

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

2 A1. My name is Dori Barton. I am a wetland ecologist. I am an owner and one of the
3 managing partners of Arrowwood Environmental (“AE”), a firm that provides
4 environmental services, including ecological assessments and natural resource mapping.
5 Our primary office is located at 950 Bert White Road, Huntington, Vermont, 05462.

6
7 **Q2. What is the purpose of your testimony?**

8 A2. My testimony supports the petition of Novus 242 Solar LLC (“N2S”) for approval to
9 construct and operate a 3.75 megawatt (“MW”) solar electric generation facility, to be
10 known as the Novus 242 Solar Project (“Project”), in Jay, Vermont. I am testifying on its
11 compliance with certain Section 248(b)(5) criteria related to natural resources.

12
13 **Q3. Please describe your professional background, qualifications, and experience.**

14 A3. I have a Master of Science degree in Watershed Science from Colorado State University,
15 with a focus on surface water hydrology. I have been a consulting ecologist in the State
16 of Vermont since 1997 and have conducted numerous environmental assessments for
17 proposed developments. See my resume, *Exhibit N2S-DB-1*.

18
19 **Q4. Have you previously testified before the Public Utility Commission?**

20 A4. Yes. I have provided prefiled testimony, affidavits, and/or exhibits on behalf of a number
21 of projects, including recent cases such as Novus 242 Solar (Case No. 24-3725-NM),
22 Canaan 102 Solar LLC (25-3111-NM), and Berlin Williams Solar LLC (24-3485-PET).

23

1 **Q5. What work have you conducted with respect to the Project?**

2 A5. Under my direction in whole or part, AE has reviewed the Project site for natural
3 resources and prepared a technical report which I rely on when making my assessments
4 under the Section 248(b)(5) natural resources criteria described in further detail below.

5 See *Exhibit N2S-DB-2*.

6 In making my assessments, support staff at AE and I have relied upon the Project
7 site plans developed by Krebs & Lansing Consulting Engineers, Inc. (“K&L”) (*Exhibit*
8 *N2S-AB-2*) as well as information provided by N2S. My understanding of the Project
9 comes from design planning coordination with K&L’s engineer as well as N2S and its
10 agents. Project support staff and I have provided recommendations to the site plans,
11 which have incorporated several suggestions to avoid/minimize natural resource impacts
12 as well as incorporate best management practices/details. The results of AE’s specific
13 assessments are included in detail in the above-referenced report and generally
14 summarized below.

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16

SECTION 248 CRITERIA

17 **Q6. Which Section 248 criteria does your testimony address?**

18 A6. My testimony addresses in whole, or pertinent parts of, 30 V.S.A. § 248(b)(5) including
19 the following Act 250 criteria incorporated by reference: 10 V.S.A. §§ 6086 (a)(1)(A)
20 (Headwaters), (a)(1)(D)(Floodways), (a)(1)(E) (Streams), (a)(1)(F) (Shorelines),
21 (a)(1)(G) (Wetlands), (a)(8) (Rare and Irreplaceable Natural Areas), (a)(8)(A) (Rare
22 Threatened and Endangered Species and Necessary Wildlife Habitat); 10 V.S.A.

1 §1424a(d) (Outstanding Resource Waters), and Section 248(b)(5)(Use of Natural
2 Resources).

3
4 **Headwaters – 10 V.S.A. § 6086 (a)(1)(A)**

5 **Q7. Is the Project located in a headwater and, if so, will it reduce the quality of ground
6 or surface water?**

7 A7. The Project is located in a headwaters area as the watershed area for the Project site is
8 less than one square mile. The Project site is however below 1,500 feet elevation, is not
9 located in a watershed of a public water supply and is not characterized by steep slopes.
10 Thus, the Project will not reduce the quality of ground or surface water and will meet all
11 applicable health and environmental water quality regulations. For these reasons, the
12 Project will have no adverse impact on headwater areas. See further details in my report,
13 *Exhibit N2S-DB-2*.

14
15 **Floodways – 10 V.S.A. § 6086 (a)(1)(D)**

16 **Q8. Is the Project within a floodway or floodway fringe, and if so, what are the potential
17 impacts?**

18 A8. The Project is not located within a flood zone or floodway and or river corridor and will
19 not restrict or divert the flow of floodwaters or significantly increase the peak discharge
20 of a river or stream within or downstream from the area of development. Therefore, the
21 Project will not have any adverse impacts on floodways or river corridors, nor will it
22 endanger the health, safety, and welfare of the public or riparian owners as it relates to
23 flood events or fluvial erosion. See also *Exhibit N2S-DB-2*.

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Streams – 10 V.S.A. § 6086 (a)(1)(E)

Q9. Is the Project on or adjacent to the bank of a stream?

A9. There are no surface waters within the Project area. The closest stream/river is a tributary to the Jay Branch approximately 100’ to the south of the Project. The Project will not result in any clearing of forest vegetation within the riparian buffer zones (as measured 50’ from top of bank/top of slope) of stream resources. Therefore, the Project will have no adverse impacts on stream resources. See **Exh. N2S-DB-1**.

