



COUNCIL ON ENVIRONMENTAL QUALITY

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August 26, 2021

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

PETITION NO. 1460 – Greenskies Clean Energy, LLC petition for a declaratory ruling for the proposed construction, maintenance and operation of a 4.0-megawatt AC solar photovoltaic electric generating facility located east of the Cornwall town boundary at 129 Bartholomew Hill Road, Goshen, Connecticut and associated electrical interconnection.

Dear Ms. Bachman:

The Council on Environmental Quality (“the Council”) supports the development of clean, renewable energy technologies on appropriate sites in Connecticut. The Council offers the following comments regarding Petition 1460.

1. Wetlands and Vernal Pools

The Petitioner’s interest in minimizing the potential impact of the project on the property’s identified wetlands is evident in project maps that show no solar panels within the town of Goshen’s 100-foot “regulated activity area”. This is extremely important because, “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 term integrity of small buffers”.¹

The Petitioner identified three vernal pools within the proposed site and proposes practices that are similar to those considered to be best development practices.² Namely, no work is proposed within the depression or envelope, the forest surrounding the pools will be left undisturbed, and the directional buffer from uplands to wetlands will be maintained to support the metapopulation of amphibian species within these systems. The Council recommends that two additional best development practices be employed: 1) maintain a pesticide free environment during construction and during subsequent operation to protect the vernal pools and neighboring drinking water sources, 2) develop and utilize a Spill Prevention, Control and Countermeasure Plan during construction, for the same reasons.

2. Prime Farmland Soils

Approximately 20.5 acres of the 69.1-acre property is designated as prime farmland soil. The Project area would encompass 4.1 acres of prime farmland soil, which is approximately thirty percent of the total prime farmland soil within the project’s limit of disturbance. The developer has obtained a determination from the Connecticut Department of Agriculture that the Project will not materially

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

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.

affect the status of land as prime farmland at the site due to plans to co-locate a vineyard and an apiary, to continue haying on the periphery and to grow crops under a portion of the arrays. The Council recommends that these ambitious promises become conditions of approval, should the project be approved. Additionally, the Council recommends that best practices be employed during construction that might allow for a future restoration of those soils to productive agricultural use. These practices include minimizing grading, trenching and compaction of prime farmland soils.

3. Wildlife

While the Applicant has proposed to have a biologist on site during construction to ensure protection guidelines remain in effect through construction, an independent biological survey of the proposed site was not conducted. Due to the presence of a Natural Diversity Data Base (NDDDB) polygon 430 ft. south of the site, a NDDDB review was requested. The NDDDB review concluded that “impacts to State-listed species (RCSA Sec. 26-306) by your project activities are not expected”. The NDDDB letter also recommended establishing habitat for the American Kestrel (State Listed Special Concern) which nest nearby to the proposed development. The habitat for the American Kestrel is open grassy or shrubby areas with short vegetation and natural tree cavities or nest boxes for nesting. This bird returns to breed in March through July and is limited by habitat in Connecticut. According to the DEEP biologist who did the review, establishing and monitoring nest boxes would benefit the species by decreasing competition from starlings. The Council recommends this habitat enhancement.

The *Information for Planning and Consultation* (IPaC) tool of the U.S. Fish and Wildlife Service identifies the Northern Long-eared Bat as the only endangered species in the vicinity of the proposed project. Consequently, the Council recommends that no tree clearing activities be allowed during bat roosting periods to protect NLEB and other bat species that may be seasonally present on the proposed project site. In addition, the Council recommends providing space at the bottom of the proposed perimeter fence to allow for the migration of small wildlife, if consistent with safety requirements.

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 above the typed name and title.

Peter Hearn,
Executive Director