

**STATE OF VERMONT
PUBLIC UTILITY COMMISSION**

Petition of VT Real Estate Holdings 2 LLC	)	
for a Certificate of Public Good, pursuant to	)	
30 V.S.A. § 248, authorizing the installation	)	
and operation of a 20 MW solar electric	)	Case No. 24-2945-PET
generation facility off Airport Road in Fair	)	
Haven, Vermont to be known as the “Fair	)	
Haven Solar Project”	)	

**PETITIONER VT REAL ESTATE HOLDINGS 2 LLC’S PROPOSED
CERTIFICATE OF PUBLIC GOOD ISSUED PURSUANT TO 30 V.S.A. § 248**

IT IS HEREBY CERTIFIED that the Public Utility Commission of the State of Vermont (“Commission”) this day found and adjudged that the installation and operation of the proposed facility in Fair Haven, Vermont (“the Project”) will promote the general good of the State of Vermont, and a Certificate of Public Good (“CPG”) is hereby issued to VT Real Estate Holdings 2 LLC (“Fair Haven Solar” or “CPG Holder”), subject to the following conditions:

1. Site preparation, construction, operation, and maintenance of the Project shall be in accordance with the plans and evidence submitted in this proceeding. Any material deviation from these plans or a substantial change to the Project shall be approved by the Commission. Failure to obtain advance approval from the Commission for a material deviation from the approved plans or a substantial change to the Project may result in the assessment of a penalty pursuant to 30 V.S.A. §§ 30 and 247.
2. This CPG shall not be transferred without prior approval of the Commission.
3. Prior to beginning site preparation, construction, operation, or maintenance of the Project, the CPG Holder shall obtain all other necessary permits and approvals. Site preparation, construction, operation, and maintenance of the Project shall be in accordance with such permits and approvals, and with all other applicable regulations, including those of the Vermont Agency of Natural Resources (“ANR”) and its Department of Environmental Conservation (“DEC”).
4. Prior to beginning site preparation or construction of the Project, the CPG Holder shall file with the Commission, the parties, and the Town of Fair Haven a letter stating that it has fulfilled all pre-site preparation and pre-construction CPG conditions, and that it intends to commence site preparation and construction of the Project.
5. The CPG Holder shall restrict construction activities and related deliveries to the hours between 7:00 A.M. and 7:00 P.M. Monday through Friday, and between 8:00 A.M. and 5:00 P.M. on Saturdays. No construction shall take place on Sundays or state or federal holidays.

6. The CPG Holder shall be responsible for all costs of distribution and transmission system upgrades that are necessary in order to address adverse impacts on system stability and reliability due to the Project, as determined by the system impact or other applicable study.
7. As required by 30 V.S.A. § 248(a)(7), within 45 days of the date of this Order, the CPG Holder shall record a notice of the CPG on the form available at <http://puc.vermont.gov/document/cpg-municipal-notice-form> in the land records of each municipality in which a facility subject to the CPG is located.
8. The Project shall comply with the applicable requirements of the National Electrical Safety Code.
9. Prior to commencing commercial operation of the Project, the CPG Holder shall file with the Commission, the parties, and the Town of Fair Haven a letter stating that it has fulfilled all pre-operation CPG conditions and that it intends to commence operation of the Project.
10. The CPG Holder shall remove the facilities authorized by this CPG once they are no longer in service and restore the site to its condition before installation of the facility to the greatest extent practicable, consistent with the terms and conditions of the proposed decommissioning plan, identified in the evidentiary record as Exhibit FHS-RW-4.
11. Before beginning site preparation, the CPG Holder must file with the Commission and obtain Commission approval for an executed letter of credit or other form of financial security in the amount of \$1,678,996. The letter of credit must be an irrevocable standby letter of credit that: (i) names the Commission as the sole beneficiary of the letter of credit; (ii) is issued by an A-rated financial institution; (iii) includes an automatic extension provision or "evergreen clause"; and (iv) is bankruptcy remote. If the CPG Holder elects to establish the fund using an alternative form of financial security, that security must be established solely for the benefit of the Commission.
12. Every three years the CPG Holder must file a report with the Commission, the Department, and each party to this proceeding, describing any adjustments and changes to the decommissioning fund in the previous three-year period. This report must be filed no later than February 28 of the third year following the issuance of the CPG and every subsequent third year.
13. The value of the decommissioning fund must be adjusted for inflation every three years based on the net positive change in the annual average of the U.S. Bureau of Labor Statistics' Northeast Urban Consumer Price Index for the preceding three-year period.
14. The Facility's standby letter of credit or other form of financial security must be adjusted every three years to reflect changes to the decommissioning fund as provided in condition 13, above. Revisions must be made no later than February 28 in conjunction with the report required pursuant to condition 12, above. The Commission may require more frequent adjustments due to facility or site conditions.

