

**STATE OF VERMONT
PUBLIC UTILITY COMMISSION**

Petition of Chelsea Solar LLC,)
pursuant to 30 V.S.A. § 248, for a)
certificate of public good)
authorizing the installation and)
operation of the “Chelsea Solar)
Project,” a 2.0 MW solar electric)
generation facility located off)
Willow Road Bennington, Vermont)

Case No. 17-5024-PET

PREFILED DIRECT TESTIMONY OF
ALEX DEPILLIS

ON BEHALF OF VERMONT AGENCY OF AGRICULTURE, FOOD & MARKETS
(AAFM)

September 14, 2018

Mr. DePillis, on behalf of the Agency of Agriculture, Food and Markets, evaluates the proposed Chelsea Solar Project’s potential to impact primary agricultural soils under 30 V.S.A. §248(b)(5).

PREFILED TESTIMONY OF
ALEX DEPILLIS

1 I. INTRODUCTION

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

3 A1. My name is Alex DePillis. I am a Senior Agricultural Development Coordinator
4 for the Vermont Agency of Agriculture, Food & Markets (VAAFM or the
5 Agency), and serve in the Agricultural Development Division of the Agency,
6 based at 116 State Street in Montpelier, Vermont. In this role I manage VAAFM's
7 review of energy projects proposed under 30 V.S.A. §248, with a focus on
8 projects' potential impacts to primary agricultural soils under Section 248(b)(5).

9 **Q2. Please describe your background and experience.**

10 A2. I hold a bachelor's degree in mechanical engineering from the University of
11 Massachusetts, Amherst. I have worked in the renewable energy field for the
12 past 24 years, on a range of renewable energy technologies and policies,
13 including land-use permitting related to solar and wind projects; solar thermal
14 sales and installation; installation of small off-grid solar systems; and the
15 manufacture and installation of wind power systems. Specifically, my experience
16 includes eight years as a Renewable Energy Engineer for the Wisconsin
17 Department of Administration, Division of Energy (1998-2006); work in business
18 development and as a field technician for Seventh Generation, where I had the

1 opportunity to decommission a 20-kW wind system (May-December 2006); close
2 to three years as a wind monitoring engineer for EcoEnergy, a private company
3 with offices in Wisconsin, (May 2007-January 2010), and a year and half as an
4 engineer with Wind Energy Systems Engineering, Inc. (June 2011-October 2012).
5 At EcoEnergy, I led the permitting for a single 1.5-MW wind turbine for the
6 River Falls, WI municipal utility, and supported the permitting of a two-turbine
7 project constructed at S. C. Johnson's manufacturing facility in Mt. Pleasant, WI.

8 As noted above, in my current capacity as Senior Agricultural
9 Development Coordinator, I manage the Agency's review of Section 248 projects,
10 focusing on impacts to primary agricultural soils. This involves reviewing
11 applicants' prefiled testimony and exhibits, including site plans and
12 decommissioning plans; using mapping tools such as the Agency of Natural
13 Resources Natural Resources Atlas and/or the United States Department of
14 Agriculture Natural Resources Conservation Service Web Soil Survey to confirm
15 the amount of primary agricultural soils that are present on tracts of land that
16 will host project components; and assessing whether and to what extent those
17 soils will be directly or indirectly impacted by a proposed project. Where
18 appropriate, I also provide recommendations to mitigate impacts, including
19 applying best practices that allow the land to be farmed in the future. My work
20 is informed by my personal knowledge, training and experience, as well as by

1 guidance from experts engaged by VAAFM (including the Agency's guidelines
2 on the reclamation of agricultural soils, which was developed with assistance
3 from USDA Natural Resources Conservation Service (NRCS) and Ben Waterman,
4 soils consultant, and which is available at
5 [http://agriculture.vermont.gov/sites/ag/files/pdf/act250/ReclamationGuideli](http://agriculture.vermont.gov/sites/ag/files/pdf/act250/ReclamationGuidelinesforAgriculturalSoils.pdf)
6 [nesforAgriculturalSoils .pdf](http://agriculture.vermont.gov/sites/ag/files/pdf/act250/ReclamationGuidelinesforAgriculturalSoils.pdf)).

