



STATE OF CONNECTICUT

COUNCIL ON ENVIRONMENTAL QUALITY

October 26, 2022

Keith Ainsworth
Acting Chair

Alicea Charamut

David Kalafa

Kip Kolesinskas

Matthew Reiser

Charles Vidich

William Warzecha

Paul Aresta
Executive Director

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

PETITION NO. 1541 – North Haven Solar One, LLC (Petitioner) proposed construction, maintenance and operation of a 1.625-megawatt AC solar photovoltaic electric generating facility located at 122 Mill Road, North Haven, Connecticut, and associated electrical interconnection.

Dear Attorney Bachman:

The Council on Environmental Quality (“Council”) supports the development of clean, renewable energy technologies on appropriate sites in Connecticut. The Council offers the following comments regarding Petition 1541.

1. **Wildlife**

The Petitioner notes that the Final Determination letter from the Connecticut Department of Energy and Environmental Protection (CTDEEP) Natural Diversity Database (NDDB) dated March 1, 2022, indicates that two state-listed species: eastern box turtle and wood turtle were documented nearby the proposed project area and that the CTDEEP recommended specific protection strategies during construction activities. This is true; however, the NDDB determination letter also provided recommendations for “Site Management Protection Measures” (i.e., mowing) and “Site Design Recommendations” (i.e., habitat restoration). The Council recommends that the Petitioner affirm that they will adhere to all of the recommendations identified in the NDDB Determination Letter dated March 1, 2022 and that all those recommendations be a condition of approval.

A review of the US Fish and Wildlife Service (USFWS), Information for Planning and Conservation (IPAC) tool indicates that there is the possibility that the northern long-eared bat (NLEB)¹, a federally endangered species, and twelve species of migratory birds might be present in or near the project location. The Council recommends that the Petitioner assess the proposed site for suitable habitat for NLEB and each of the twelve bird species, and if suitable habitat is present, follow appropriate regulations and consider implementing appropriate conservation measures to minimize the impact on those species, including but not limited to a restriction of certain construction and/or maintenance activities within the period in which the probability of their presence is greatest.

The Petitioner states that the habitat use for wood frog, a vernal pool species found on the proposed site, would include the “upland forested areas located across the agricultural field to the southwest and northeast of Wetland 1” and that “any previous amphibian species movement through the active farm fields that the solar array will occupy is still expected to

¹ The CTDEEP Northern Long-eared Bat Map identifies North Branford, the town immediately east of North Haven, as an area with known NLEB hibernacula.

allow for mobility of the species post-construction”. Consequently, the Council recommends that there be mechanisms, possibly including but not limited to a gap at the bottom of the proposed security fence, if consistent with safety and security requirements, to allow for migration of small wildlife.

2. Wetlands and Vernal Pool

The Petitioner notes that there are three wetlands on the proposed project site and one vernal pool associated with Wetland 1, located in the northwest portion of the proposed site. The Council supports the Petitioner’s plans to maintain a minimum 100-foot buffer between the proposed equipment and the wetlands and vernal pool. The Council recommends that the Petitioner employ best development practices within the critical terrestrial habitat (CTH), which is the area within 100-750 feet of the vernal pool's edge.²

3. Prime Farmland Soils

The Petitioner states that the proposed site “is currently undeveloped farmland and woodlands” and that “a review of the USDA’s soil mapping for the area indicates that only a small portion of the development area is prime farmland”; however, the actual acreage of the farmland soils and woodlands are unknown. It is also unclear if the proposed project would incorporate plans for agricultural co-use. The Council recommends that best practices be employed during construction of the proposed project that might allow for a future restoration of those soils to more productive agricultural use. These practices include minimizing grading, trenching, and compaction of prime farmland soils. The Council also recommends that the Petitioner consider the co-use of the proposed site for agriculture, such as allowing productive agricultural activities to continue under and between rows of solar panels.

The Council notes that the comments above address only certain elements of the materials provided by the Petitioner at the time of the filing. Additional information can become evident through comments offered by other parties and during the Siting Council’s administrative hearing process. The absence of comment(s) by this Council about any Petition or Application, or any aspects thereof, may not be interpreted as an endorsement of a proposed project, or its components or that this Council might not have comments or concerns on more specific issues raised during the hearing process.

Thank you for your consideration of the Council’s comments.

Sincerely,



Paul Aresta
Executive Director

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.