15. The Commission has the right to draw on the Facility's irrevocable standby letter of credit or other form of financial security to pay for decommissioning in the event that the CPG Holder has not begun decommissioning activities within 90 days of a Commission order directing decommissioning.
16. Upon completion of all decommissioning and site restoration activities, the CPG Holder must request a determination from the Commission that the CPG Holder's decommissioning obligations have been satisfied. Upon the Commission's determination that the decommissioning obligations have been satisfied, the Commission will terminate the Facility's letter of credit or other form of financial security.
17. The CPG Holder must register with Dig Safe and comply with 30 V.S.A. Chapter 86 and Commission Rule 3.800 for the life of the Project.
18. The CPG Holder shall fully implement the final aesthetic mitigation plan as soon as reasonably possible, and in no case more than 90 days following the completion of construction, unless such timing would require implementation between October 15 and April 15, in which case the plan shall be fully implemented within 30 days of the following April 15.
19. Within 30 days following the full implementation of the final aesthetic mitigation plan, the CPG Holder shall submit to the Commission and all parties in the proceeding in which the CPG was granted a certification that all work has been fully implemented in a manner consistent with the approved plan. This certification shall include the completion of construction date as well as the date of interconnection and shall be supported by an affidavit and dated photographs of the installed mitigation measures. If construction of the facility components and/or aesthetic mitigation has deviated from the design of the facility as approved, the CPG Holder shall also file for Commission review and approval a revised final mitigation plan. Submission of a revised final mitigation plan shall not relieve a CPG Holder from its obligation to request an amendment to the CPG for a substantial change.
20. The Commission may conduct further process as needed to ensure compliance with the final aesthetic mitigation plan or revised final aesthetic mitigation plan. As part of such process, the Commission may, on its own motion or at the request of a party, municipality, or member of the public, conduct a site visit and/or require additional filings to verify compliance. Any request for a site visit must be supported by an explanation of why such a visit is necessary. In addition, the Commission may refer complaints related to compliance with a final aesthetic mitigation plan or a final revised aesthetic mitigation plan to the Department of Public Service for investigation and enforcement pursuant to 30 V.S.A. §§ 2(h) and 30(h).
21. For a period of three years, the CPG Holder shall conduct an annual inspection of the facility to determine the health, vigor, and continued effectiveness of the mitigation. The CPG Holder shall file with the Commission and parties an annual certification documenting the results of the inspection and any corrective actions taken. Certifications required under this paragraph shall be submitted by the dates one, two, and three years

following the submission of the certification of completion required by Condition 19 above.

22. The CPG Holder shall maintain mitigation measures contained in the final aesthetics mitigation plan or revised final aesthetics mitigation plan for the life of the facility as those measures are depicted on the plan.
23. The CPG Holder shall comply with the terms and conditions of the agreements entered into with the following parties and admitted to the record in this proceeding: ANR (Exhibit FHS-ANR-1), the Vermont Agency of Agriculture, Food and Markets ("AAFM") (Exhibits FHS-AAFM-1, FHS-AAFM-1a), and the Vermont Division of Historic Preservation ("VDHP") (Exhibit FHS-BT-4).