Shorelines – 10 V.S.A. § 6086 (a)(1)(F)

Q10. Is the Project located on a shoreline?

A10. The site of the proposed Project is not located on the shoreline of a river, lake, pond, or reservoir. The closest shoreline to the Project is that of a private pond approximately 450’ to the northeast of the Project. The Project will not result in any clearing of forest vegetation along the shores of the pond. Therefore, the proposed Project will result in no adverse impact to shorelines. **Exhibit N2S-DB-2**.

Wetlands – 10 V.S.A. § 6086 (a)(1)(G)

Q11. Is the Project located in or adjacent to a wetland or wetland buffer? If so, will the Project comply with the rules of the Agency of Natural Resources (“ANR” or “Agency”) regarding significant (Class 1 or 2) wetlands?

A11. AE field review confirmed the absence of Class II wetlands within and adjacent to the Project area but confirmed the presence of Class III wetlands within and adjacent to the

1 Project area. The Project will have no impacts on Class II wetlands or associated buffer
2 zones. The Class III wetlands within the Project site are isolated depressions that lack any
3 significant wetland functions and values. Petitioner has engaged with the USACE and
4 obtained a formal jurisdictional determination on the Class III wetlands in the Project
5 area. For these reasons, the proposed Project will have no undue adverse impact on
6 significant wetland resources.

7
8 **Rare and Irreplaceable Natural Areas – 10 V.S.A. § 6086 (a)(8)**

9 **Q12. Is the Project located in or adjacent to any rare and irreplaceable natural areas, or**
10 **will it have any undue adverse impacts on any such areas?**

11 A12. No. As described in *Exhibit N2S-DB-2*, there are no significant natural communities that
12 would be considered Rare and Irreplaceable Natural Areas within the Project area and
13 thus, there will be no adverse impacts on Rare and Irreplaceable Natural Areas.

14
15 **Endangered Species and**
16 **Necessary Wildlife Habitat – 10 V.S.A. § 6086 (a)(8)(A)**

17 **Q13. Is the Project located in or adjacent to any necessary wildlife habitat (“NWH”)? If**
18 **so, will the Project destroy or significantly imperil necessary wildlife habitat?**

19 A13. No. AE reviewed the site for potential deer wintering, bear habitat, grassland bird
20 habitat, and vernal pools and confirmed that there is no NWH present within the Project
21 area. The Project will not result in any undue adverse impacts to NWH. See *Exhibit*
22 *N2S-DB-2* for further detail.

23

1 **Q14. Is the Project located in or adjacent to habitat of any rare, threatened, or**
2 **endangered (“RTE”) species? If so, will the Project destroy or significantly imperil**
3 **any endangered species?**

4 A14. The Project area is within predicted summer ranges for both Northern long-eared bat
5 (State and Federally listed) and Tricolored bat (State listed). Vermont Fish and Wildlife
6 Department has issued guidance that project clearing constituting greater than 1% of the
7 total forested area within a 1 square mile radius of a project triggers review for habitat
8 loss of this endangered species. The Project involves minimal tree clearing (~2.08 acres)
9 which represents approximately 0.12% of the forested area within a 1-mile radius of the
10 project. The proposed clearing is minimal in nature and does not trigger additional
11 conservation measures.

12 The Project is not in an area that potentially provides summer roosting habitat for
13 Indiana bat, there are no old or abandoned buildings potentially providing roosting
14 habitat for little brown bat proposed for demolition, and there are no known bat
15 hibernacula or maternity roosts within one mile of the Project site. The Project will have
16 no undue adverse impact on RTE animal species.

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18 **Outstanding Resource Waters – 10 V.S.A. § 1424a(d)**

19 **Q15. Is the Project located on or would it affect any segment of any outstanding resource**
20 **waters designated by the former Water Resources Board, former Water Resources**
21 **Panel, or ANR?**

1 A15. No. As described in *Exhibit N2S-DB-2*, no outstanding resource waters will intersect the
2 Project and as such the Project will not affect any segment of any outstanding resource
3 waters.

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5 **Use of Natural Resources – 30 V.S.A. § 248(b)(5)**

6 **Q16. Will the Project have an undue adverse impact with respect to the use of natural**
7 **resources?**

8 A16. No, it will not. The Project proposes minimal vegetative management and clearing and is
9 proposed on a previously disturbed extraction site. Furthermore, as described in *Exhibit*
10 *N2S-DB-2*, and my testimony above, the Project will not have an undue adverse impact
11 on headwaters, floodways, streams, shorelines, wetlands, rare and irreplaceable natural
12 areas, rare threatened and endangered species and necessary wildlife habitat, or
13 outstanding resource waters. Overall, the Project will not have an undue adverse impact
14 with respect to the use of natural resources or on the natural environment.

15

16 **Q17. Does that conclude your testimony at this time?**

17 A17. Yes.