N2S-DB-2

Natural Resources Assessment for:
Solar Photovoltaic Electric Generation Facility
Novus 242 Solar Project

Jay, Vermont

Prepared by:
Arrowwood Environmental, LLC

January 30, 2026

ARROWWOOD ENVIRONMENTAL
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Table of Contents

Page #

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I. Summary Findings & Project Description

Arrowwood Environmental, LLC (AE) conducted a natural resources assessment for the proposed 3.75 MW solar project ("Project") developed by Novus 242 Solar LLC ("Petitioner") to be located off of Mountain View Drive in Jay, Vermont. The Project is planned for a ~12.87 acre area of a ~66.26 acre parcel. The Project will be located on land that was previously disturbed as a gravel and sand pit extraction operation. The Project is accessed from an existing gravel road (Mountain View Drive) leading into the site, which will be extended to the middle of the proposed array. The Project will interconnect to the Vermont Electric Cooperative electric system at an existing pole on Route 242. The Project involves ~0.19 acres of vegetation clearing and ~1.89 acres of vegetation management, and the limits of disturbance for the Project include ~17.39 acres. The field assessment was conducted in June, July, and September of 2024. AE assessed natural resources criteria incorporated by the Public Utility Commission into the review of solar projects, including streams and headwaters, floodways, outstanding resource waters, shorelines, wetlands, rare and irreplaceable natural areas, necessary wildlife habitat, and rare, threatened, and endangered species.

Summary of Findings

There are no floodways, streams, outstanding resource waters, shorelines, rare and irreplaceable natural areas, necessary wildlife habitat or rare, threatened, or endangered plant species in the Project area.

The Project is located in a headwater but will comply with applicable health and environmental regulations. The Project will obtain an Agency of Natural Resources, Department of Environmental Conservation construction stormwater permit prior to commencement of installation and be performed in accordance with the Vermont Standards & Specifications for Erosion and Prevention and Sediment Control, 2025. The Project includes two pad-mounted 2800kVA transformers with secondary oil containment and inverter racks on concrete pads. The Project site, including space between the solar panels, will remain vegetated and managed. The

Project will not involve the disposal of wastes and will not involve the injection of waste materials or any harmful toxic substances into groundwater or wells. The proposed Project will not result in a reduction in the quality of ground or surface waters in the area.

AE confirmed the absence of Class II wetlands within the Project area. The Class III wetlands within the Project site are isolated depressions that lack any significant wetland functions and values. Representatives from the Vermont Wetlands Office and US Army Corps of Engineers ("USACE") visited the site on October 9, 2024 to review and approve wetland delineations and classifications. Petitioner obtained a jurisdictional determination from the United States Army Corps of Engineers that the Class III wetlands in the Project area are non-jurisdictional wetlands. As a result, the Project will not result in adverse impacts on significant wetland resources.

In summary, AE concludes that the Project has been sited and designed to avoid undue adverse impacts to natural resources including streams and headwaters, floodways, outstanding resource waters, shorelines, wetlands, rare and irreplaceable natural areas, necessary wildlife habitat, and rare, threatened, and endangered species.

II. Introduction

This report outlines AE's findings related to natural resources criteria incorporated by the Public Utility Commission into the review of solar projects, including streams and headwaters, floodways, outstanding resource waters, shorelines, wetlands, rare and irreplaceable natural areas, necessary wildlife habitat, and rare, threatened, and endangered species. The natural resources assessment involved both a remote review of available digital databases as well as field investigations at the Project site on June 20, July 16, and September 23, 2024.

Project Area (7/16/24)

III. Site Characterization

Ecologically the site is within the Northern Green Mountains biophysical region of the state (Thompson, Sorenson and Zaino, 2019). The Project is located at approximately 1320' above mean sea level according to U.S. Geologic Survey ("USGS") topographic data. The mapped bedrock that is underlying the site is of the metasedimentary rock class with schist and quartzite rock type from the Hazens Notch Formation. (Ratcliffe et al. 2011). The soils are mapped as Colton-Duxbury complex with 3 to 8 percent slopes (NRCS Soil Survey). The Project site was previously disturbed as a gravel pit extraction operation.

