

**STATE OF VERMONT
PUBLIC UTILITY COMMISSION**

Petition of Putney Green Acres Solar LLC,)
for a certificate of public good, pursuant to)
30 V.S.A § § 248 and 8010, authorizing the)
installation and operation of a 500 kW) Case No. 21-0401-NMP
(AC) solar electric generation system in)
Putney, Vermont)
)

**THE VERMONT AGENCY OF AGRICULTURE, FOOD
AND MARKETS' COMMENTS**

NOW COMES, the Vermont Agency of Agriculture, Food and Markets (AAFM), by and through the undersigned counsel, and offers the Public Utility Commission (PUC) the following comments in the above captioned matter, pursuant to 30 V.S.A. § 248(a)(4)(F)(ii).

Primary Agricultural Soils (PAS)

AAFM has reviewed the application materials describing the construction and operation of the 500 kW solar net-metering system (the Project) proposed by Putney Green Acres Solar LLC (the Applicant) in Putney, Vermont. The Project has the potential to impact approximately 5.16 acres of primary agricultural soils (PAS), which is the amount of PAS within the Project's limit of disturbance. Exhibit PGAS-MS-2. The Applicant describes PAS impact in terms of excavation for underground conduit and for the AC combiner pad and AC disconnect pedestal. Exhibit PGAS-MS-2. AAFM observes that machinery to dig trenches, remove trees, and install Project components can compact soil and can even form long-lasting ruts or create shallow holes where trees had been.

After excavating soil for the underground conduit, the Applicant proposes to put soil back within the trench “in the same layers as they were removed to maintain the integrity of the soil horizons.” The Prefiled Testimony of Martha Staskus (Staskus pf.) at 7. When decommissioning the Project, the Applicant proposes to remove the Project and safely dispose of it once it is no longer in service, and to restore the site to its condition prior to installation of the facility to the greatest extent practicable, subject to any BRELLA program and permit conditions applicable at the time the facility is decommissioned. Staskus pf. at 8. Further, the Applicant proposes to restore any primary agricultural soils disturbed in connection with decommissioning activities in the same layers as they were removed to maintain the integrity of the soil horizons. *Id.*

Conditions to Mitigate Impacts on Primary Agricultural Soils

AAFM respectfully requests that any CPG issued in this matter include the following conditions, which are intended to ensure inter alia that excavated soils are handled in a manner that maintains the integrity of the soil horizons; that all infrastructure is removed; and that impacts from soil compaction are minimized:

1. As provided in 30 V.S.A. § 248(t), notwithstanding any contrary provision of the law, primary agricultural soils as defined in 10 V.S.A. § 6001 located on the site of a solar electric generation facility approved under this section shall remain classified as such soils, and the review of any change in use of the site after construction of the facility shall treat the soils as if the facility had never been constructed.

2. If installing electric conduit and the AC combiner pad with imported material of any kind (i.e. fill) in a trench in areas of PAS, the CPG Holder shall remove soil in a manner that separates soil horizons, stockpile the layer(s) displaced by the layer of imported material for the life of the Project, and replace the remaining soil horizons in original sequence to fill the trench after installation of the conduit. When decommissioning and removing electric conduit from any trench(es), the CPG Holder shall excavate and replace soil horizons in the same way, this time removing the conduit and imported material and replacing it with the stockpiled layer(s) that the imported material previously displaced. If no imported material is used for underground electric conduit installation and for the AC combiner pad and AC disconnect pedestal, no soil stockpiling shall be required for the associated excavation as long as the CPG Holder ensures that any PAS removed (during construction and again during decommissioning) is replaced in a manner that retains the integrity of the PAS and the proper sequencing of soil horizons consistent the AAFM Act 250 Procedure: Reclamation of Vermont Agricultural Soils, currently available online at https://agriculture.vermont.gov/sites/agriculture/files/documents/land_use/ReclamationGuidelinesforAgriculturalSoils_.pdf (rev. Oct. 30, 2014).
3. In areas of tree cutting, if stumps are to be removed, stump removal will occur simultaneously with tree cutting and other construction activities using light equipment such as a skid steer or small excavator. Grubbing in the proposed tree cutting/grubbing area will minimize soil disturbance to include only what is necessary to effectively remove tree stumps and woody debris to construct the Project. Tree stumps that are removed will be shaken clean over the area from which they were removed. Stumps will either be chipped or ground up. Chips and ground wood will be used to fill any minor depressions from areas from which trees were removed, widely dispersed so as not to form significant piles, and/or transported off the site for proper disposal. Wood in any form shall not be piled on the site after construction is complete.
4. To reduce impacts from soil compaction, the CPG Holder shall not use any vehicle or equipment with an axle load (the fraction of gross weight distributed over each axle) of over 12,000 pounds on wet soils at the site. Wet

soils exist when the site has seen higher than average rainfall for a trailing 30-day period, based on National Weather Service or similar state or federal rainfall data. This prohibition shall not apply to the use of the existing access road.


5. In order to return the site to its pre-construction condition to the extent possible at the end of the Project to enable use of the site for agricultural purposes, the CPG Holder shall:
 - a. Remove all infrastructure and properly dispose of Project components off-site.
 - b. Test soil bulk density and, if necessary, mitigate for compaction as follows:
 - i. Before installation, test to a depth of at least one foot in primary agricultural soil at the following locations (lat/long coordinates):
Location 1: 42.9682°, -72.4954°
Location 2: 42.9683°, -72.4952°
 - ii. At the end of the decommissioning process, the CPG Holder shall repeat the subsoil bulk density testing at the same locations where the pre-construction testing was done. If post-decommissioning testing shows material soil compaction (i.e. ten percent or higher increase in bulk density), then the Petitioner shall perform agricultural subsoiling and/or other strategies to remediate compaction until soil bulk density is materially the same as it was at the onset of the Project.
 - iii. For all tests, the CPG Holder shall file test results in ePUC within 60 days of performing the tests.

Conclusion

AAFM respectfully requests that the Commission find that the Project will impact approximately 5.16 acres of primary agricultural soils, and that the conditions listed above be included in any CPG issued in this case. With these conditions, the Project will not have an undue adverse effect on primary agricultural soils under 30 V.S.A. § 248(b)(5).

Dated at Burlington, Vermont this 1st day of March 2021.

STATE OF VERMONT
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ATTORNEY GENERAL

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cc: ePUC Service List