Natural Resources

24. Before beginning site preparation or construction of the Project, the CPG Holder shall obtain from the Agency authorization for the Project under an Individual Construction Stormwater Permit (INDC). All Project work shall be performed in accordance with the terms and conditions of the Stormwater Permit and any subsequent amendments.
25. Before beginning site preparation or construction of the Project, the CPG Holder shall obtain from the Agency authorization for the Project under an Operational Stormwater Permit 3-9050. All Project work shall be performed in accordance with the terms and conditions of the Stormwater Permit and any subsequent amendments.
26. Before beginning site preparation or construction of the Project, the CPG Holder shall obtain from the Agency authorization for the Project under a Flood Hazard Area and River Corridor (FHA&RC) Permit. All Project work shall be performed in accordance with the terms and conditions of the FHA&RC Permit and any subsequent amendments.
27. Before beginning site preparation or construction of the Project, the CPG Holder shall obtain from the Agency authorization for the Project under either a General or Individual Stream Alteration Permit. All Project work shall be performed in accordance with the terms and conditions of the Stream Alteration Permit and any subsequent amendments.
28. Before beginning site preparation or construction of the Project, the CPG Holder shall obtain from the Agency authorization for the Project under a Vermont Wetland Permit. All Project work shall be performed in accordance with the terms and conditions of the Wetland Permit and any subsequent amendments.
29. If an Individual Section 404 Permit from the U.S. Army Corps of Engineers is required for the Project, then, before beginning site preparation or construction of the Project, the CPG Holder shall obtain from the Agency either an Individual Section 401 Water Quality Certification or a final determination from the Agency that it has waived the Section 401 Water Quality Certification. If a Section 401 Water Quality Certification is required, all Project work, including operation and maintenance, shall be performed in accordance with the terms and conditions of the Water Quality Certification and any subsequent amendments.

30. Before beginning site preparation or construction of the Project, the CPG Holder shall obtain from the Agency an Endangered & Threatened Species Takings Permit for the Eastern meadowlark (*Sturnella magna*). All Project work shall be performed in accordance with the terms and conditions of the Takings Permit.
31. Before beginning site preparation or construction of the Project, the CPG Holder shall obtain from the Agency an Endangered & Threatened Species Takings Permit for the Eastern ratsnake (*Pantherophis alleghaniensis*). All Project site preparation and construction shall be performed in accordance with the terms and conditions of the Takings Permit, and any renewals of the Takings Permit, and the following terms and conditions. In circumstances where the terms and conditions of this MOU and the terms and conditions of the Takings Permit both apply, the terms and conditions that are more protective of the Eastern ratsnake shall govern.
32. To minimize potential impacts to the Eastern ratsnake during Project site preparation, construction, and operations, the CPG Holder shall limit all tree cutting, clearing, or limbing to the period of November 1 through April 14.
33. Before beginning site preparation or construction of the Project, the CPG Holder shall obtain from the Agency an Endangered & Threatened Species Takings Permit for the protected reptile. All Project site preparation and construction shall be performed in accordance with the terms and conditions of the Takings Permit, and any renewals of the Takings Permit, and the following terms and conditions. In circumstances where the terms and conditions of this MOU and the terms and conditions of the Takings Permit both apply, the terms and conditions that are more protective of the protected reptile shall govern.
34. To minimize potential impacts to the Eastern ratsnake and the protected reptile during the construction and operational phases of the Project, the CPG Holder shall comply with the following.
 - a. The CPG Holder shall utilize a seed mix which consists of several hay grasses and a low-growing native forb to achieve a maximum growth height that does not exceed three feet ("hayfield mix").
 - b. The hayfield mix will be spread in the following locations during, or immediately upon completion of, construction.
 - i. Areas within and between array rows, consisting of approximately 82 acres.
 - ii. Other areas where vegetation or ground disturbance occur during construction and which would not otherwise contain other Project components (e.g., stormwater features, aesthetic plantings, roads, etc.), consisting of approximately 52 acres.
 - c. Provided that snake exclusion fencing is implemented around seeding areas, the initial seeding of the hayfield mix may utilize mechanical equipment such as seed