7 **Q3. Have you previously testified or provided public comment before the Public**
8 **Utility Commission?**

9 A3. No, I have not.

10 **Q4. What is the purpose of your testimony in this case?**

11 A4. The purpose of my testimony is to present the Commission with evidence and
12 recommendations concerning findings to be made under 30 V.S.A. § 248(b)(5)
13 with respect to primary agricultural soils. Under 30 V.S.A. § 248(a)(4)(F)(i), the
14 Agency of Agriculture is required to appear is a party in proceedings such as this
15 one that concern an electric generation facility with a capacity of greater than 500
16 kilowatts that is to be sited on a tract containing primary agricultural soils.

17 II. DISCUSSION

18 **Q5. Are you familiar with the proposed Chelsea Solar project?**

19 A5. Yes, but only with respect to the proposed project's potential to impact primary
20 agricultural soils. Notably, I have reviewed and analyzed the Prefiled Testimony

1 of Ian Jewkes with regard to primary agricultural soils; the Site Plan, Exhibit CS-
2 IJ-2 (November 28, 2017), and Amended Site Plan, Exhibit CS-BW-28 (February
3 15, 2018); and relevant portions of the Decommissioning Plan, Exhibit CS-BW-8
4 (December 17, 2017).

5 **Q6. What does the term “primary agricultural soil” mean?**

6 A6. The term “primary agricultural soil” is defined is 10 V.S.A. § 6001(15), and refers
7 in the first instance to mapped farmland soil units that the Natural Resources
8 Conservation Service (NRCS) of the United States Department of Agriculture has
9 identified and determined to have a rating of prime, statewide, or locally
10 important farmland. See 10 V.S.A. § 6001(15)(A). NRCS important Farmland
11 ratings help to identify soil map units that represent “the best land for producing
12 food, feed, fiber, forage, and oilseed crops.” NRCS, *Farmland Classification Systems*
13 *for Vermont Soils* (April 2018) at 3.

14 The term “primary agricultural soils” can also be used to refer to soils on a
15 project tract that are found to be of agricultural importance due to their present
16 or recent use for agricultural activities, and that have not been identified by the
17 NRCS as important farmland soil map units. 10 V.S.A. §6001(15)(B).

18 **Q7. Is the Chelsea Solar Project located on a tract that contains primary agricultural**
19 **soils?**

1 A7. Yes. Approximately one fifth of an acre of Stockbridge loam soils, 2 to 8 percent
2 slopes, rated as prime farmland, is located in the Project area. This mapped soil
3 unit is found on the northeast edge of the project footprint.

4 **Q8. Will the Chelsea Solar Project have an undue adverse impact on primary**
5 **agricultural soils?**

6 A.8. Not it will not. In the Prefiled Testimony of Ian Jewkes on behalf of the Petitioner
7 (at page 10, A20), Mr. Jewkes represents that no array construction is proposed
8 within the area where primary agricultural soils are located. Activities will be
9 limited to the installation of standard fence posts and to cutting the existing
10 vegetation within this area. Mr. Jewkes also indicates that none of the following
11 will occur during construction: heavy vehicular travel, grading, and stump
12 removal. This is also shown on Exhibit CS-IJ-2 at Sheet C-105. Moreover, the
13 Decommissioning Plan, Exhibit CS-BW-8, includes a number of provisions (see
14 Section 2, e.-j.) relating to soils reclamation. Accordingly, VAAFM agrees that,
15 with respect to primary agricultural soils under Section 248(b)(5), no mitigation
16 is required and there will be no undue adverse impact.

17 **Q9. Are there any conditions that the Commission should include in any CPG that**
18 **may issue for the Project?**

19 A9. I respectfully remind the Commission that Section 248(t) requires the
20 Commission to include the following language in each certificate of public good

1 issued for a ground-mounted solar generation facility: “Notwithstanding any
2 contrary provision of the law, primary agricultural soils as defined in 10 V.S.A. §
3 6001 located on the site of a solar electric generation facility approved under this
4 section shall remain classified as such soils, and the review of any change in use
5 of the site subsequent to the construction of the facility shall treat the soils as if
6 the facility had never been constructed.”

7 III. CONCLUSION

8 **Q10. Does this conclude your testimony?**

9 A10. Yes.