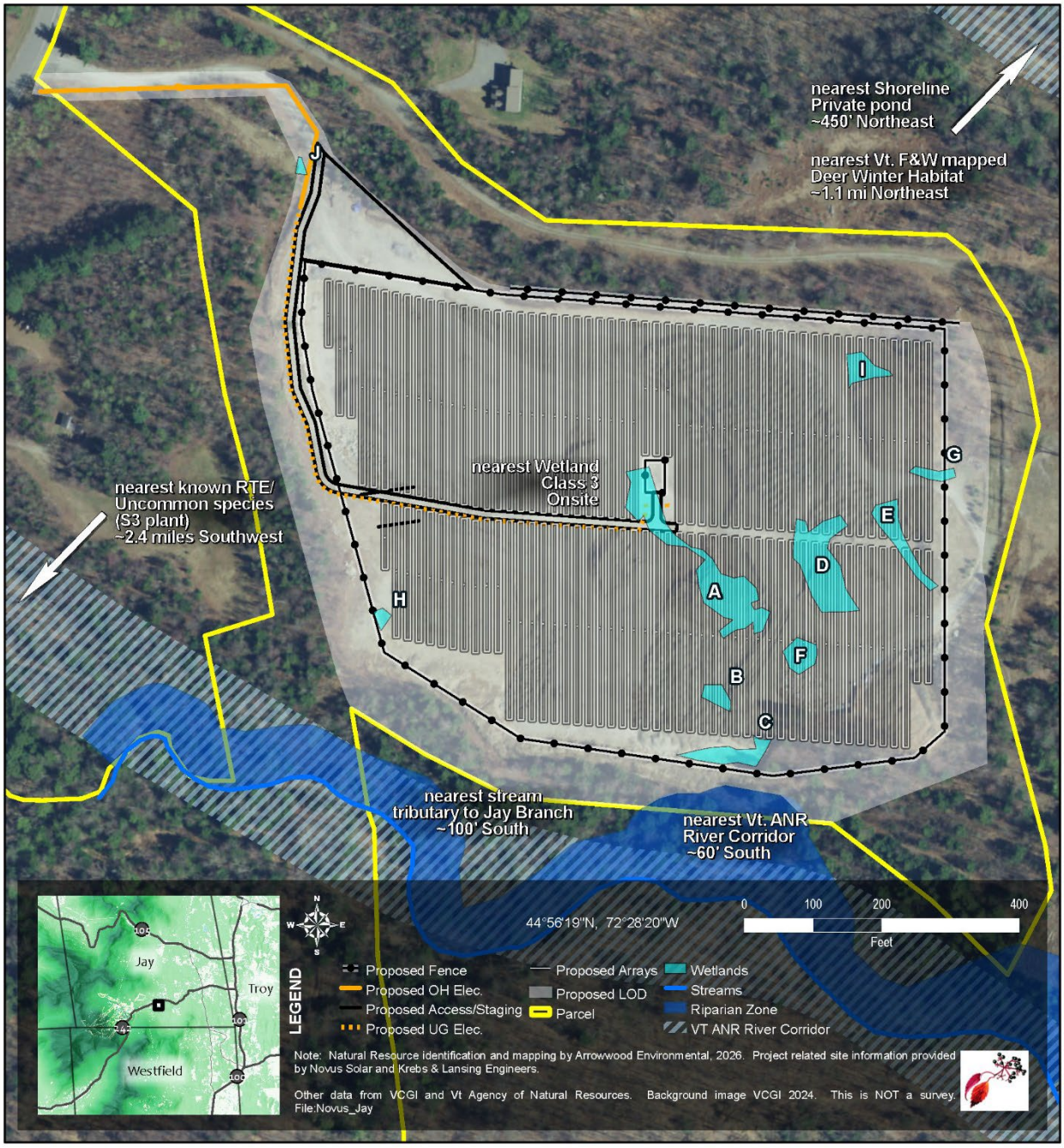

Figure 1. Project Site and Nearby Natural Resources.

IV. Criterion 1(A) Headwaters

The headwaters assessment involved both a remote review of the USGS topographic map, Vermont Hydrography Dataset (streams, rivers, and waterbodies), NRCS Soil Survey, ANR Atlas, and field investigation in July and September 2024. The Project is located in a headwaters area as the watershed area for the Project site is less than one square mile. The Project site is however

below 1,500 feet elevation, is not located in a watershed of a public water supply and is not characterized by steep slopes.

The Project will comply with applicable health and environmental regulations. The Project will be constructed in accordance with the Vermont Standards & Specifications for Erosion and Prevention and Sediment Control, 2025. Waste generated during construction and operation of the Project will be disposed of in accordance with applicable Vermont DEC regulations. The Project includes two pad-mounted 2800kVA transformers with secondary oil containment systems. Other than concrete equipment pads and the proposed access road extension, the Project site, including space between the solar panels, will remain vegetated and managed following construction of the Project. The Project has no onsite sanitary wastewater systems, and therefore no associated injection of sanitary wastewater into the ground. The proposed Project will not result in a reduction in the quality of ground or surface waters in the area. For these reasons, we conclude that the Project will have no undue adverse impact on headwater areas.

V. Criteria 1(D) Floodways

AE reviewed the FEMA DFIRM (Digital Flood Insurance Rate Map Database) and the VT ANR's Flood Ready Atlas to identify floodways or flood fringes. AE also reviewed ANR's river corridor data layer on the VT ANR's Flood Ready Atlas.

The Project is not located within a flood zone or floodway and will not restrict or divert the flow of floodwaters or significantly increase the peak discharge of a river or stream within or downstream from the area of development. The Project is not located within a river corridor. The closest river corridor is a tributary to the Jay Branch River approximately 60' to the south of the Project. Therefore, the Project will not have any adverse impacts on floodways or river corridors, nor will they endanger the health, safety, and welfare of the public or riparian owners as it relates to flood events or fluvial erosion.

VI. Criteria 1(E) Streams and Section 248(b)(8) Outstanding Resource Waters

The stream assessment involved both a remote review of the USGS topographic map, Vermont Hydrography Dataset (streams, rivers, and waterbodies), LiDAR derived topography, and field investigation in July and September 2024.

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.

The Agency of Natural Resources has listed four waterways as Outstanding Resource Waters (ORW): Batten Kill River in towns of East Dorset and Arlington; Pike's Falls/Ball Mountain in the town of Jamaica; Poultney River in the towns of Poultney and Fair Haven; and Great Falls, Ompompanoosuc in the town of Thetford. There are no waters which intersect the Project or are near the Project that have been designated as an ORW. Therefore, the Project will not result in any impact on ORWs.

VII. Criterion 1(F) Shorelines

AE reviewed USGS topographic maps, the Vermont Hydrography Dataset (streams, rivers, and waterbodies), and digital orthophotography. 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.

VIII. Criterion 1(G) Wetlands

The wetland assessment involved both a remote review of available maps (including Vermont Significant Wetland Inventory Maps and the NRCS Soil Survey) and a field inventory component conducted on July 16 and September 23, 2024. The protocols put forth in the USACE's *Corp of Engineers Wetlands Delineation Manual* (2009 Regional Supplement for the Northcentral and Northeast Region) were employed for delineating wetlands.