drills. Any subsequent re-seeding conducted between April 15 and October 31 that may be necessary during the operational life of the Project shall be done via manual broadcast methods (such as hand broadcasting or handheld hydroseeding application) and not using mechanized equipment. Any re-seeding conducted between November 1 and April 14 can be conducted using either mechanized equipment or manual broadcast methods.

- d. Mowing of the hayfield mix shall be limited to the period of November 1 through April 14, except in the following limited circumstances.
 - i. If unanticipated shading of the solar array by the hayfield mix requires management during the growing season, then the CPG Holder may perform limited cutting during the period of April 15 through October 31 provided that the cutting is performed with hand-held equipment and is limited to the impacted areas, such as trimming along the front edges of the solar panels.
 - ii. If unanticipated shading of the solar array by the hayfield mix becomes persistent so that the limited trimming described above is ineffective, and more extensive mowing between April 15 and October 31 is necessary, then the CPG Holder shall apply for, and obtain, Takings Permits and all vegetation management shall be performed in accordance with the Takings Permits and any renewals of the Takings Permits.
 - e. Mowing of vegetation in any other parts of the Project that do not contain hayfield mix shall be limited to November 1 through April 14. If vegetation management of such areas is required between April 15 and October 31, handheld equipment shall be utilized or, if necessary, the CPG Holder shall apply for, and obtain, Takings Permits and all vegetation management shall be performed in accordance with the Takings Permits and any renewals of the Takings Permits.
35. If at the end of the Project lifetime, the Eastern ratsnake and the protected reptile are rare or listed species in Vermont, then no later than 90 days prior to Project decommissioning, the CPG Holder shall provide that Agency with a detailed decommissioning plan which identifies and describes all activities which have the potential to harm the rare or listed species (e.g., use of heavy equipment and vehicles, excavation activities, etc.). The decommissioning plan shall describe all measures that the CPG Holder will take to avoid, minimize, and mitigate impacts to these two species. The CPG Holder shall not commence any decommissioning activities until the Agency has approved the decommissioning plan, either with or without changes, and until a Taking Permit (or Taking Permits) has been obtained if deemed necessary by the Agency. All decommissioning activities shall be performed in accordance with the approved decommissioning plan and all required Taking Permits.
36. To avoid potential impacts to listed bat species, including the Indiana bat (*Myotis sodalis*), all tree cutting, clearing, or limbing of the potential roost trees (PRTs) discussed in Exhibit FHS-AC-2, and identified in Appendix 1 (Natural Resources Map) to Exhibit FHS-AC-2 (as revised), and all trees located within 100 feet of any PRT shall be limited

to the period of November 1 through March 31. If the CPG Holder wishes to cut, clear, or limb a PRT or any tree located within 100 feet of a PRT outside of the period of November 1 through March 31, the CPG Holder must first comply with the following provisions and the Vermont Fish and Wildlife Department's Potential Roost Tree Survey Methods for Endangered Bats (August 2021) and must also obtain prior approval from the Agency's Fish and Wildlife Department. These limitations on all tree cutting, clearing, or limbing apply to all Project site preparation, construction, operational and maintenance activities.

