

**STATE OF VERMONT
PUBLIC UTILITY COMMISSION**

Petition of Northland Solar, LLC for a)	
Certificate of Public Good, pursuant to 30)	
V.S.A. § 248a, for approval to install and)	Case No. 25-2346-PET
operate a 4.999 MW solar generation)	
facility in Lowell, Vermont)	

PREFILED REBUTTAL TESTIMONY OF MICHAEL LEW-SMITH

May 20, 2026

Summary: Mr. Lew-Smith's rebuttal testimony responds to testimony and exhibits submitted by the Town of Lowell regarding natural resource impacts from the Project.

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

2 A1. My name is Michael Lew-Smith, and I am an ecologist and botanist with Arrowwood
3 Environmental (“AE” or “Arrowwood”). My business address is 950 Bert White Road,
4 Huntington, Vermont, 05462.

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6 **Q2. Have you previously submitted testimony in this proceeding?**

7 A2. Yes, I submitted prefiled direct testimony on behalf of Petitioner Northland Solar LLC (“NS” or
8 “Northland Solar”) on October 1, 2025.

9
10 **Q3. What is the purpose of your rebuttal testimony?**

11 A3. The purpose of my testimony is to respond to the testimony and exhibits submitted by
12 Intervenors and the Town of Lowell (the “Town”) with respect to natural resources, specifically
13 grassland bird habitat, wetlands, and water quality.

14
15 **Q4. What materials have you reviewed in preparation for your testimony today?**

16 A4. I have reviewed the prefiled testimony and exhibits of Jennifer Blay and Jeffrey Koch, the
17 Memorandum of Understanding between Petitioner and the Vermont Agency of Natural
18 Resources (“ANR”) dated March 12, 2026 (the “ANR MOU”), the discovery responses provided
19 by Mr. Koch and Ms. Blay in response to Petitioner’s discovery requests, and the studies
20 referenced therein. I also rely on my own direct prefiled testimony and my Natural Resources
21 Assessment, filed as *Exhibit NS-MLS-2*.

22

1 **Q5. Please summarize the testimony and exhibits of Ms. Blay and Mr. Koch regarding the**
2 **Project's impact on natural resources, specifically wetlands and grassland bird habitat.**

3 A5. Ms. Blay's testimony raises general concerns about Project's impact on wetlands and streams.
4 Mr. Koch's testimony raises concerns about the grassland bird habitat on the Project site,
5 specifically for bobolinks, as well as potential impacts on soil quality.
6

7 **Q6. What is your general response to these witnesses?**

8 A6. The concerns raised by Ms. Blay and Mr. Koch with respect to the Project's potential impacts on
9 delineated wetlands (confirmed by Vermont Wetlands Program staff at ANR, streams, and
10 grassland birds were addressed in my direct testimony and report, which concludes that in my
11 expert opinion as an ecologist, with implementation of mitigatory measures the Project will not
12 have an undue adverse impact on these resources. In addition, ANR has reviewed the Project and
13 Northland Solar has worked collaboratively with ANR to reach a Memorandum of
14 Understanding, which establishes specific conditions to mitigate potential Project impacts to
15 natural resources. The ANR MOU was previously submitted in this proceeding as *Exhibit ANR-*
16 *NS-1*. ANR agrees that with the agreed-upon measures in the ANR MOU, the Project will not
17 result in an undue adverse impact on wetlands or grassland bird habitat.
18

19 **Q7. With respect to Ms. Blay's testimony, what is your response to her testimony regarding**
20 **impacts on wetlands?**

21 A7. Ms. Blay is correct that there are wetlands on the Project parcel, as shown in the natural resource
22 map included in *Exhibit NS-MLS-2*, but I disagree with her assertion that the Project will

1 adversely impact these wetlands and the water quality benefits they provide. As set forth in my
2 prefiled testimony and Natural Resources Report, there are Class II wetlands adjacent to the
3 Project site and a Class III wetland within the Project Site, however the Project has been
4 specifically sited to avoid all impacts to Class II wetlands and their 50-foot buffers. *See Exh.*
5 *NS-MLS-2*; *See also Exhibit NS-TH-2 (Rev.)*. AE’s wetland delineations were reviewed and
6 approved by the Vermont Wetlands Program on August 7, 2024. *See Exh. NS-MLS-2*.

