

COUNCIL ON ENVIRONMENTAL QUALITY



Keith Ainsworth

August 28, 2020

Alicea Charamut

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

David Kalafa

Lee E. Dunbar

RE: PETITION NO. 1424 - Southington Solar One, LLC petition for a declaratory ruling for the proposed construction, maintenance and operation of a 4.725-megawatt AC solar photovoltaic electric generating facility located at 1012 East Street, Southington, Connecticut, and associated electrical interconnection.

Alison Hilding

Kip Kolesinskas

Dear Ms. Bachman:

Matthew Reiser

The Council on Environmental Quality (“the Council”) supports the development of clean, renewable energy technologies on appropriate sites in Connecticut. The Council notes the recent increase in Petitions for solar energy projects that include co-location of grazing activities among the proposed solar panels. In the past two months, four Petitions (1421, 1422, 1424, 1426) proposed sheep grazing among the installed panels. At its meeting on August 26th, the Council voted to make it explicit, in its comments on those Petitions and possibly others to follow, that the co-location of ancillary agricultural activity at solar energy sites is not a remedy for the loss of prime farmland that the legislature intended to be preserved when it enacted PA 17-218.¹

Charles Vidich

Peter Hearn
Executive Director

For a solar energy installation to have no impact on the status of prime farmland soils on the site, decommissioning and restoration would have to be successful at the end of the anticipated twenty-five year service life of the solar panels. To the Council’s knowledge, long-term soil preservation has not been attempted in Connecticut, nor has removal of the supports for the panels and the buried electrical conduits and other soil disturbances. Decommissioning and restoration is an unproven promise. At the expiration of the lease term, negotiation of a new contract to take advantage of the installed solar infrastructure is as probable as is a return to agriculture. The probability that the site will never return to farming needs to be acknowledged.

The Council is concerned about the scale of the statewide conversions of active, or potentially usable, farmland for renewable energy installations. These conversions have been most notable in the Connecticut River Valley, which is its own unique ecological area and a United States Department of Agriculture (USDA) designated resource area² because of the excellent soils and microclimate. This farmland usually contains prime farmland soils, which are the soils that are “best suited to producing food, feed, forage,

¹ House Session Transcript for 06/07/2017, and Senate Session Transcript for 06/06/2017, at [2017STR00606-R00-TRN.HTM](https://www.ct.gov/ceq/2017STR00606-R00-TRN.HTM) .

² USDA NRCS *Land Resource Regions and Major Land Resource Areas of the United States, the Caribbean, and the Pacific Basin*, at https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/nrcs142p2_050898.pdf .

fiber and oilseed crops”. Even if the addition of grazing among solar panels might assist with the short-term viability of an individual farm, conversion to a solar facility can have negative regional impacts. It has been estimated that nearly 30 percent of the State’s farmers depend on land that is leased³. Loss of access to those fields can severely affect the farms and disrupt their business viability, business succession planning, and even their ability to implement nutrient management plans (where a land base is needed to apply manure at safe rates). Loss of leased fields decreases farm density, and the suppliers of services and users of products are likely to move or close. Consideration of such cumulative and regional impacts by the Siting Council is within its authority under CGS Sec. 16-50p(a).

Both the preservation of farmland and development of renewable energy sources are essential to the State’s future. It is at the Siting Council that these priorities intersect and sometimes conflict. Since June of 2020, this Council has reviewed six proposals to utilize farmland for renewable energy projects. The total farm acreage of active or potentially usable farmland in those five Petitions and one Application is over 330 acres of active or potentially usable farmland. Inclusion of the all projects reviewed by this Council in the past eight months brings the total to over 540 acres of Connecticut farmland that were the target for siting of solar energy facilities. By comparison, the total acreage acquired for preservation by the State for all of in 2019 was 773 acres. The continuing accretion of multiple individual decisions to site solar facilities on productive agricultural land has cumulative regional economic and ecological implications that go beyond the loss of prime soils. For example, there are many permanent and migratory species depend on Connecticut’s farm fields for habitat. The Council urges the Siting Council to weigh the cumulative regional economic and ecological factors when assessing the scale and location of each proposed siting.

The Council offers the following additional comments regarding vernal pools and wetlands:

The Petitioner proposes to develop a “vernal pool mitigation area” that would be located adjacent to vernal pool #2. While the Council supports management areas that maintain the natural conditions of the existing vernal pool envelope (VPE) and critical terrestrial habitat (CTH), the proposed vernal pool mitigation area falls far short of providing sufficient area and of maintaining the existing conditions within the CTH. The Petitioner proposes to increase the amount of “developed” area in the CTH by 15.4 acres (an increase of 500%). As compensation, the Petitioner proposes to modify 1.5 acres of land within the CTH and designate it as a “vernal pool mitigation area”. The Council recommends that the Petitioner retain the natural features of the existing site, consistent with the NDDDB letter dated May 9, 2020, adjacent to vernal pool #2 and increase the area designated as a vernal pool mitigation area, which could also serve as a spotted turtle protection area, potentially between vernal pool #2 and vernal pool #3.

The proposed construction schedule (Appendix A - Fact Sheet) indicates that groundbreaking activities would occur in November 2020, pending regulatory approval. The proposed protective measures for the spotted turtle, during the turtle's dormant period (November 1 – March 15), require: 1) that no land disturbance activities occur within 100 feet of wetlands and 2) that the contractor ‘avoid and limit” equipment use within 100 feet of the wetlands. The proposed location of the access drive would be less than 100 feet from the wetlands for a considerable distance (Sheet EC3). The Council notes that the proposed activities and construction schedule conflict with the protective measures for the state-listed species on the proposed site. Therefore, the Council recommends that the Petitioner evaluate alternatives that would avoid impacts to the identified and present state-listed species.

Thank you for your consideration of these comments. Please do not hesitate to contact the Council if you have any questions.

³ UCONN webinar *Improving Access to Farmland in Connecticut*, Rachel Murray and Kip Kolesinskas 2015, at <https://www.youtube.com/watch?v=nvN1WJa7mgM&feature=youtu.be>

Sincerely,

A handwritten signature in cursive script that reads "Peter Hearn". The signature is written in black ink and is positioned above a horizontal line.

Peter Hearn
Executive Director