

**STATE OF VERMONT  
PUBLIC SERVICE BOARD**

PSB Docket No. \_\_\_\_\_

Application of BDE East Montpelier Lazar Solar, LLC     )  
Pursuant to 30 V.S.A. § 219a and Board Rule 5.100     )  
authorizing the installation and operation of a 500 kW     )  
solar group net-metered electric generation facility     )  
located off of Route 2 in East Montpelier, Vermont     )

**PREFILED TESTIMONY OF  
ADAM CRARY  
ON BEHALF OF  
BDE EAST MONTPELIER LAZAR SOLAR LLC**

**Summary of Testimony**

Mr. Crary’s testimony provides an assessment of the project’s potential impacts on the natural environment and addresses the portions of 30 V.S.A. § 248(b)(5), including 10 V.S.A. § 1424a(d) outstanding resource waters, and 6086(a) headwaters, waste disposal, floodways, streams, shorelines, wetlands, soil erosion, and rare and irreplaceable natural areas, threatened and endangered species and necessary wildlife habitat.



1 or replacement, or new energy generation, particularly renewables. I have also provided  
2 technical support to expert witnesses providing testimony for other projects under PSB  
3 review, including large utility-scale projects. I have also prepared and coordinated  
4 applications for the acquisition of numerous federal and state wetland and waters impact  
5 permits, which involve application of expert ecological and natural resource assessment  
6 disciplines.

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

9 A4. My testimony supports BDE East Montpelier Lazar Solar LLC's ("Applicant") Petition  
10 for a Certificate of Public Good (CPG) pursuant to 30 V.S.A. § 219a and Board Rule  
11 5.100 authorizing the installation and operation of a 500 kW ground mounted group net-  
12 metered solar group net-metered electric generation facility located off of Route 2, in the  
13 Town of East Montpelier, Vermont with regard to certain statutory environmental  
14 criteria, set forth in 30 V.S.A. § 248(b)(5). Specifically, my testimony addresses the  
15 following statutory criteria: outstanding resource waters (10 V.S.A. § 1424a(d)),  
16 headwaters (10 V.S.A. § 6086(a)(1)(A)), waste disposal (10 V.S.A. § 6086(a)(1)(B)),  
17 floodways (10 V.S.A. § 6086(a)(1)(D)), streams (10 V.S.A. § 6086(a)(1)(E)), shorelines  
18 (10 V.S.A. § 6086 (a)(1)(F)), wetlands (10 V.S.A. § 6086(a)(1)(G)), soil erosion (10  
19 V.S.A. § 6086(a)(4)), and rare and irreplaceable natural areas, threatened and endangered  
20 species, and necessary wildlife habitat (10 V.S.A. § 6086(a)(8) and (8)(a)).

21  
22 Under my direction, VHB has prepared the following memorandum which I rely on when  
23 making my assessments per the above criteria:

- 1           • Natural Resources Assessment (Exhibit BDE-AC-2)
- 2           • Section 248 Waste Disposal and Stormwater Technical Memorandum (Exhibit BDE-
- 3           AC-3)
- 4

5           In making my assessments, I also rely on Mr. Andrew Thomas' Project description, and

6           among other things, Project support staff at VHB and I have relied upon the Project plans

7           (Exhibit AT-2) and some Project information provided by the Applicant.

8

9    **II. Section 248 Criteria**

10                                   **Outstanding Resource Waters**  
11                                   [10 V.S.A. §1424a(d)(2) & (13)]

12    Q5.    Is this Project located on any segment of the waters of the state that have been designated

13           as outstanding resource waters by the Water Resources Board or Natural Resources

14           Board?

15    A5.    No. As described in Exhibit BDE-AC-2 on page 2, the Project is not located in the

16           vicinity of waters that have been designated or are prospective outstanding resource

17           waters.