AE field review confirmed the absence of Class II wetlands within and adjacent to the Project area. AE confirmed the presence of Class III wetlands within and adjacent to the Project area. Per the wetland survey protocol, AE flagged wetland boundaries in the field and mapped the boundary with a GPS unit capable of sub-meter accuracy. Shannon Morrison and Michael Adams from the Vermont Wetlands Office and US Army Corps of Engineers, respectively, visited the site on October 9, 2024 to review and approve wetland delineations and classifications. The approved wetland delineation is shown on the Project site plans and in Figure 1.

The Project will have no impacts on Class II wetlands or associated buffer zones. The Class III wetlands within the Project site are isolated depressions that lack any significant wetland functions and values. Petitioner has engaged with the USACE and obtained a formal jurisdictional determination on the Class III wetlands in the Project area. The USACE issued a non-jurisdictional determination on February 25, 2025 which is attached.

The proposed Project will have no adverse impact on wetland resources.

IX. Criterion 8 Rare and Irreplaceable Natural Areas

The Rare and Irreplaceable Natural Areas assessment involved both a remote review of available digital maps for the Project area and a field review. AE reviewed digital orthophotography, the NRCS Soil Survey, the 2011 Bedrock Geologic Map of Vermont, and the VFWD Natural Heritage Inventory (NHI) Rare, Threatened and Endangered Species digital database.

The Project area is located on land that was previously disturbed as a gravel extraction operation and is best characterized now as old field conditions. This site does not constitute a state significant natural community or a Rare and Irreplaceable Natural Area (RINA). Since there are no RINA in the Project area, there will be no adverse impacts on any RINA.

X. Criterion 8(A) Necessary Wildlife Habitat and Rare, Threatened and Endangered Species

The wildlife habitat assessment involved both a remote review of available digital maps for the Project area and a field inventory component. A remote review of available digital databases was conducted to identify and map necessary wildlife habitat (including State of Vermont Deeryard data layer, USGS Topographic map, and "VT HYDRODEM" elevation data) in the Project area. The field inventory component involved characterizing natural communities and recording observations of wildlife signs or sightings during field surveys. Site assessments were conducted in June and July 2024 to assess wildlife, wildlife habitats, and rare, threatened, and endangered species.

A. Necessary Wildlife Habitats

1. White-tailed Deer Wintering Habitats

There are no mapped VT Fish and Wildlife Department white-tailed deer (*Odocoileus virginianus*) winter habitats (DWA) in the Project area. The closest mapped DWA is located approximately 1.1 miles to the northeast of the Project area. AE confirmed the absence of historic or recent deer wintering activity as well as lack of forested areas containing significant enough soft wood canopy closure to be considered DWA habitat in the Project area. The proposed Project will have no adverse impact on DWA resources.

2. Black Bear Habitat

There is no seasonal or production bear habitat identified by the Vermont Fish and Wildlife Department within the Project area. No observations of bear use or feeding (including bear claw scarring, bear dens) were made during the field inventories. The trees adjacent to the Project area do not contain beech or oak stands. No potential black bear spring feeding wetlands were identified. The Project will therefore have no adverse impact on black bear habitat.

3. Grassland Bird Habitat

The Vermont Fish and Wildlife Department (VFWD) considers grassland bird habitat to be easily identifiable, concentrated, and essential for the reproductive success and survival of a suite of birds. Grasslands used by many species of grassland birds consist of large expanses (minimum of ~20 acres) of native grasses with little or no woody vegetation. The Project limits of disturbance are planned for an ~17.39 acre area within which is an approximately 10-acre old field reclamation area

that does not provide suitable habitat for grassland bird species. The Project will have no adverse impact on grassland bird habitat.

4. Amphibian Breeding Habitat/Vernal Pools

The Vermont Department of Fish and Wildlife considers intact well-functioning breeding pools that are interconnected to intact upland forest necessary wildlife habitat for pool-breeding amphibians. Field assessments conducted in June 2024 did not identify any potential vernal pools in the Project area. The Project will have no adverse impact on vernal pools.

B. Rare, Threatened and Endangered (RTE) Species

The RTE species review involved both a remote review of available digital maps for the Project area as well as a field survey. AE reviewed digital orthophotography, the NRCS Soil Survey, the 2011 Bedrock Geologic Map of Vermont, and the Natural Heritage Inventory (NHI) Rare, Threatened and Endangered Species digital database.

In reviewing the NHI digital database, there are records of occurrences of RTE plant species directly adjacent to the Project site.

1. RTE Animal Species

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

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

2. RTE Plant Species

There are no previous records or occurrences of RTE plant species at the site. An RTE plant survey was conducted throughout the Project area on June 20, 2024, by botanist Matt Peters. The plant survey species list is attached. No RTE plant species are present within the Project area. Therefore, the Project will have no undue adverse impact on RTE plant species.

XI. References

Argentine, Cindy Corlett. Vermont Act 250 Handbook. Putney Press. 2008.

Natural Resources Board. Vermont Wetland Rules. Effective February 10, 2023.

Natural Resources Conservation Service. Soil Survey Maps.

Ratcliffe, N.M., Stanley, R.S., Gale, M.H., Thompson, P.J., and Walsh, G.J., 2011, Bedrock geologic map of the Vermont: U. S. Geological Survey Scientific Investigations Map 3184, scale 1:100,000.

Thompson, Elizabeth H. and Eric R. Sorenson, and Robert J. Zaino. Wetland, Woodland, and Wildland: A Guide to the Natural Communities of Vermont. The Nature Conservancy of Vermont, 2019.

Vermont Fish and Wildlife Department. *Vermont Fish and Wildlife Department Regulatory Review Guidance for Protecting Northern Long-eared Bats and Their Habitats*. February 2017.

Vermont Fish and Wildlife Department. *Guidance for Conducting Rare, Threatened, and Endangered Plant Inventories in Connection with Section 248 Projects*. 2016.

