



# COUNCIL ON ENVIRONMENTAL QUALITY

Susan D. Merrow  
*Chair*

DATE: August 2, 2018

Janet P. Brooks

TO: Honorable Chairs and members of the Committee on Environment and the Committee on Public Health

Alicea Charamut

FROM: Susan D. Merrow, Chair

Lee E. Dunbar

**RE: Recommendation to the Joint Standing Committees on Environment and on Public Health that legislation not be enacted to allow the proposed change in use of New Britain Water Company land, in contravention of long established state policy.**

Alison Hilding

In [PA 16-61](#) the legislature, wisely, mandated an environmental study and report to weigh merits against negative consequences of the proposal to lease Class I and Class II watershed lands in New Britain to Ticon Inc. for a forty-year mining operation. The Council on Environmental Quality analyzed that report "*Environmental Study: Change in Use of New Britain Water Company Land [for the] Proposed Quarry Expansion and Future Water Storage Reservoir*" (hereby referred to as the "Report"). The Council on Environmental Quality's comments about the Report were provided to the City of New Britain, as required in PA 16-61. Those comments are included with this submission and are the basis of this recommendation against allowing a 130 foot deep mining operation on those lands.

Kip Kolesinskas

Over 200 individual citizens sent comments to the Council on Environmental Quality in opposition to the proposal. All comments received are [posted](#) on the website of the Council on Environmental Quality and are also included with this recommendation.

Matthew Reiser

Charles Vidich

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*Staff*  
Peter Hearn

## **The Originally Proposed Mitigations are Insufficient to Offset the Damage that Would Result from the Mining Operation, as are the Recently Proposed Adjustments to the Project**

The area proposed for mining includes rare and important habitats. It is part of a nearly 1,000-acre expanse of forest and includes three of the state's most imperiled ecosystems, as described by Metzler and Wagner in 1998, namely: 1. Pitch Pine-Scrub Oak Barrens, 2. Trap-rock Ridges, 3. Surface Springs and Seeps.

At Lenard Engineering Inc.'s (LEI) June 26 presentation to the New Britain Board of Water Commissioners, a scale-back of the project was offered as mitigation for the potential damage that would be done by the mining. The possibility of a reduction in size to approximately 72 acres, from the originally proposed 131-acre footprint, was offered to increase the buffer between the quarry and the Metacomet Trail and to protect a vernal pool.

Scaling back the project and redefining the newly excluded area as "protected" is not mitiga-

tion. It is merely a smaller project. Devastation of less land does not qualify as mitigation for the land that will be devastated. Additionally, it is most probable that this “protected” land will be adversely impacted by the mining project.

The proposed adjustment in size leaves unmitigated most of the ecological damage that was the concern of the hundreds who commented about the larger project that was initially proposed. Among the unmitigated aspects are: 1) core forest would be fragmented, 2) vernal pools would be lost, 3) habitats of Jefferson Salamander, Spotted Turtle and Box Turtle would be lost, 4) there would be an adverse effect on core forest bird species and on wetlands, 5) impacts to wetlands and watercourses outside the parcel, which were not addressed in the Report, remain unaddressed, 6) seismic activity, noise and dust, from mining on human and natural communities would be unavoidable.

The possibility of purchase of additional lands, offsite, with the goal of providing mitigation for some species was offered on June 26 by LEI, but the party to make the purchase was not specified, nor were the hypothetical locations.

#### **The Rationale for the Project is Unsupported, Alternatives to Guarantee Resiliency are Ignored, and Costs are Unstated**

There is no proven need for a 2.3 billion gallon drinking water reserve in New Britain. Not only was a need not established in the Report, but it did not consider other potential sources of supply, such as use of the existing wellfield at Patton Brook or the potential reuse of Crescent Lake, as part of a strategy to improve New Britain's water security.

Resiliency can be built into a water supply system in different ways. Two of those methods, reduction of non-revenue unaccounted-for water loss and water conservation, are largely ignored and not factored into future capacity. New Britain's loss of potable water during transmission is about 25% higher than the norm and the rate of loss has been increasing. If the City achieves its own goal of reducing loss to 15%, it would save 190,000 gallons a day. If New Britain grows, as the Report predicts, new water-conserving fixtures will be used in the new construction and the renovations that will accompany growth. A new water source is unnecessary if the City of New Britain properly manages its existing and potential supply.

Some of the future expenses necessary to implement the project were not enumerated in the Report, making analysis of the project's actual cost to the taxpayers and ratepayers difficult to assess.

#### **The Proposal is Antithetical to Many State Goals and Plans**

For decades, Connecticut has had strict restrictions ([CGS Section 25 - 32](#)) on the sale, lease or change in use of water supply watershed lands. Sanctioning a working mine on Class I and Class II reservoir lands would set a terrible precedent for intrusion onto protected watersheds. There are many reservoirs whose peripheries would make excellent, scenic settings for commercial endeavors that would boost the local tax base. Consequently, this precedent is

best avoided.

Though not a State-sponsored project, it can only go forward with authorizing legislation from the State's legislature. It is appropriate, even if not required, that the proposal be compatible with the goals and protocols that have been formalized in Connecticut's land use, wildlife and planning policies that were created at public expense, and were intended to be the basis of state and legislative decision making. Also, it is a reasonable assumption that, should the project go forward, New Britain could be the recipient of STEAP grants or other state grants to fund some of the infrastructure that will be needed to complete it. For a project of this magnitude with regional and state-wide significance, the guidance and protocols established in numerous state goals and plans should be adhered to, even when not mandated by law. They are not.

Three important planning documents of the Department of Energy and Environmental Protection (DEEP) are ignored in the proposal. The 2015 [Wildlife Action Plan](#) identified multiple species and habitats in need of protection. Many of those species and habitats would be reduced or eliminated at the proposed mining site. The importance of Connecticut's "core forests", which would be diminished if the project is approved, is clearly explained in the [Green Plan](#), the State's guide for acquisition and protection of open space. The Green Plan was reviewed by the State Office of Policy and Management, Department of Public Health, The Department of Agriculture, Council on Environmental Quality, and the State Natural Heritage, Open Space and Watershed Land Acquisition Review Board. The importance of forested areas, like those at the project site, is also emphasized in DEEP's [Forest Action Plan](#).

In 2017, the legislature passed [PA 17-218](#), for which DEEP created an interactive map to identify core forests, where solar energy facilities can be sited only with the approval of the DEEP Commissioner. Bradley Mountain, where the mine is proposed, is on that map. Its presence on the solar siting map is an indicator of the significance of the forest there.

Lastly, the plan contravenes key principles of the [State Plan of Conservation and Development](#) (See: Growth management principle #4 "Conserve and Restore the Natural Environment, Cultural and Historical Resources, and Traditional Rural Lands", and also growth management principle #5, "Protect and Ensure the Integrity of Environmental Assets Critical to Public Health and Safety").

For all of the reasons above, the Council on Environmental Quality recommends not allowing the conversion of New Britain's watershed lands to a mining site for up to forty years, in exchange for a promise that the City will be left with a drinking water storage reservoir.