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

21    Q6.    Will the Project result in undue adverse effects to headwaters?

22    A6.    No. Exhibit BDE-AC-2 at page 3 provides further details.

23

24

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23

**Waste Disposal**  
[10 V.S.A. § 6086(a)(1)(B)]

- Q7. Please discuss Applicant’s plans regarding waste disposal.
- A7. VHB has reviewed pertinent aspects of the Project and Applicant’s plans under this criterion and Exhibit BDE-AC-3 at pages 2-3 provides further details behind VHB’s conclusions that the Project if constructed according to the design and VHB’s understanding, will meet applicable regulations regarding the disposal of waste and will not involve the injection of waste materials or toxic substances into ground or surface waters.

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

- Q8. Is the Project within a floodway, floodway fringe, or river corridor?
- A8. No. The Project has been designed/sited to avoid such areas. Exhibit BDE-AC-2 at pages 3-4 provides further details.

**Streams**  
[10 V.S.A. § 6086(a)(1)(E)]

- Q9. Is this Project located near a watercourse?
- A9. No. As indicated in Exhibit BDE-AC-2 at pages 4-5, the nearest mapped stream channel is approximately 70-feet from the closest Project infrastructure.

1 Q10. Will construction have an undue adverse effect on identified streams in the Project  
2 vicinity?

3 A10. No. As described in Exhibit BDE-AC-2 on pages 4-5, the Project has been designed to  
4 avoid any activities within streams or riparian buffers and there will be no direct or  
5 indirect impact to streams.

6

7

8

**Shorelines**  
[10 V.S.A. § 6086(a)(1)(F)]

9 Q11. Does the Project involve the development of any shorelines?

10 A11. No. Exhibit BDE-AC-2 at page 5 provides further details.

11

12

13

**Wetlands**  
[10 V.S.A. § 6086(a)(1)(G)]

14 Q12. Will the Project create an undue, adverse effect upon significant wetlands?

15 A12. No. There are significant (Class II) wetlands and buffers within VHB's study area but  
16 not within the Project area. The Project array and clearing for shade management has  
17 been designed to avoid such wetland and buffers as indicated on the Project plans in  
18 Exhibit BDE-AT-2. There are two non-significant (Class III) wetland areas within the  
19 VHB study area, which the Project has been designed to avoid adverse impact. Exhibit  
20 BDE-AC-2 at pages 5-6 provides further details.

21

22

23

**Soil Erosion**  
[10 V.S.A. § 6086(a)(4)]

1 Q13. Will the Project cause unreasonable soil erosion or reduction in the capacity of the land to  
2 hold water so that a dangerous or unhealthy condition may result?

3 A13. No. As presented in Exhibit BDE-AC-3 at pages 3-4, the Project would not disturb more  
4 than 1-acre of surface soil. The site will not require site grading or stump grubbing for  
5 shade management clearing. EPSC measures for low-risk sites will be implemented  
6 during soil disturbing construction activities.

7

8 Q14. Does the Project require a permit for construction phase stormwater discharges?

9 A14. No. Further details are presented in Exhibit BDE-AC-3.

10

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

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

14 Q15. Does the Project involve any state significant natural communities or rare or irreplaceable  
15 natural areas (“RINA”)?

16 A15. No. Based on database and field surveys, and as described in Exhibit BDE-AC-2 on  
17 page 7, there are no significant natural communities nor other area that could constitute a  
18 RINA within the Project site.

19

20 Q16. Will the Project have an undue adverse effect on threatened or endangered species?

21 A16. No. Based on database and field surveys, and as described in Exhibit BDE-AC-2 on  
22 pages 6-7, there are no known state or federal threatened or endangered species that could  
23 be affected by the Project if constructed according to VHB’s understanding.

24

1 Q17. Will this Project have an undue adverse impact on critical fish or wildlife habitat?

2 A17. No. As included in Exhibit BDE-AC-2 at page 8, there are no areas that VHB would  
3 consider critical (necessary) wildlife habitat within the Project site.

4

5 Q18. Does this conclude your testimony?

6 A18. Yes.

**EXHIBIT LIST**

Exhibit BDE-AC-1	Resume
Exhibit BDE-AC-2	Section 248 Natural Resources Assessment Memorandum
Exhibit BDE-AC-3	Section 248 Waste Disposal/Stormwater Technical Memorandum