Matt Peters
Consulting Ecologist & Botanist
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peters1.matt@gmail.com

Plant Species List for Novus solar site, Mountain View Dr. - Jay, VT.

Survey Date: June 20 & Aug. 28, 2024
Surveyor: Matt Peters
Nomenclature follows Gilman. 2015. *New Flora of Vermont*

Red = Invasive species
Blue = RTE (S1, S2, T, or E) species
Yellow = Uncommon (S3) species

Scientific Name	English Name
Abies balsamea	balsam fir
Acer pensylvanicum	striped maple
Acer rubrum	red maple
Acer saccharum	sugar maple
Achillea millefolium	yarrow
Aegopodium podagraria	goutweed
Agrostis capillaris	colonial bent
Agrostis perennans	autumn bent
Agrostis scabra	ticklegrass
Agrostis stolonifera	creeping bent
Alopecurus pratensis	meadow foxtail
Ambrosia artemisiifolia	common ragweed
Amelanchier laevis	common shadbush
Anaphalis margaritacea	pearly everlasting
Antennaria neglecta	field pussy-toes
Anthoxanthum odoratum	sweet vernal grass
Apocynum androsaemifolium	spreading dogbane
Aralia nudicaulis	wild sarsaparilla
Arctium lappa	great burdock
Artemisia vulgaris	common mugwort
Asclepias syriaca	common milkweed
Athyrium filix-femina	lady fern
Betula alleghaniensis	yellow birch
Betula papyrifera	paper birch
Betula populifolia	gray birch
Bidens frondosa	common beggar's-ticks
Carex arctata	drooping wood sedge
Carex communis	common sedge
Carex crawfordii	Crawford's sedge
Carex debilis	weak sedge

Scientific Name	English Name
Carex deflexa	northern sedge
Carex echinata	lesser prickly sedge
Carex flava	yellow sedge
Carex gynandra	gynandrous sedge
Carex intumescens	swollen sedge
Carex leptonervia	northern woodland sedge
Carex lurida	sallow sedge
Carex novae-angliae	New England sedge
Carex pallescens	pale sedge
Carex projecta	beaded broom sedge
Carex scoparia	broom sedge
Carex stipata	stipitate sedge
Carex vulpinoidea	fox sedge
Centaurea jacea	brown knapweed
Cerastium fontanum	common mouse-ear chickweed
Cirsium vulgare	bull thistle
Clematis virginiana	virgin's-bower
Clintonia borealis	bluebead lily
Coptis trifolia	goldthread
Dactylis glomerata	orchard grass
Danthonia compressa	flat-stemmed oat-grass
Danthonia spicata	poverty-oats
Daucus carota	Queen Anne's lace
Dendrolycopodium obscurum	flat-branched tree clubmoss
Dennstaedtia punctilobula	hay-scented fern
Dichanthelium acuminatum	woolly panic grass
Digitaria ischaemum	smooth crabgrass

Scientific Name	English Name
Diphasiastrum digitatum	southern running-pine
Dryopteris intermedia	intermediate woodfern
Eleocharis obtusa	blunt spike-rush
Eleocharis tenuis	slender spike-rush
Elymus repens	witch grass
Epipactis helleborine	helleborine
Equisetum arvense	field horsetail
Equisetum variegatum	variegated scouring-rush
Erigeron annuus	white daisy-fleabane
Erigeron canadensis	horseweed
Erigeron philadelphicus var. philadelphicus	Philadelphia fleabane
Erigeron strigosus	daisy fleabane
Eupatorium perfoliatum	boneset
Euphrasia nemorosa	eyebright
Euthamia graminifolia	grass-leaved goldenrod
Eutrochium maculatum	common Joe-Pye weed
Fagus grandifolia	American beech
Festuca rubra	red fescue
Fragaria virginiana	wild strawberry
Fraxinus americana	white ash
Galium mollugo	common bedstraw
Galium palustre	marsh bedstraw
Galium tinctorium	southern three-lobed bedstraw
Glyceria striata	fowl manna grass
Hemerocallis fulva	common daylily
Hieracium paniculatum	panicled hawkweed
Hieracium scabrum	rough hawkweed
Huperzia lucidula	shining firmoss
Hypericum boreale	northern St. John's-wort
Hypericum canadense	Canada St. John's-wort
Hypericum perforatum	common St. John's-wort
Hypochaeris radicata	hairy cat's-ear
Impatiens capensis	common jewelweed

Scientific Name	English Name
Iris versicolor	blue flag
Juncus brevicaudatus	narrow-panicled rush
Juncus effusus	soft rush
Juncus filiformis	thread rush
Juncus pylaei	La Pylaie's soft rush
Juncus tenuis	path rush
Lactuca biennis	tall wild lettuce
Leucanthemum vulgare	common daisy
Lotus corniculatus	bird's-foot trefoil
Luzula multiflora	common wood rush
Lychnis flos-cuculi	ragged robin
Lycopodiella inundata	northern bog clubmoss
Lycopus americanus	American water-horehound
Lysimachia borealis	starflower
Lysimachia terrestris	swamp-candles
Lythrum salicaria	purple loosestrife
Maianthemum canadense	Canada mayflower
Medeola virginiana	Indian cucumber-root
Melilotus albus	white sweet clover
Mitchella repens	partridge-berry
Muhlenbergia mexicana	wirestem muhly
Oclemena acuminata	whorled wood aster
Oenothera biennis	common evening primrose
Oenothera perennis	sundrops
Onoclea sensibilis	sensitive fern
Osmunda claytoniana	interrupted fern
Osmundastrum cinnamomeum	cinnamon fern
Oxalis montana	wood-sorrel
Oxalis stricta	tall yellow wood-sorrel
Panicum capillare	old witch-grass
Parathelypteris noveboracensis	New York fern
Persicaria sagittata	tearthumb
Phalaris arundinacea	reed canary grass
Phellodendron amurense	Amur cork maple
Phleum pratense	timothy