7 The only direct wetland impact associated with the Project is to a Class III wetland,
8 which is an isolated depression lacking significant wetland functions and values. *See Exh. NS-*
9 *MLS-2*. This is likely the “wet meadow” Ms. Blay is referring to in her testimony (Blay pf. at
10 10-11). The proposed impact to this Class III wetland is limited to approximately 21 square feet
11 for solar foundation and fence posts and is below the threshold for reporting. ANR has
12 acknowledged that, subject to the conditions of the ANR MOU, the Project will avoid an undue
13 adverse impact on environmental criteria in Section 248(b)(5), including wetlands. *See Exh.*
14 *ANR-NS-1* at 5. Therefore, I reiterate my conclusion that the Project will not have an undue
15 adverse impact on wetland resources.

16 With respect to streams, Ms. Blay implies that the Project is proposing to damage or alter
17 LeClair Brook. (Blay p. 12). This is incorrect; the Project is proposing a road crossing over an
18 intermittent stream in the field that is an unnamed tributary of LeClair Brook. The Project
19 crossing has been designed for minimal impacts and is being designed and engineered to meet
20 modern hydraulic, water quality, and aquatic organism passage standards. The remainder of the
21 stream is protected with a 50-foot wide riparian buffer. The Project will therefore not result in
22 any undue adverse impacts on Le Clair Brook or other streams.

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Q8. With respect to Mr. Koch’s testimony, what is your response to his conclusions regarding impacts on grassland bird habitat?

A8. I would first note that while Mr. Koch is a biology teacher, he is not a professional ecologist. Mr. Koch focuses on the Project’s impact on bobolinks, which were observed on the site in the grassland bird habitat survey conducted by AE. While bobolinks are an indicator species of grassland bird habitat, they are not a rare, threatened or endangered species in Vermont. With respect to Mr. Koch’s suggestion that the grassland bird survey was somehow insufficient, I would note that AE followed the protocol directed by the Fish and Wildlife Department (“VFWD”) in the Grassland Bird Guidance submitted by Mr. Koch as an exhibit, and that we concluded the site does contain grassland bird habitat. See *Exhibit NS-MLS-2*. Mr. Koch also argues that the mitigation proposed is insufficient and that the appropriate mitigation is for the parcel to remain undeveloped. See *Koch pf. at 6, 8*. This is not consistent with the VFWD guidance or prior precedent in approved solar projects that have mitigated for grassland bird habitat impacts through payments to the Bobolink Fund.

In this case, the ANR MOU requires Petitioner to mitigate impacts to grassland bird habitat at a 2:1 ratio, totaling 76.6 acres of mitigation for the first 25 years of the Project life in the form of a financial contribution of \$84,500.00 (or \$3,380 per year) to the Bobolink Project administered by Mass Audubon. See *Exh. ANR-NS-1* at 3. Beginning in year 26, Petitioner will make annual mitigation payments at the dollar-per-acre rate in effect at the time of payment. The 2:1 mitigation ratio and the financial contribution to the Bobolink Project directly align with VFWD’s Guidance, and ANR agreed in the ANR MOU that these measures are sufficient to

1 ensure that the Project will mitigate the project's effect on grassland bird habitat resulting in no
2 undue adverse impacts.

3

4 **Q9. Have your conclusions regarding the Project's compliance with the natural resources**
5 **criterion changed?**

6 A9. No. I reiterate my opinion that the Project will not have an undue adverse impact on the natural
7 resource criteria, including impacts to wetlands, grassland bird habitat, and water quality. I am
8 also aware that the Project design has been revised to reduce the footprint and the limits of
9 disturbance by ~5 acres, which further reduces any impacts on the environment.

10

11 **Q10. Does this conclude your testimony at this time?**

12 A10. Yes, it does.

I, Michael Lew-Smith, 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 Hardwick, Vermont on the 20th day of May, 2026.

Michael Lew-Smith

Michael Lew-Smith