- a. Prior to cutting, clearing, or limbing any PRTs, or any trees within 100 feet of a PRT, the CPG Holder shall conduct emergence surveys for all PRTs proposed to be cut, cleared, or limbed and for all PRTs located within 100 feet of any trees proposed to be cut, cleared, or limbed.
- b. The emergence surveys shall be conducted between April 1 and October 31 on three consecutive nights of suitable weather and temperature conditions. The surveys shall include the use of a hand-held acoustic detector to ascertain whether any observed bats are Vermont listed species, and shall follow all applicable methods and criteria, including reporting and notification requirements, described in the Vermont Fish and Wildlife Department's Potential Roost Tree Survey Methods for Endangered Bats (August 2021).
- c. If use of any of the potential roost trees by any listed bat species is documented during the emergence surveys, the CPG Holder shall notify the Agency's Fish and Wildlife Department of the bat observance within 48 hours.
- d. Any tree for which use by any listed bat species has been documented, and all trees within a 100-foot buffer around each tree for which use has been documented, shall not be cut, cleared, or limbed during the period of April 1 through October 31.
- e. Each potential roost tree for which the emergence surveys indicate that bats are not roosting in the potential roost tree may be cut, cleared, or limbed provided that the potential roost tree (or trees if more than one) is not located within 100 feet of any tree for which use by listed bat species has been documented during the emergence surveys and further provided that the cutting, clearing, or limbing occurs within the 10-day period immediately following completion of the emergence surveys.
- f. The emergence surveys must be conducted by individuals who have been pre-approved by the Agency's Fish and Wildlife Department.
- g. Prior to conducting an emergence survey for any PRT which is over 18 inches diameter at breast height, the CPG Holder shall consult with the Agency's Fish and Wildlife Department to determine whether a more limited survey window is required.

- h. The CPG Holder shall provide the Agency's Fish and Wildlife Department with the proposed survey methods a minimum of two weeks prior to the planned survey dates.
 - i. The CPG Holder shall provide completed USFWS Bat Emergence Survey Datasheets to the Agency's Fish and Wildlife Department within 10 days of completion of the surveys.
- 37. The CPG Holder shall make a financial contribution of \$247,200 to the Bobolink Project administered by Mass Audubon to mitigate impacts to grassland bird habitat for the first 20 years of the Project. The CPG Holder may opt to make one lump sum payment (\$247,200) or annual payments of \$12,360, provided that either the lump sum payment or the first annual payment shall be made prior to commencement of site preparation and construction of the Project. Starting on the 21st year of Project operation, the CPG Holder shall either make annual payments to the Bobolink Project (or a successor entity or similar external or internal program designated by the Agency) for 247.2 acres of mitigation at the dollar-per-acre rate in effect at the time of the payment, or implement appropriate grassland bird habitat impact mitigation measures negotiated and agreed to by the Parties for the remainder of the Project's operational life, inclusive of the decommissioning process and re-establishment of grassland vegetation. Mitigation is required for every grassland bird breeding season (i.e., May 1 – July 31), including for any portion of a breeding season, during the life of the Project. All annual payments shall be made no later than April 1 of each year. The CPG Holder's mitigation obligations shall terminate upon filing a certification with the Commission and the Agency confirming the completion of decommissioning and re-establishment of grassland vegetation.
- 38. The Project is in the vicinity of habitat for eastern whip-poor-will (*Antrostomus vociferus*), a listed bird species in Vermont. To avoid impacts to eastern whip-poor-will, the CPG Holder shall not perform any tree cutting or removals during the breeding season (May 1 through August 31) for this species.
- 39. The CPG Holder shall comply with the following to avoid, minimize and mitigate impacts to the documented occurrences of the Harsh sunflower (*Helianthus strumosus*) (S2S3, state-threatened), Pignut hickory (*Carya glabra*) (S2), Short- styled snakeroot (*Sanicula canadensis. var. canadensis*) (S2S3), and Black- seeded clearweed (*Pilea fontana*) (S2S3) plant populations.
 - a. The CPG Holder shall comply with the following requirements in connection with the Project's site preparation and construction and construction phase.
 - i. Prior to any site preparation or construction activities, the CPG Holder shall perform a survey to collect baseline data on non-native invasive species ("NNIS") occurrence within each RTE plant population and a 25-foot buffer zone around each population.
 - ii. Prior to any site preparation or construction activities, a 25-foot buffer shall be established around each of the RTE plant populations by a

qualified botanist utilizing a sub-meter capable GPS unit to ensure accuracy. Each buffer shall then be demarcated with a continuous line high visibility flagging or snow fencing to create a barrier between Project activities and the RTE plant populations.

