

**STATE OF VERMONT
PUBLIC UTILITY COMMISSION**

Investigation pursuant to 30 V.S.A. §§ 30 and 209	)	Case No. 20-1611-INV
into whether the petitioner initiated site	)	
preparation at Apple Hill in Bennington, Vermont,	)	
for electric generation in violation of 30 V.S.A. §	)	
248(a)(2)	)	

VERMONT AGENCY OF NATURAL RESOURCES COMMENTS

On June 29, 2020, the Vermont Public Utility Commission (“Commission”) issued an order requesting immediate comments from the parties in this matter. In its order, the Commission requested that the Vermont Agency of Natural Resources (“Agency”) “inform the Commission as to whether ... [the Agency] has sent (or plans to send) any state personnel to the Apple Hill site to assess and report on the nature of any activity occurring there.”¹ The “activity” referenced in the order pertains to what was described (in a public comment filed on with the Commission on June 27) as clearing “in violation of the TRO issued [June 26, 2020]”²

The Agency has not sent any personnel to the approximately 27-acre parcel on which the Apple Hill and Willow Road (formerly Chelsea) solar projects have been proposed (the “Willow Road Parcel” or “Parcel”)³ in response to the June 27 public comment. At this time, the Agency needs more information to determine whether it will

¹ Case No. 20-1611-INV, order dated 6/29/2020 at page 2.

² *Id.* at page 1.

³ *See*, Case No. 17-5024-PET, Exhibit CS-BW-31 (Docket 8302 Exhibit CS-ECOS-2 ALTA Survey).

send any personnel to the Willow Road Parcel in connection with the reported June 27 activities.

The Agency respectfully requests that the Commission direct the owner of the Willow Road Parcel and Petitioners in the three solar project cases to provide the following information with respect to all activities which have occurred on the Willow Road Parcel after the issuance of the Commission's June 26 TRO in this case:⁴

1) a description of the activities (e.g., earth moving, grading, vegetation removal, driving upon);

2) the equipment utilized (e.g., bulldozers, trucks, chainsaws, etc.);

3) identity of the person(s) who conducted the activities;

4) identity of all other persons present;

5) identity of all persons not present who knew that activities were (or would be) taking place;

6) identification of all locations (including georeferenced data based on submeter accuracy GPS points) where all such activities occurred; and

7) a site plan prepared and certified by a Vermont licensed civil engineer which shows the locations of all of the activities as well as the locations of (and relation of the activities to) all of the very rare and rare plants identified at the Willow Road Parcel from all natural resources studies, assessments, and rare plant monitoring reports (and all associated GPS location data) performed for the Apple Hill (8454), Chelsea (8302), and Willow Road (17-5024) projects.

⁴ This request includes all activities on the Willow Road Parcel which occurred for purposes of accessing the "Orchard Lot" (i.e., the lot which is separate from the 27-acre Willow Road Parcel, which is located north of the eastern portion of the Willow Road Parcel, and on which the Apple Hill and Willow Road solar projects are not proposed to be built).

Dated June 30, 2020, at Waterbury, Vermont.

Respectfully submitted,
State of Vermont
Agency of Natural Resources



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