

**STATE OF CONNECTICUT SITING COUNCIL**

PETITION OF LSE PHOENIX LLC  
FOR A DECLARATORY RULING  
THAT NO CERTIFICATE OF ENVIRONMENTAL  
COMPATIBILITY AND PUBLIC NEED IS  
REQUIRED FOR THE CONSTRUCTION,  
OPERATION, AND MAINTENANCE OF  
A 1.99 MW AC SOLAR PHOTOVOLTAIC  
FACILITY IN NORTH CANAAN, CONNECTICUT

PETITION NO. 1412

August 19, 2020

**PETITIONER LSE PHOENIX LLC'S RESPONSES TO SITING COUNCIL  
INTERROGATORIES SET TWO DATED AUGUST 11, 2020**

**Environmental**

- 60. Referencing the response to Council interrogatory 37, the Petitioner notes that 9.4 acres of edge forest would be removed to accommodate construction of the facility, and approximately 0.1 acre of core forest would be converted to edge forest habitat. However, Figure 3 shows a total of approximately 7.7 acres of edge forest and zero acres of core forest within the project area. Please reconcile these numbers and clarify the projected core and edge forest impact areas.**

To clarify, the total amount of 9.4 acres of tree "removal" was misstated. A total of  $\pm 7.7$  acres of edge forest currently exists within the Project area and will be physically removed to develop the Project. Tree removal within the Project area influences the character of forest on nearby/abutting land and, in this case, effectively eliminates an additional  $\pm 1.7$  acres of what is currently considered edge forest to the west (off-Site).

Further, there is no core forest within the project area proper. The loss of approximately 0.1-acre of core forest is the result of the proposed development encroaching within and expanding the extent of existing edge forest north of the site. This results in a slight modification of current core forest converting to edge forest.

- 61. Please respond to the following regarding the Department of Energy and Environmental Protection (DEEP) Natural Diversity Database (NDDB) species:**
- a) **Referencing the response to Council interrogatory 40, what is the status and/or results of any NDDB plant surveys?**

Surveys for the state-listed plant species noted in the NDDB letter have been completed. No such species were identified at the Site.

- b) Referencing Exhibit 11 of the Petition, Preliminary Habitat Assessment, what is the status of the habitat survey/review, wildlife survey, or recommended protective measures, as applicable, for the three invertebrates: yellow-banded bumble bee, slender clearwing, and tooth apharetra moth?**

The bird surveys have been completed and no alder flycatcher were observed on the Site. Habitat evaluations are ongoing for host plants associated with the three invertebrates listed above, but are not anticipated to be completed before the end of August. The final habitat report will be submitted once complete.

- c) Based on the habitat/wildlife reviews and surveys for NDDB species performed by the Petitioner to date, has the Petitioner received an update or final response from DEEP regarding the NDDB review? If yes, please provide a copy of such correspondence.**

As indicated above, the majority of the field survey effort has been completed, with the exception of the late-season host plants favored by the listed invertebrates. Reports are in progress but have neither been finalized nor submitted to NDDB for agency review and sign-off. As noted in Petitioner's responses to the Council's first set of interrogatories, in July, 2020, Petitioner completed the installation of the exclusionary fencing at the Site under the supervision of the Petitioner's herpetologist, in order to ensure no impact to the smooth green snake.

Petitioner will provide a copy of the final report and NDDB request for final review when submitted.

- 62. Are there any known northern long-eared bat hibernacula within 0.25 miles or known maternity roost trees within 150 feet of the project area?**

No. The nearest NLEB Hibernacula Area is located approximately one (1) mile west of the Site in Salisbury. There are no known maternity roost trees within or proximate to the Project area.

### **Facility Construction**

- 63. Would the proposed access off of Ryan Avenue be temporary for the purposes of construction, but permanent for emergency responder access only i.e. not to be used for maintenance access, subject to securing an easement for such access? For maintenance access, would the access off of Sand Road be utilized?**

The Ryan Avenue access driveway would be used as both temporary construction for the Site subject to the Petitioner securing the legal easement rights required to do so. Petitioner will utilize the Sand Road access driveway for permanent and maintenance access.

Respectfully submitted,

Petitioner  
LSE PHOENIX LLC

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