- iii. Signage shall be installed along each buffer indicating that each area consists of a protected natural resource and that no access is permitted.
 - iv. All workers shall be instructed that the flagging or fencing is to protect plant habitat and that workers and machinery shall not enter the areas.
 - v. The flagging (or fencing) and signage shall be inspected periodically during the duration of site preparation and construction activities to ensure that it is intact and clearly visible, and it shall not be removed until completion of all such activities, including site stabilization.
 - vi. All vehicles and construction equipment shall be thoroughly rinsed with high pressure wash, including wheel and/or tracks to remove organic matter, seeds, soil and other potential propagules prior to entering the Project site.
 - vii. There shall be no seeding, planting, or active revegetation activities within the RTE plant populations and their 25-foot buffers.
- b. The CPG Holder shall comply with the following requirements during the Project's operations and maintenance phase.
- i. Annual monitoring of RTE plant populations shall be conducted during the growing season for three years following completion of construction. Annual monitoring results shall be sent to the Agency's Botanist within 90 days of completion.
 - ii. Annual monitoring of each RTE plant population and its associated 25-foot buffer shall be conducted for five years following completion of construction to determine if new NNIS have become established in these areas or if pre-existing NNIS identified during the NNIS baseline data collection survey have spread. NNIS monitoring shall be conducted prior to September 15 and the results shall be sent to the Agency's Botanist within 90 days.
 - iii. If no new NNIS and no significant increase in pre-existing NNIS are detected for three successive years after completion of construction, the monitoring may be discontinued. However, if new NNIS are detected or an increase in pre-existing NNIS is observed, then the full five years of monitoring shall take place and measures to eradicate or control NNIS will be required.

- iv. All maintenance vehicles and equipment, including mowing equipment, shall be thoroughly rinsed with high pressure wash, including wheel and/or tracks to remove organic matter, seeds, soil and other potential propagules prior to entering the Project site.
 - c. The CPG Holder shall comply with the following requirements in connection with the decommissioning of the Project.
 - i. A botanist who is skilled in plant identification who is knowledgeable about the state's RTE flora shall perform an RTE plant survey of the Project site, including the areas of the four RTE plant populations identified above.
 - ii. The RTE plant survey shall be conducted at an appropriate time during the growing season and sufficiently in advance of decommissioning activities to allow for development and approval of an avoidance, minimization, and mitigation plan in accordance with the following subsections.
 - iii. The survey results, along with completed Rare Plant Forms and RTE plant population shapefiles, shall be provided to the Agency's Botanist, along with the CPG Holder's proposed plan for avoiding, minimizing, and mitigating impacts to RTE plants.
 - iv. The CPG Holder shall not commence decommissioning activities until its avoidance, minimization, and mitigation plan has been approved, either with or without revisions, by the Agency's botanist. Such approval will not be unreasonably withheld.
 - d. If Project site preparation and construction have not commenced by March 31, 2027, the CPG Holder shall have a botanist who is skilled in plant identification and who is knowledgeable about the state's RTE flora perform an updated RTE plant survey of suitable habitats within the Project site, including the areas of the four RTE plant populations identified above.
 - i. The updated survey results, along with completed Rare Plant Forms and RTE plant population shapefiles, shall be provided to the Agency's Botanist, along with the CPG Holder's proposed plan for avoiding, minimizing, and mitigating impacts to RTE plants.
 - ii. The CPG Holder shall not commence site preparation or construction activities until its avoidance, minimization, and mitigation plan has been approved, either with or without revisions, by the Agency's botanist. Such approval will not be unreasonably withheld.
40. The CPG Holder shall allow the Agency, through its authorized representatives, to enter upon and inspect the Project area upon reasonable notice, in a reasonable manner, and at reasonable times during ordinary business hours to determine compliance with the above conditions.

