STATE OF VERMONT
PUBLIC UTILITY COMMISSION

Petition of Randolph Davis 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 group net-metered solar electric generation system in Randolph, Vermont	))))))	Case No. 21-2939-NMP

VERMONT AGENCY OF AGRICULTURE, FOOD AND MARKETS' REVISED COMMENTS

The Vermont Agency of Agriculture, Food and Markets (AAFM), by and through counsel, provides the following comments in this matter pursuant to 30 V.S.A. § 248(a)(4)(F)(ii). These comments supersede AAFM's comment letter filed on October 25, 2021 and the prefiled testimony of Alex DePillis filed by AAFM on May 6, 2022.

Primary Agricultural Soils (PAS)

AAFM has reviewed the application of Randolph Davis Solar, LLC (the Applicant) for the construction and operation of the 500-kW solar net-metering system in Randolph, Vermont (the Project). The Project tract is approximately 20.7 acres in area and contains primary agricultural soils (PAS) mapped by the U.S.D.A. Natural Resource Conservation Service as Buckland loam, Statewide. As set forth below, the Project has the potential to impact 2.05± acres of PAS within the Project's limits of disturbance, including the perimeter fence as well as the temporary staging area, access road, trenching for underground power, an AC combiner pad and AC disconnect pedestal, and clearing trees.

To mitigate impacts on PAS, the Applicant proposes to follow AAFM guidance for managing and reclaiming soils. Prefiled Testimony of Martha Staskus at 5. The Applicant proposes to stockpile PAS except when installing underground electric conduit, which will be installed in a trench by removing soil layers, keeping them separate, and then backfilling in the same soil layers after the conduit is installed. Exhibit RDS MS-2, "NOTES ON DISTURBANCES OF PRIME AGRICULTURAL SOILS (PAS)," sheet C-100. The Applicant also proposes a staging area. Exh. RDS MS-2.

In its decommissioning plan, the Applicant states that it will remove the facilities and restore the site to its condition prior to installation of the facility to the greatest extent practicable. Exh. RDS MS-9.

The Project's impacts on PAS can be mitigated adequately through the conditions listed below.

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 stockpiled during construction, stored appropriately on site, and replaced at decommissioning; that all infrastructure is removed; and that impacts from soil compaction are minimized:

1. For areas of soil disturbance of primary agricultural soils ("PAS") on the Project site and to the extent consistent with other more specific conditions

set forth herein, the CPG Holder shall comply with the AAFM Act 250 Procedure: Reclamation of Vermont Agricultural Soils (rev. Oct.30, 2014) ("AAFM Guidelines"), except as otherwise provided in more specific conditions herein, currently available online at: https://agriculture.vermont.gov/sites/agriculture/files/documents/land_use/ReclamationGuidelinesforAgriculturalSoils_.pdf. The CPG Holder shall also comply with the AAFM Guidelines with respect to sequencing for returning soils at the conclusion of construction or project decommissioning.

2. Except for grading to create the access road, the Project shall not include any grading of primary agricultural soils. Any fill or gravel used for roads or staging areas shall be separated from native soils by a suitable barrier such as geotextile fabric.

3. Soil shall not be stockpiled on slopes greater than 15%.

4. 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.

5. 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 any on-site gravel roads or staging areas that are constructed with geotextile fabric, a minimum of 10" of gravel, and a 1" or thicker cap of crushed aggregate.

6. At the end of the Project, to return the site to its pre-construction condition to the greatest extent practicable consistent with Commission rules, and to enable use of the site for agricultural purposes, the CPG Holder shall:
    a. Remove all infrastructure and roads, including any below-ground drilled posts that are part of the racking, consistent with Commission rules and ensure proper off-site disposal of Project components.
    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 (latitude and longitude):
        Location 1: 43.9037°, -72.5669°
        Location 2: 43.9037°, -72.5671°
        Location 3: 43.9036°, -72.5678°
        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.

7. 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.

Conclusion

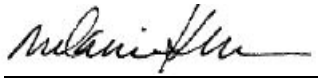
AAFM respectfully requests that the Commission find that the Project will impact approximately 2.05± acres of primary agricultural soils, and that the conditions listed above be included in any CPG issued in this case. With these

conditions, the Project will not have an undue adverse effect on primary agricultural soils under 30 V.S.A. § 248(b)(5).

DATED at Montpelier, Vermont this 9th day of September 2022.

STATE OF VERMONT
AGENCY OF AGRICULTURE,
FOOD AND MARKETS

SUSANNE R. YOUNG
ATTORNEY GENERAL

By: 

Melanie Kehne
Assistant Attorney General
Office of the Attorney General
109 State Street
Montpelier, VT 05609-1001
(802) 752-9138
melanie.kehne@vermont.gov