegetation tall enough to interfere with the lines, leaving compatible

1 shorter shrubs and saplings uncut, and, therefore, an in-tact canopy of woody vegetation
2 shading the riparian buffer. Also of note is that riparian buffer cutting to the east and west of
3 the array will consist only of the successional field edge, within a generally lower-
4 functioning portion of the full buffer width. A full description of avoidance and minimization
5 measures is included in WHS-CF-2 and the Project site plans depict areas proposed for tree
6 clearing (e.g. stumping and grubbing included) as different than areas of tree cutting
7 (topping, limbing, no stump removal).

8
9 **Shorelines**

10 (10 V.S.A. § 6086(a)(1)(F))

11 Q12. Does the Project involve the development of any shorelines?

12 A12. No, the Project site does not occur between the mean high water and mean low water of
13 the Winooski River, and there will be not impacts to shorelines or their protected values as
14 defined under this criterion. See Exhibit WHS-CF-2 for more details.

15
16 **Wetlands**

17 (10 V.S.A. § 6086(a)(1)(G))

18 Q13. Will the Project result in undue adverse effects to wetlands?

19 A13. No. VHB conducted wetland assessments and delineations within the Study Area on
20 numerous dates in the growing season of 2022, 2023, and 2024 and delineated multiple
21 wetlands within the Study Area, eight of which are considered Class II and therefore state-
22 significant. See Exhibit WHS-CF-2 at pages 7-9 for further details regarding the
23 delineation methodology and findings. Wetlands were reviewed in the field by the

1 Department of Environmental Conservation (DEC) District Wetland Ecologist Tina Heath
2 in September 2024. There will be no impacts to wetlands from the Project, state-significant
3 or otherwise. Impacts to buffers of Class II wetlands have been avoided and minimized to
4 the greatest extent practicable as described in WHS-CF-2. Based on this, the Project will
5 not result in undue adverse effects to wetlands and as described below and in Exhibit WHS-
6 CF-2 will obtain coverage under a Vermont Wetland Permit.

7
8 Q14. Will the Project impact state-significant wetlands?

9 A14. No. The Project has been designed to avoid impacts to Class II wetlands, and has also
10 avoided impacts to all wetlands, state significant or otherwise.

11
12 Q15. Will the Project impact state-significant wetland buffers?

13 A15. Yes. There will be approximately 260 square feet of woody vegetation clearing (with
14 stumping and grubbing) and approximately 9,998 square feet of tree
15 trimming/topping/cutting (no stumping or grubbing) for Project construction and operation
16 within wetland buffers. In addition to woody vegetation management, the Project will
17 impact up to 11 square feet of buffer for the installation of 11 fence posts for the Project's
18 perimeter fence. As described in detail in WHS-CF-2, the Project has undertaken numerous
19 avoidance and minimization measures to reduce the total proposed wetland buffer impact.

20
21 Q16. Will the Project comply with the rules of the Secretary of the Agency of Natural Resources
22 relating to significant wetlands?

1 A16. Yes. Based on the unavoidable Class II buffer impacts, the Petitioner will be required to
2 obtain a Vermont Wetland Permit (VWP). All Project work will be conducted in
3 accordance with the permit conditions. The Petitioner was issued VWP #2023-0380 (April
4 1, 2025) for other solar projects on the GlobalFoundries campus, and will be seeking an
5 amendment to that VWP for impacts associated with this Project. The Petitioner has
6 already submitted forecasted impacts from this Project to the DEC as part of an overall
7 “master plan” type application for a VWP, which will be revised with the additional detail
8 of this proposed design. Accordingly, the Project will conform to the Vermont Wetland
9 Rules and as described above will not have an undue adverse effect on wetlands.

10
11 **Rare and Irreplaceable Natural Areas, Necessary Wildlife Habitat,**
12 **Endangered Species**

13 (10 V.S.A. § 6086(a)(8) & 1424a(d)(4)-(9))

14 Q17. Is the Project located in any significant natural communities or rare and irreplaceable
15 natural area (RINA), or will it have any impact on any such areas?

16 A17. No. As described in Exhibit WHS-CF-2, based on VHB’s field assessments there are no
17 areas that would be considered RINA within the Project Study Area.

18
19 Q18. Will the Project destroy or significantly imperil any necessary wildlife habitat?

20 A18. No. As described in more detail in WHS-CF-2, there are no areas within the Project’s
21 Study Area that should be considered necessary wildlife habitat. There is an Agency of
22 Natural Resources (ANR)-mapped Deer Wintering Area (DWA) in the forested areas west
23 and northwest of the Project site. VHB conducted detailed field surveys to evaluate

1 conditions within the ANR-mapped DWA as well as other forested portions of the Study
2 Area and found suitable DWA habitat absent in the entire Study Area. VHB's field surveys
3 were conducted during the winter season in snow conditons, and in addition to not
4 observing suitable habitat for overwintering deer, VHB found no indications of deer
5 presence or use of on-site habitats. Exhibit WHS-CF-2 provides further details of VHB's
6 assessment and findings regarding the absence of DWA as well as assessment of other
7 types of NWH as described fully in WHS-CF-2.

8
9 Q19. Will the Project destroy or significantly imperil any rare, threatened, or endangered (RTE)
10 species?

11 A19. No. As described in more detail in Exhibit WHS-CF-2 at page 10, from database and
12 corroborating field review including a RTE plant inventory, there are no RTE species
13 known or found on the Project site. The Project's location is more than 1 mile from any
14 known, occupied summer or winter bat habitat and the extent of proposed woody
15 vegetation cutting does not exceed the threshold that would require implementation of
16 additional surveys or conservation measures, per the Fish and Wildlife Department's
17 guidance for avoiding impacts to the northern long-eared bat. Nonetheless the Project will
18 adhere to a time-of-year restriction to avoid impacts during summer roosting habitat use or
19 other measures described in Exhibit WCS-CF-2 at page 11. As such, the Project will not
20 affect any RTE species.

21

22

Sufficiency of Water/Burden & Conservation

(10 V.S.A. § 6086(a)(1),(2),(3))

Q20. Will the project require a temporary or permanent water supply?

A20. No. The Project will not require a water supply during construction or operation and thus has no need to incorporate water conservation measures.

Agency of Natural Resources 45-Day Comments

Q21. Have you reviewed and will you please summarize ANR's March 17, 2025 comments on the Project's advanced notice?

A21. Yes. ANR commented on the potential RTE habitat on the Project site as a result of underlying soils, the potential for the site to support a sandplain forest natural community, the location of ANR-mapped Deer Wintering Habitat near the Project site, the presence of streams and riparian buffers in or near the Project site, and the presence of wetlands in or near the Project site. My testimony and supporting Exhibit WHS-CF-2 address each of these issues in more detail, explaining the methodology of field assessments indicating the absence, presence, and/or delineation of the aforementioned natural resources and the steps the Petitioner will take to avoid, minimize, and/or mitigate impacts on natural resources that are present.

Q22. Does this conclude your testimony at this time?

A22. Yes.

WITNESS DECLARATION

I, Carla Fenner, 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 Winooski, Vermont, this 6th day of November, 2025.

/s/ Carla Fenner

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