STATE OF CONNECTICUT

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February 24, 2021

Melanie Bachman, Executive Director
Connecticut Siting Council
Ten Franklin Square
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PETITION NO. 1442 - SR Litchfield, LLC petition for a declaratory ruling, for the proposed construction, maintenance and operation of a 19.8-megawatt AC solar photovoltaic electric generating facility on 6 contiguous parcels located both east and west of Wilson Road south of the intersection with Litchfield Town Farm Road in Litchfield, Connecticut, and both east and west of Rossi Road, south of the intersection with Highland Avenue in Torrington, Connecticut.

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 with regard to Petition 1442.

1. Wetlands and Vernal Pools

The Petitioner indicates that the proposed construction of the project will result in the direct impact to approximately 10,000 square feet of identified wetland soils. Of this total amount, approximately 85 percent of the direct impact area is associated with an access road crossing east of Rossi Road. The Council does not support the destruction of wetlands, especially when alternatives exists that would eliminate or minimize such impacts. The Council recommends that the Petitioner evaluate the possibility of accessing the site(s) at a point south of where Gulf Stream traverses Wilson Road. Furthermore, if the relocation of the access road is possible, the Council recommends that the Petitioner restore the natural flow of the Gulf Stream at the access road east of Rossi Road.

The Petitioner also minimizes the potential impact the proposed project would have on the identified wetlands by proposing a mere 25-foot buffer in most instances. As detailed in a recent report[1], "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." 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 and assess the total area of indirect impacts that would result from encroaching on the standard 100-foot buffer on the proposed site(s).

[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

It also appears that the 100-foot "Gulf Stream" buffer depicted on Appendix A, Sheet PV100 ends at the proposed access road east of Rossi Road, and then is depicted again south of the proposed development. The lack of a riparian buffer in this area is concerning since Appendix U – Wetland and Habitat Report indicates that Gulf Stream continues, "flowing southerly from this farm road, the stream enters a roughly 600 linear foot segment which had been ditched in the past." The restoration of the missing riparian buffer to the site plan may preclude development a portion of the solar facility south of the access road off of Rossi Road. The proposed riparian buffer would help to ensure that the water quality of Gulf Stream improves. The Council notes that in this location and others on the proposed site(s), buffers are only effective at preserving habitat and ensuring environmental quality if they are adhered to.

The Department of Energy and Environmental Protection's (DEEP) recent position on riparian buffers, "the preservation of 300' buffers as a best management practice to protect connectivity in the forest along wetland movement corridors". The Council recommends that the Petitioner maintain a minimum 300-foot wide buffer along the Gulf Stream to serve as a riparian corridor.

The Petitioner also identified two vernal pools within the proposed site(s) that would be affected by the construction and operation of the proposed project. The Petitioner states that the southern portion of the vernal pool envelope (VPE) for vernal pool 1 (northern) would be impacted by the removal of mature trees and site work for the proposed equipment laydown area. The Council notes that construction activities within 100 feet of the vernal pool edge could impair water quality and the removal of vegetation adjacent to the vernal pools could have the unintended consequence of increasing the temperature of the water and eliminating a source of leaves, which constitute the base of the pool food web. Because the two 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]

2. Vegetation

The Petitioner noted the presence of two state-listed bird species in and about the proposed site(s): 1) bobolink (Dolichonyx oryzivorus) and 2) savannah sparrow (Passerculus sandwichensis). It is a strained argument to suggest that the development of the solar facility would improve the breeding potential for these and other forest-edge species by ensuring "that these species do not attempt to breed on the site, but rather to seek more suitable habitats elsewhere." As a proactive measure to increase the likelihood that these state-listed species may prosper, the Council recommends that the Petitioner consider establishing areas of native meadow habitat in the areas cleared and maintained to prevent panel shading for forest edge birds and pollinator insects, which would be mechanically or biologically maintained no more than once a year during the birds' non-breeding season.

In addition, Exhibit M - Integrated Vegetation Management Plan (IVMP) states that the proposed site(s) will use a combination of "biological control methods (Adaptive Multi-Paddock sheep grazing), mechanical, and chemical control measures as needed". The Council recommends that the Petitioner provide a detailed grazing plan for the management of vegetation on the proposed site. The Council is also concerned about the use of certain chemicals for vegetative management. According to the United States

[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.

Geological Survey, which monitors water quality throughout the United States, "fertilizers and pesticides don't remain stationary on the landscape where they are applied; runoff and infiltration transport these contaminants into local streams, rivers, and groundwater."[3] Consequently, the Council recommends the use of organic herbicides, in accordance with integrated pest management (IPM) standards, to control vegetation and reduce runoff that might contaminate both surface water and groundwater and potentially impact non-targeted species, and consider alternative types of vegetation (as detailed above) that require less active "management".

3. Visibility

Litchfield County, like many areas in Connecticut, is rich with scenic resources. Consequently, the impact of an energy production facility on those scenic resources should be given more than a casual observance. The Petitioner states that they performed a quantitative analysis of the proposed solar project; however, neither the Petition narrative nor Exhibit Y- Quantitative and Qualitative Visual Impacts indicates how many acres within a predefined distance would be visually impacted by the proposed facility. The Council recommends that the Petitioner provide the number of acres within one mile of the proposed facility that would have visibility of the proposed project, if the existing vegetation is removed as proposed. Further, the Council recommends that the Petitioner provide a map depicting the locations of the qualitative analysis, expand the number of locations of the qualitative analysis to possibly include more residences and any state or local scenic highways in the area, and indicate whether the proposed project would be visible during leaf-on and leaf-off conditions.

4. Farmland Soils

The Petitioner notes and depicts that the proposed sites contain both Prime Farmland Soils and Statewide Important Farmland Soils (Exhibit C- Farmland Soils Map). The Petitioner also notes that some earthwork is proposed throughout a majority of the Project Area to construct the proposed facility. The Council questions whether any soils will be removed from the site and recommends that the Petitioner provide data on the number of acres underlain by both Prime Farmland Soils and Statewide Important Farmland Soils that would be impacted / modified by the proposed facility.

5. Stormwater

The Petitioner notes that a General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities (General Permit) and Stormwater Pollution Control Plan was filed with DEEP on October 20, 2020, and is working to secure its General Permit by Spring 2021. The Council notes that the revised General Permit, which became effective on December 31, 2020, mandates the "best practices" for construction of solar energy facilities. Consequently, the Council recommends that the Petitioner adhere to all the new provisions of the new General Permit, even if they were not included in its October filing.

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

[3] United States Geological Survey, Water Resources – Agricultural Contaminants; https://www.usgs.gov/mission-areas/water-resources/science/agricultural-contaminants?qt-science_center_objects=0#qt-science_center_objects.