Primary Agricultural Soils

41. As provided in 30 V.S.A. § 248(t), notwithstanding any contrary provision of law, PAS, 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 the use of the site after construction of the facility shall treat the soils as if the facility had never been constructed. This requirement shall apply to all PAS except for any areas of permanent impact which have been mitigated for via an off-site mitigation fee.
42. For areas of PAS disturbance on the Solar Project site, the CPG holder shall comply with AAFM's Act 250 Procedure: Reclamation of Vermont Agricultural Soils ("AAFM Guidelines") (rev. Oct. 30, 2014), https://agriculture.vermont.gov/sites/agriculture/files/documents/land_use/ReclamationGuidelinesforAgriculturalSoils_.pdf. The CPG holder shall also comply with the AAFM Guidelines when sequencing returned soils at the conclusion of construction or project decommissioning. The requirements of this paragraph shall not apply to driven piles or posts to support the solar array, fence posts, and any other driven posts necessary to support infrastructure without the use of concrete or masonry.
43. Soil stockpiles of soils removed for construction of the Solar Project access road, stormwater treatment practices and conveyances, and pad mounted transformers and secondary oil containment within the array perimeter fence shall be located within the Project fence. Stockpiled soil shall be placed so that its base is at least three feet away from any part of the site that has a slope of 15% or greater.
44. In areas of tree clearing and grubbing, any grubbing will occur simultaneously with tree cutting and other construction activities. The process of grubbing will involve removal of tree stumps and roots to facilitate Project construction, 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 in areas from which trees were removed, widely dispersed so as not to form significant piles, and/or transported off the site for proper disposal.
45. Neither wood in any form, nor large stones, dirt (other than stockpiled soils), or other debris that is the result of the Solar Project construction shall be piled on the site after construction is complete. Construction-phase stormwater practices shall be removed prior to facility operation or within 30 days of the Project reaching final stabilization, whichever is later.
46. If installing electric conduit or other features with fill or other imported material of any kind 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 for the life of the Project, and replace the remaining soil horizons in their original sequence to fill the trench after installation of the conduit or other features. When decommissioning, the

CPG holder shall excavate and replace soil horizons in the same way, this time removing the conduit (or other features) and imported material and replacing it with the stockpiled layer(s) that the imported material previously displaced. If no imported material is used, no stockpiling shall be required for the associated excavation, so 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 with AAFM Guidelines.

47. Except for grading to create the access road, stormwater treatment practices and conveyances, and transformer pads with secondary containment systems, the Solar Project shall not include any grading of PAS. Any fill or gravel used for roads, stormwater treatment practices, transformer pads with secondary containment systems, or staging areas shall be separated from native soils by a suitable barrier such as geotextile fabric.
48. To reduce impacts to PAS from soil compaction, the CPG holder shall not use any vehicle or equipment with an axle load (the fraction of the gross weight distributed over each axle) of over 12,000 pounds on wet soils. Wet soils exist when the site has seen a 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 onsite gravel roads that are constructed with geotextile fabric, a minimum of 10" of gravel, and a 1" or thicker cap of crushed aggregate.
49. Prior to construction and again at the end of decommissioning, the CPG Holder shall test bulk density of the soil on each mapped soil unit containing primary agricultural soils within the Project limits to ensure that the primary agricultural soils on the site are materially the same after the Project as they were before construction. "Materially the same" means an increase in soil bulk density of no more than 10 percent.
 - a. The CPG Holder shall undertake the soil tests and mitigate any material change in soil bulk density as follows:
 - i. Before construction, for each area of direct impact such as staging areas, access roads, and any area on the Project site where axle loads (the fraction of the gross weight distributed over each axle) of construction vehicles or equipment will exceed 12,000 pounds per vehicle, the CPG Holder will collect two soil samples at least 100 feet apart and test them using the method "Bulk Density Test" described in the Natural Resources Conservation Service "Soil Quality Test Kit Guide." (Currently available online at https://efotg.sc.egov.usda.gov/references/public/WI/Soil_Quality_Test_Kit_Guide.pdf.)
 - ii. In any areas of primary agricultural soils on the Project site where axle loads of construction vehicles or equipment will not exceed 12,000 pounds, the CPG Holder shall collect and test one sample for each mapped soil unit before construction and shall otherwise follow the same testing protocols.