Scientific Name	English Name
Phragmites australis	common reed
Picea rubens	red spruce
Pilosella aurantiaca	orange hawkweed
Pilosella caespitosa	yellow king devil
Pilosella piloselloides	glaucous king-devil
Pinus resinosa	red pine
Pinus strobus	white pine
Plantago lanceolata	buckhorn plantain
Plantago major	plantain
Poa palustris	fowl meadow grass
Poa pratensis	Kentucky bluegrass
Polygonatum pubescens	common Solomon's-seal
Populus balsamifera	balsam poplar
Populus deltoides	eastern cottonwood
Populus grandidentata	large-toothed aspen
Populus tremuloides	quaking aspen
Potentilla norvegica	rough cinquefoil
Potentilla simplex	old-field cinquefoil
Prunella vulgaris	self-heal
Prunus pensylvanica	fire cherry
Prunus serotina	black cherry
Prunus virginiana	choke cherry
Pseudognaphalium macounii	Macoun's rabbit-tobacco
Pteridium aquilinum	bracken
Ranunculus acris	common buttercup
Rhinanthus minor	yellow-rattle
Rorippa palustris	yellow cress
Rubus allegheniensis	common highbush blackberry
Rubus idaeus	red raspberry
Rubus odoratus	flowering raspberry
Rudbeckia hirta var. pulcherrima	black-eyed Susan
Rumex acetosella	sheep sorrel
Rumex crispus	curly dock
Salix bebbiana	Bebb's willow
Salix discolor	pussy willow
Salix eriocephala	wand willow
Salix humilis	small willow

Scientific Name	English Name
Salix interior	sandbar willow
Salix purpurea	purple willow
Salix sericea	silky willow
Sambucus nigra	elder
Sambucus racemosa	red-berried elder
Schedonorus pratensis	meadow fescue
Scirpus atrocinctus	black-banded bulrush
Scirpus cyperinus	wool-grass
Scirpus hattorianus	Hattori bulrush
Scirpus microcarpus	barberpole bulrush
Scorzoneroides autumnalis	fall dandelion
Silene vulgaris	common bladder campion
Sisyrinchium montanum	common blue-eyed grass
Solidago altissima	tall goldenrod
Solidago canadensis	Canada goldenrod
Solidago gigantea	large goldenrod
Solidago juncea	early goldenrod
Solidago nemoralis	gray goldenrod
Solidago rugosa	rough-leaved goldenrod
Sorbus americana	American mountain ash
Spergularia rubra	red sand spurrey
Spinulum annotinum	stiff clubmoss
Spiraea alba	meadowsweet
Spiraea tomentosa	steeplebush
Spiranthes arcisepala	ladies'-tresses
Sporobolus vaginiflorus	sheathed dropseed
Symphyotrichum lanceolatum	lance-leaved aster
Symphyotrichum pilosum	white aster
Symphyotrichum puniceum	red-stemmed aster
Taraxacum officinale	common dandelion
Thymus pulegioides	thyme
Trifolium arvense	rabbit's-foot clover
Trifolium aureum	large hop clover
Trifolium campestre	hop clover
Trifolium hybridum	alsike clover
Trifolium pratense	red clover

Scientific Name	English Name
Trifolium repens	white clover
Trillium erectum	red trillium
Trillium undulatum	painted trillium
Tsuga canadensis	eastern hemlock
Tussilago farfara	colt's-foot
Typha latifolia	broad-leaved cat-tail
Verbascum thapsus	common mullein
Verbena hastata	blue vervain
Veronica chamaedrys	germander speedwell
Veronica serpyllifolia var. serpyllifolia	thyme-leaved speedwell
Viburnum lantanoides	hobble-bush
Vicia cracca	cow vetch
Viola sp.	violet
Total Species Richness	**211**

DEPARTMENT OF THE ARMY
US ARMY CORPS OF ENGINEERS
NEW ENGLAND DISTRICT
696 VIRGINIA ROAD
CONCORD MA 01742-2751

February 12, 2025

Regulatory Division
File Number: NAE-2024-02020

Mr. Alex Bravakis
Novus 242 Solar LLC
250 Main Street, Suite 202
Montpelier, Vermont 05602
(via email: alex@novusenergydev.com)

Dear Mr. Bravakis:

This letter responds to a request submitted to the U.S. Army Corps of Engineers (USACE) for a jurisdictional determination (JD) on the presence or absence of waters of the United States (U.S.), including wetlands, located off Mountain View Drive in Jay, Vermont.

Michael S. Adams of this office conducted a field inspection of the site on October 9, 2024. During this inspection, areas only within the area labeled “Review Area” on the enclosed plan were reviewed for potential Federal jurisdiction. We have determined that Wetland A, B, C, D, E, F, G, H, I and J are not a waters of the U.S. and therefore not within the jurisdiction of USACE under Section 404 of the Clean Water Act.

This letter contains an approved jurisdictional determination for your subject site. If you object to this determination, you may request an administrative appeal under USACE regulations at 33 CFR Part 331. Enclosed you will find a Notification of Appeal Process (NAP) fact sheet and Request for Appeal (RFA) form. If you request to appeal this determination, you must submit a completed RFA form to the North Atlantic Division Office at andrew.c.dangler@usace.army.mil or the following address. Mr. Dangler’s phone number is (518) 487-0215.

Andrew Dangler
Regulatory Appeals Review Officer
North Atlantic Division – Fort Hamilton
301 John Warren Avenue – First Floor
Brooklyn, NY 11252-6700

Direct questions regarding the USACE appeals process to Michael S. Adams at Michael.s.adams@usace.army.mil or 978-318-8485.

