

COUNCIL ON ENVIRONMENTAL QUALITY



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February 24, 2021

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

DOCKET NO. 497 – Burlington Solar One, LLC (Applicant) proposed 3.5-megawatt-AC solar photovoltaic electric generating facility to be located at Lot 33, Prospect Street, Burlington, 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 initially submitted comments on November 20, 2020 regarding this project, when it was submitted as Petition 1437. The Council offers the following additional comments with regard to Docket 497.

1. Eastern Box Turtle

The Council supports the Applicant’s efforts to preserve and protect the eastern box turtle (EBT), which is a State Special Concern species afforded protection under the Connecticut Endangered Species Act and listed as a Greatest Conservation Need species in Connecticut. Because the EBT was found in or near the proposed limits of disturbance, the Council is concerned about the applicability of some of the provisions of the “Box Turtle Protection Plan” (Plan) that was presented in Petition 1437 and again in Docket 497. Key provisions of the Plan might not be applicable or effective since construction would likely start after May 31, 2021. Therefore, the Council recommends that the Applicant should 1) review and revise the proposed Plan, as necessary, 2) seek confirmation from the Natural Diversity Database that any proposed changes to the Plan would protect the EBT, and 3) commit to no ground disturbance in areas that might be used by EBT during their hibernation period.

The Applicant’s Plan also notes that all existing mining and stockpiling activity within the proposed EBT “Relocation Zone” should temporarily cease while EBT relocation is underway. The Council calls for confirmation that the Applicant actually has control over the gravel mining activities that are outside of the proposed limits of disturbance. If not, are there assurances from the owner/operator of the gravel mining operation that there would be a cessation of the gravel operations to allow for the EBT relocation?

2. Core Forest

The proposed construction would require the removal of trees in an area that is approximately 16 acres, resulting in the loss of approximately seven acres of core forest. The Council does not support the destruction of core forest. The Connecticut Department of Energy and Environmental Protection (DEEP) provided a letter on December 1, 2020 (attached) in the Petition 1437 proceeding. In it, DEEP found that the proposed clearing of 16.6 acres of forest for site development would materially affect the host block of core forest on the project site.

The Applicant's cover letter of January 22, 2021 for this Docket stated "Burlington Solar One decided that the Application process would be more appropriate in light of correspondence received by the Connecticut Department of Energy and Environmental Protection pursuant to PA 17-218." While the Applicant is legally exercising an option to achieve a favorable regulatory outcome by withdrawing Petition 1437 and filing an application for a Certificate, the impacts on the environment, and especially core forest impacts, remain largely the same. The legislative intent of Public Act 17-218 is to protect agricultural land and core forest. In light of DEEP's letter, noted above, indicating that the proposed project would materially affect core forest and the connectivity of important habitat, the Council recommends that the Applicant revise the proposed project or evaluate other options for the development of a renewable energy facility on land that would have limited impacts on important environmental resources.

3. Wetlands Habitat

In its letter of December 1, DEEP referenced its Guidance Regarding Solar Arrays and the General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities, and stated that the "buffers proposed in this petition may be sufficient to protect the water quality of the site's wetlands and watercourses, but current research calls for the preservation of 300' buffers as a best management practice to protect connectivity in the forest along wetland movement corridors. The current proposal does not provide for this level of protection for two of the three identified wetlands at the project site. We therefore deem that the habitat impacts to this core forest block that would arise from the solar development as proposed would materially affect this host block of core forest." The Council recommends that the Applicant increase the buffer distance around the existing wetlands for a riparian corridor to 300 feet to protect connectivity in the forest along wetland movement corridors, as recommended by DEEP.

4. Groundwater

The application states that the groundwater underlying the proposed site is classified by DEEP as "GAA" and "GAAs". The Council recommends that the Applicant develop and utilize a Spill Prevention, Control and Countermeasure Plan during construction and operation of the proposed facility to reduce the likelihood and impact of any spills on the proposed site.

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

Sincerely,



Peter Hearn,

Executive Director

Attachments (1) Letter from the Connecticut Department of Energy and Environmental Protection dated December 1, 2020



December 01, 2020

Melanie A. Bachman
Executive Director
Connecticut Siting Council
10 Franklin Square
New Britain, CT 06051

cc: Lee D. Hoffman, Attorney
Pullman & Comley LLC
90 State House Square
Hartford, CT 06103-3702

RE: Verogy
Proposed 3.5 MW (AC) Solar Array – Burlington Solar One
Prospect Street, Burlington, CT 06013

Dear Ms. Bachman,

Lee D. Hoffman, Attorney for Pullman & Comley LLC on behalf of Verogy (“Petitioner”) contacted the Connecticut Department of Energy and Environmental Protection (“DEEP”) Bureau of Natural Resources and informed us of the intention to file a petition for a declaratory ruling with the Connecticut Siting Council. Petitioner proposes to construct a solar photovoltaic facility with a capacity of two or more megawatts, to be located on Prospect Street, Burlington, CT 06013 (“Site”). We understand that such Petition has already been submitted to the Siting Council.

Pursuant to Sec. 16-50k of the Connecticut General Statutes the DEEP Bureau of Natural Resources staff have reviewed documents submitted by the Petitioner concerning this proposed project, which include a site map dated May 6, 2020 with email dated July 1, 2020 from Attorney Hoffman. Additional information was requested and received via emails on; July 9, August 7, August 12, October 10, October 21, October 28, and November 10, 2020.

As part of DEEP’s Forestland Habitat Impact Assessment Guidelines, we consider any disturbance to or conversion of natural habitats within the mapped area as an indication of potential material affect to core forest. This project falls within our mapped area. Sixteen (16) forested acres will be cleared for the installation of the solar panels, associated systems and site work involved with this proposed project. This clearing will result in the loss of 6.98 core forest acres and a conversion of an additional 7.41 core forest acres to edge forest acres.

Having established the presence of core forest on the project site, we then evaluated the habitat impacts that would be occasioned by the loss of this forest. The presence of eastern box turtle, a State species of special concern, is indicative of high-quality core forest habitat. Therefore, we seek to preserve mobility and connectivity for this and other species. Additionally, DEEP prioritizes preserving core forest connectivity for species not included in the site inventory through the preservation of sufficient undisturbed buffers around the site’s wetlands. The buffers proposed in this petition may be sufficient to protect the water quality of the site’s wetlands and watercourses, but current research calls for the

preservation of 300' buffers as a best management practice to protect connectivity in the forest along wetland movement corridors. The current proposal does not provide for this level of protection for two of the three identified wetlands at the project site. We therefore deem that the habitat impacts to this core forest block that would arise from the solar development as proposed would materially affect this host block of core forest.

Connecticut is one of the most heavily forested states in America. Our forests clean our air and water, shelter our wildlife, sequester carbon, contribute tens of millions of dollars to our economy, and add immeasurably to the quality of our lives. Yet every day, our forests are under threat. Invasive insects and diseases and our dense and growing human population continue to stress our forests in unprecedented ways. Thank you for helping us to conserve a healthy core forest for future generations, providing public transparency and working to make thoughtful development choices.

Nothing in this letter relieves the Petitioner of other obligations under applicable federal, state, and local law that may be necessary as part of the proposed project design and implementation.

If you have any questions, you may contact me at 860-424-3010, or by mail at 79 Elm Street, Sixth Floor, Hartford, CT 06106-5127.

Sincerely,



Rick Jacobson, Chief
Bureau of Natural Resources
Department of Energy and Environmental Protection

CC: Bryan P. Hurlburt, Connecticut Department of Agriculture
Jenny Dickson, Director of Wildlife, Bureau of Natural Resources, DEEP
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