- b. At the end of the decommissioning process, the CPG Holder shall repeat the testing at the same locations tested before construction. If the post-decommissioning soil bulk density for any sample shows an increase in soil bulk density from preconstruction soil bulk density that is greater than 10 percent, then the CPG Holder shall conduct agricultural subsoiling and/or other strategies to decompact soil until soil bulk density is materially the same as it was prior to Project construction.
- c. The CPG Holder shall serve test results upon AAFM within 60 days of the test either by filing the results on ePUC or:
 - i. By email to counsel of record in this matter, as listed in PUC records at the time of service; and
 - ii. By email to AGR.Notice@vermont.gov, as may be updated in PUC records at the time of service.

Historic Resources

- 50. The CPG Holder shall conduct archaeological investigation(s) and prepare, related reports to identify, evaluate, and mitigate, if necessary, impacts to archaeological sites within the Project area. The CPG Holder's archaeological consultant shall submit any scope of work to the VDHP for review and approval before commencing the work.
- 51. Prior to the completion of all relevant archaeological investigations, the CPG Holder, in consultation with the VDHP, shall identify the project area as a not-to-be-disturbed archaeological buffer zone. Topsoil removal, grading, scraping, cutting, filling, stockpiling, logging or any other type of ground disturbance shall be prohibited within the archaeological buffer zones until all necessary archaeological work is completed. Agricultural cultivation consistent with past practices to facilitate the archaeological review shall not constitute ground disturbance.
- 52. All relevant archaeological studies to identify, evaluate, or mitigate impacts to archaeological sites shall be carried out by a qualified consulting archaeologist. All such studies and associated reports shall follow the VDHP *Guidelines for Conducting Archaeological Studies in Vermont* (2017). A digital copy of the final report shall be submitted to the VDHP. Any archaeological reports submitted to the Public Utility Commission shall have specific archaeological site locational information redacted in accordance with 22 V.S.A. § 761(b) and 1 V.S.A. § 317(c) (20).
- 53. The archaeological investigations shall be scheduled so that mitigation measures, if any are determined to be necessary, can be satisfactorily planned and accomplished prior to site preparation and construction of the Project. Any archaeological sites within the Project area shall not be impacted until mitigation measures have been completed. Proposed mitigation measures must be approved by the VDHP prior to implementation. Mitigation may include but is not limited to further site evaluation, data recovery, or modification of the buffer zone boundaries or the specific conditions that refer to the same.

54. Any archaeological mitigation scope-of-work may be reduced by implementing construction and decommissioning measures to limit ground disturbance. These measures may include, if determined to be feasible by the CPG Holder, and approved by VDHP, direct site area avoidance, use of construction access pathways outside of known artifact concentrations, placement of all electrical connections within the archaeological sites above-ground on racking components, and use of low ground load bearing construction equipment in dry conditions, defined as vehicles and equipment not exceeding an axle load of 12,000 pounds.
55. Any changes to the Project that arise via compliance with this MOU and/or resulting from mitigation measures approved by VDHP are subject to prohibitions on substantial changes or material deviations pursuant to Commission Rule 5.412, including that any substantial changes must be approved by the Commission.

Dated at Montpelier, Vermont, this _____ day of _____, 2025.

_____]]
_____]]
_____]]
_____]]
_____]]

PUBLIC UTILITY COMMISSION
OF VERMONT

OFFICE OF THE CLERK

FILED:

ATTEST: _____

Clerk of the Commission