In order for an RFA to be accepted by USACE, USACE must determine that it is complete, that it meets the criteria for appeal under 33 CFR Part 331.5, and that it has been received by the Division Office within 60 days of the date of the NAP. Should you

decide to submit an RFA form, it must be received at the above address by April 14, 2025. It is not necessary to submit an RFA form to the Division Office if you do not object to the determination in this letter.

This approved jurisdictional determination is valid for a period of five years from the date of the letter, unless new information warrants revision of the determination before the expiration date or the District Engineer has identified, after public notice and comment, that specific geographic areas with rapidly changing environmental conditions merit re-verification on a more frequent basis.

The delineation included herein has been conducted to identify the location and extent of the aquatic resource boundaries and/or the jurisdictional status of aquatic resources for purposes of the Clean Water Act for the particular site identified in this request. This delineation and/or jurisdictional determination may not be valid for the Wetland Conservation Provisions of the Food Security Act of 1985, as amended. If you or your tenant are USDA program participants, or anticipate participation in USDA programs, you should discuss the applicability of a certified wetland determination with the local USDA service center, prior to starting work.

Enclosed is an “Memorandum for Record” dated “10 December 2024” and supporting documentation explaining the basis for our jurisdictional determination.

We continually strive to improve our customer service. In order for us to better serve you, we would appreciate your completing our Customer Service Survey located at https://regulatory.ops.usace.army.mil/customer-service-survey.

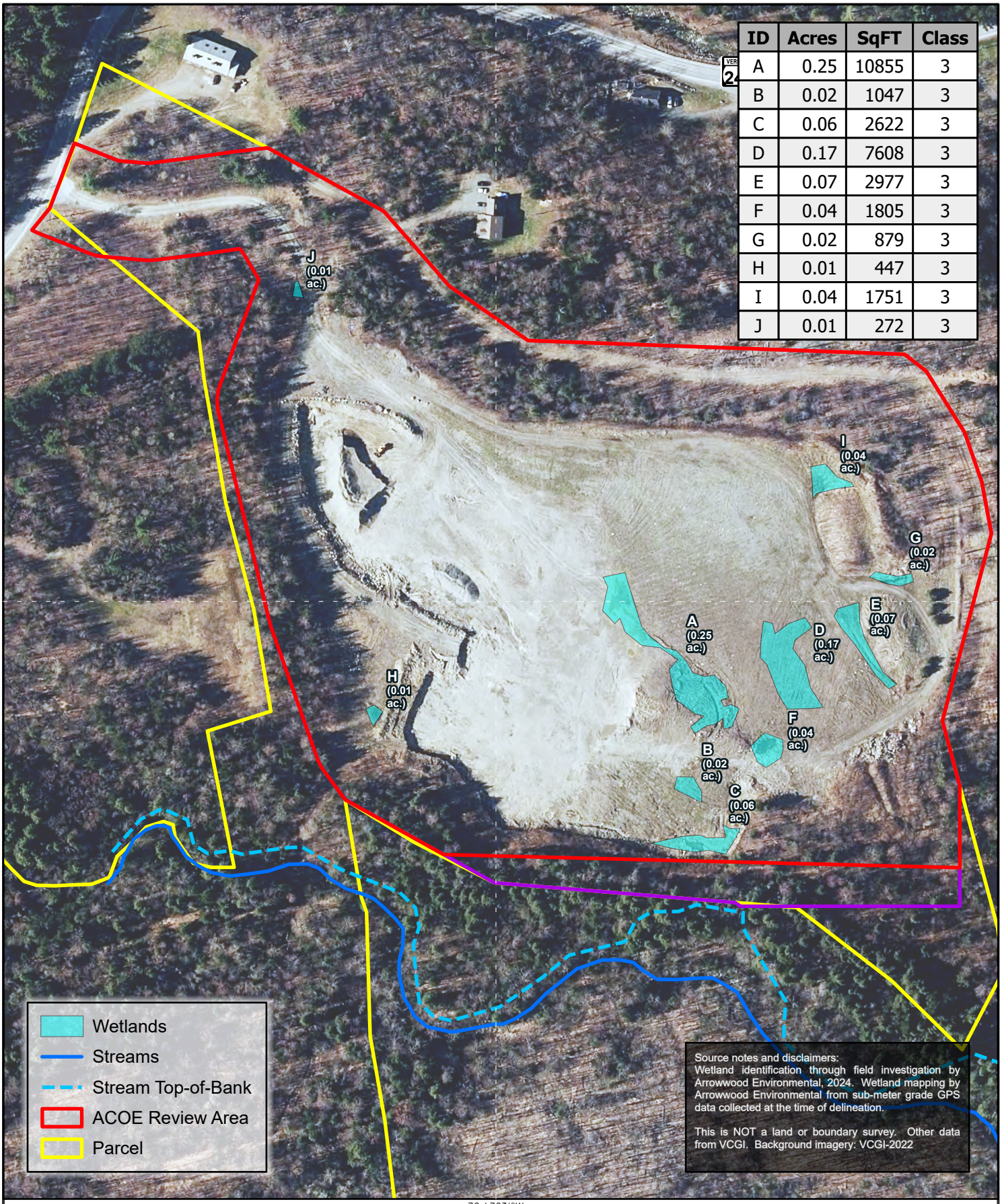
If you have any questions, please contact Mr. Adams, of my staff, at (978) 318-8485.

