



COUNCIL ON ENVIRONMENTAL QUALITY

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October 27, 2021

Melanie Bachman, Executive Director
Connecticut Siting Council
Ten Franklin Square
New Britain, CT 06051

PETITION NO. 1466 – Greenskies Clean Energy LLC petition for a declaratory ruling for the proposed construction, maintenance and operation of a 2.5-megawatt AC solar photovoltaic electric generating facility located at Treat Farm, 361 Old Tavern Road, Orange, Connecticut, and associated electrical interconnection.

Dear Ms. Bachman:

The Council on Environmental Quality (“Council”) supports the development of clean, renewable energy technologies on appropriate sites in Connecticut. The Council offers the following comments regarding Petition 1466.

1. Prime Farmland Soils

The Petitioner states that the proposed site is currently used for the production of vegetables, hay, and evergreen trees for Christmas. If the proposed project is approved, the Petitioner proposes to lease approximately 8.5 acres of the solar farm for crop production in between the rows of solar arrays for vegetable production. In addition, the Petitioner states that they are coordinating with the United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) New Haven Conservation District to develop a crop production plan within the proposed project fence line of the proposed solar project. The Council supports efforts to maintain and expand the agricultural use of the proposed site and recommends that the Petitioner explain the agricultural basis for the proposed fourteen (14) foot spacing between the solar arrays by identifying what crops will be grown and what equipment can operate within those boundaries.

The Council recommends that 1) the proposed agricultural co-uses become conditions of approval, should the project be approved, and 2) that the prime farmland soils be retained and that best practices be employed during construction that might allow for a future restoration of those soils to more productive agricultural use. These practices include minimizing grading, trenching, and compaction of prime farmland soils.

2. Wetlands and Vernal Pools

The Petitioner proposes to utilize a 50-foot buffer adjacent to the identified wetlands in most instances, including around the small, isolated wetlands identified in the north central portion of the proposed site. As detailed in a recent report¹, “larger buffers will be more effective over the long run because buffers can become saturated with sediments and nutrients, gradually reducing their effectiveness, and because it is much harder to maintain the long-

¹ Environmental Protection Agency, Planner's Guide to Wetland Buffers for Local Governments, Environmental Law Institute, March 2008; https://www.epa.gov/sites/production/files/2014-03/documents/final_40.pdf

term integrity of small buffers.” In addition, “wetland buffers maintain or serve directly as habitat for aquatic and wetland-dependent species that rely on complementary upland habitat for critical stages of their life-history.” Consequently, the Council recommends that the Petitioner utilize a minimum 100-foot buffer around all identified wetlands.

The Petitioner states that “we anticipate that the proposed stormwater basins for the solar project will hold water for a period following rainfall events. Water drawn from these basins will offer a good water source for the crop production within the solar project. Removing the water from the basins will be beneficial to their function as it will open up more storage space for future rainfall events.” The Petitioner also notes that all six sub-watershed drainage areas drain to the existing wetlands on the proposed site. The Council suggests that additional information be provided regarding the proposed plans for water management and irrigation of the crops that would be planted within the proposed solar project fence. Further, the Council recommends that the Petitioner examine the impact that collecting (swales and detention basins) and redirecting/removing water from precipitation would have on the adjacent wetlands and identified vernal pools.

The Petitioner also identified four vernal pools within the proposed site that could be affected by the construction and operation of the proposed project. Because three of the identified vernal pools are characterized as Tier I types, the Council recommends the following best development practices be employed:

- maintain an undeveloped forested habitat around the pool, including both canopy and understory;
- avoid barriers to amphibian dispersal (emigration, immigration);
- protect and maintain pool hydrology and water quality by maintaining a 100-foot “no-disturbance” buffer; and
- maintain a pesticide-free environment.²

3. Wildlife

The Council notes that the Department of Energy and Environmental Protection (DEEP) Wildlife Division has identified three known extant populations of State Special Concern, including *Terrapene carolina carolina* (eastern box turtle), *Glyptemys insculpta* (wood turtle) and *Toxostoma rufum* (brown thrasher) in the vicinity of the project site. The Council supports the Petitioner’s plan to incorporate the conservation measures identified in the letter from DEEP dated November 17, 2020 into the site development plan and their willingness to coordinate the construction work with DEEP Wildlife Division as needed. Indeed, the proposed construction schedule would support the time of year allowance for construction activities (April 1 through October 30) to protect turtle species. However, the Council questions how the Petitioner proposes to protect the Brown Thrasher since the suggested conservation strategy prohibits disturbance of shrubby habitat, hedge rows or open fields between March 1st and August 30th.

The Information for Planning and Consultation (IPaC) tool of the U.S. Fish and Wildlife Service (USFWS) identifies the Northern Long-eared Bat, the Monarch Butterfly, and seventeen migratory birds may be present in the vicinity of the proposed project. Consequently, the Council recommends that the Petitioner survey the proposed site to assess the presence of any state-listed species, migratory bird species, or suitable habitat that might be present. If found, the Council recommends that the Petitioner consult with the DEEP Wildlife Division and or the USFWS to develop and implement plans to eliminate or mitigate any potential adverse impacts to those species. In addition, the Council recommends providing space at the bottom of the proposed perimeter fence to allow for the migration of small wildlife, including vernal pool obligate species, if consistent with safety requirements.

The Council notes that the comments above address only certain elements of the materials provided by the Petitioner at the time of the filing. Additional information can become evident through comments offered

² Calhoun, A. J. K. and M. W. Klemens. 2002. Best development practices: Conserving pool-breeding amphibians in residential and commercial developments in the northeastern United States. MCA Technical Paper No. 5, Metropolitan Conservation Alliance, Wildlife Conservation Society, Bronx, New York.

by other parties and during the Siting Council's administrative hearing process. The absence of comment(s) by this Council about any Petition or Application, or any aspects thereof, may not be interpreted as an endorsement of a proposed project, or its components or that this Council might not have comments or concerns on more specific issues raised during the hearing process.

Thank you for your consideration of these comments.

Sincerely,

A handwritten signature in cursive script that reads "Peter Hearn". The signature is written in black ink and is positioned below the word "Sincerely,".

Peter Hearn,
Executive Director