Sincerely,

Tammy R. Turley

Tammy R. Turley
Chief, Regulatory Division

Enclosures
cc:
Ms. Erica Sachs, U.S. EPA, sachs.erica@epa.gov
Ms. Dori Barton, Arrowwod Environmental, dori@arrowwoodvt.com
Mr. Alex Bravakis, Novus 242 Solar LLC, alex@novusenergydev.com



ID	Acres	SqFT	Class
A	0.25	10855	3
B	0.02	1047	3
C	0.06	2622	3
D	0.17	7608	3
E	0.07	2977	3
F	0.04	1805	3
G	0.02	879	3
H	0.01	447	3
I	0.04	1751	3
J	0.01	272	3

Figure 1

Novus- Jay

Wednesday, December 11, 2024 File: Novus_Jay:8.5x11
Prepared By: A Worthley *NAD 1983 StatePlane Vermont FIPS 4400*

Feet
0 25 50 100 150 200

N W E S

ARROWWOOD ENVIRONMENTAL
950 BERT WHITE ROAD
HUNTINGTON,VT 05462
(802 434-7276 FAX: (802) 329-2259

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: Novus 242 Solar LLC	File Number: NAE-2024-02020	Date: 02/12/2025
Attached is:		See Section below
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A
	PROFFERED PERMIT (Standard Permit or Letter of permission)	B
	PERMIT DENIAL WITHOUT PREJUDICE	C
	PERMIT DENIAL WITH PREJUDICE	D
X	APPROVED JURISDICTIONAL DETERMINATION	E
	PRELIMINARY JURISDICTIONAL DETERMINATION	F

SECTION I

The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at https://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/appeals/ or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit

- ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.

- OBJECT: If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.

- APPEAL: If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C. PERMIT DENIAL WITHOUT PREJUDICE: Not appealable
You received a permit denial without prejudice because a required Federal, state, and/or local authorization and/or certification has been denied for activities which also require a Department of the Army permit before final action has been taken on the Army permit application. The permit denial without prejudice is not appealable. There is no prejudice to the right of the applicant to reinstate processing of the Army permit application if subsequent approval is received from the appropriate Federal, state, and/or local agency on a previously denied authorization and/or certification.

D: PERMIT DENIAL WITH PREJUDICE: You may appeal the permit denial
You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information for reconsideration

- ACCEPT: You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice means that you accept the approved JD in its entirety and waive all rights to appeal the approved JD.

- APPEAL: If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

- RECONSIDERATION: You may request that the district engineer reconsider the approved JD by submitting new information or data to the district engineer within 60 days of the date of this notice. The district will determine whether the information submitted qualifies as new information or data that justifies reconsideration of the approved JD. A reconsideration request does not initiate the appeal process. You may submit a request for appeal to the division engineer to preserve your appeal rights while the district is determining whether the submitted information qualifies for a reconsideration.

F: PRELIMINARY JURISDICTIONAL DETERMINATION: Not appealable
You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also, you may provide new information for further consideration by the Corps to reevaluate the JD.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision you may contact:	If you have questions regarding the appeal process, or to submit your request for appeal, you may contact:
Mr. Ryan Malterud Acting Deputy Chief, Regulatory Division U.S. Army Corps of Engineers, New England District 696 Virginia Road Concord, MA 01742-2751 Phone: (978) 318-8390 Email: ryan.m.malterud@usace.army.mil	Mr. Andrew Dangler, Regulatory Appeals Review Officer U.S. Army Corps of Engineers North Atlantic Division – Fort Hamilton 301 John Warren Avenue – First Floor Brooklyn, NY 11252-6700 Mobile: (518) 487-0215 Email: andrew.c.dangler@usace.army.mil

SECTION II – REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

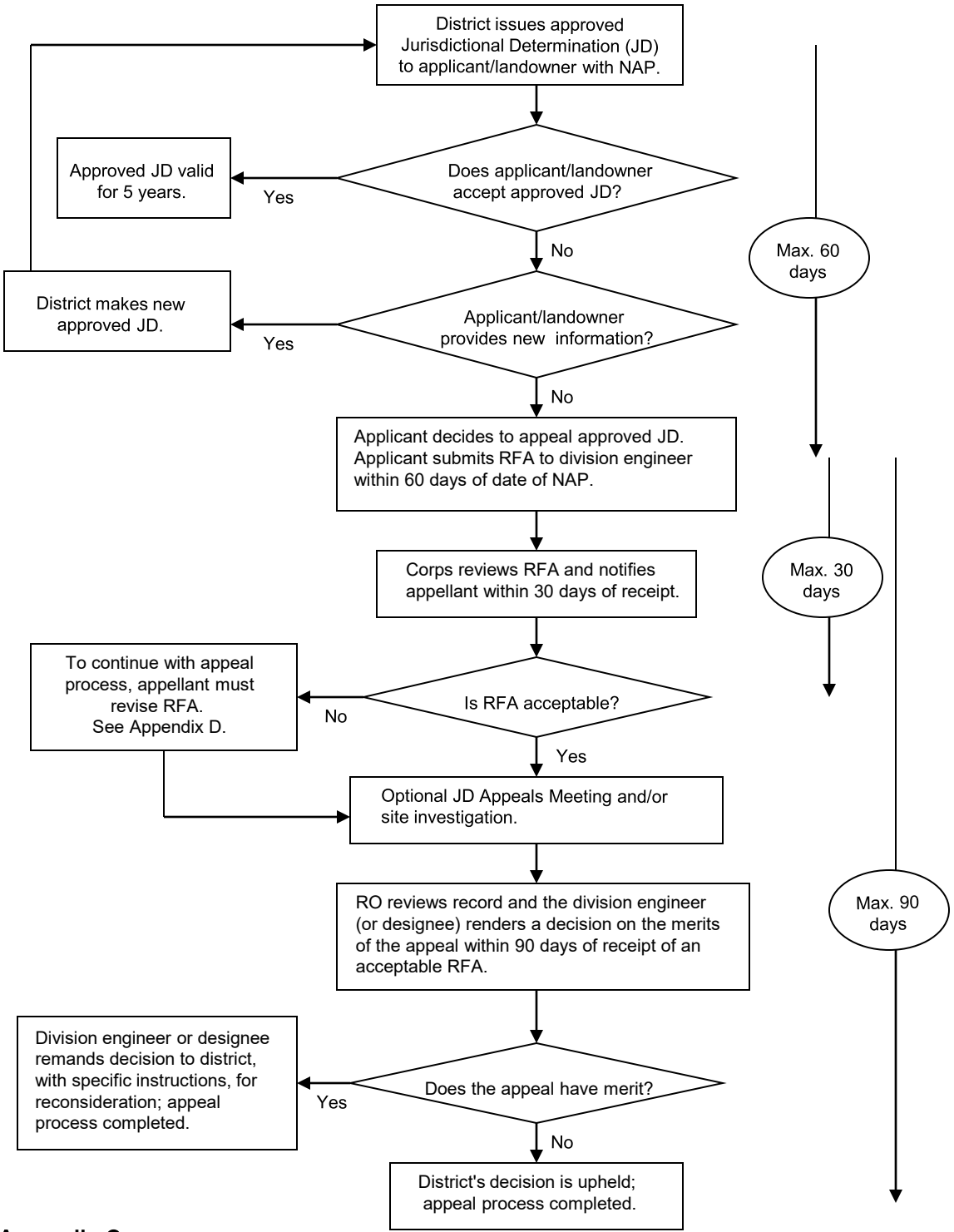
REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. Use additional pages as necessary. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15-day notice of any site investigation and will have the opportunity to participate in all site investigations.

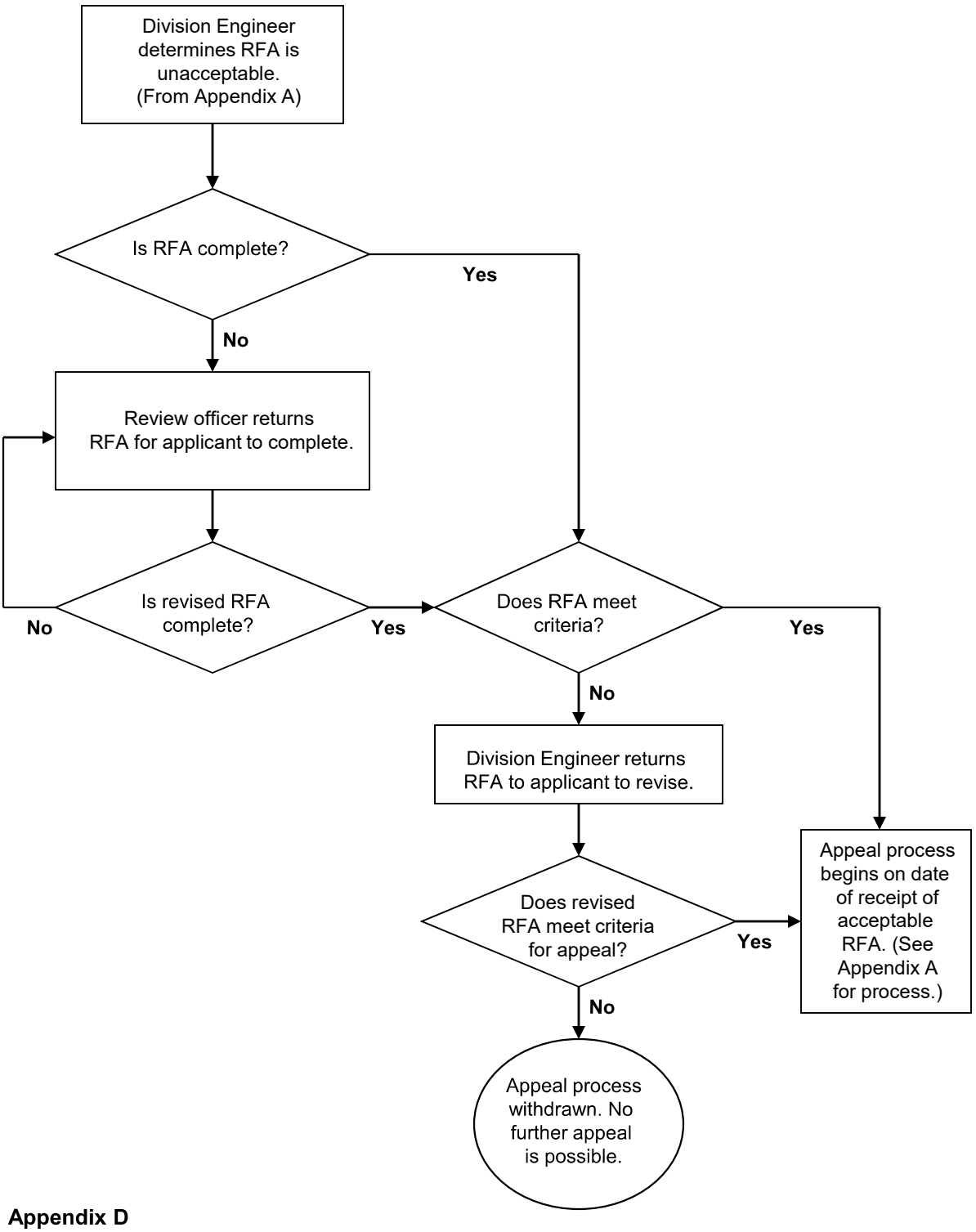
_____ Signature of appellant or agent.	Date:
Email address of appellant and/or agent:	Telephone number:

Administrative Appeal Process for Approved Jurisdictional Determinations



Appendix C

Process for Unacceptable Request for Appeal



Appendix D