



STATE OF CONNECTICUT

COUNCIL ON ENVIRONMENTAL QUALITY

VIA ELECTRONIC MAIL

September 28, 2023

Melanie Bachman, Executive Director
Connecticut Siting Council
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PETITION NO. 1589 – USS Somers Solar, LLC (Petitioner) petition for a declaratory ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the proposed construction, maintenance and operation of a 3.0-megawatt AC solar photovoltaic electric generating facility located at 360 Somers Road, Ellington, Connecticut, and associated electrical interconnection.

Dear Attorney Bachman,

The Council on Environmental Quality (Council) offers the following comments regarding Petition 1589.

1. Prime Farmland Soils

The Petitioner notes that portions of the proposed site, including some of the areas proposed for the installation of solar panels, are underlain by Prime Farmland Soils (.09 acres) and Statewide Important Farmland Soils (4.28 acres). The Connecticut Department of Agriculture (DOA) issued a determination on March 6, 2023, that the proposed solar project would not materially affect the status of project land as prime farmland, conditioned, in part, upon there being “no grading, cutting or filling, topsoil removal, or other actions associated with the project’s installation and ultimate deconstruction”. However, the Petitioner notes that the proposed construction would include grubbing, topsoil stockpiling, installation of diversion berms and bypasses, performance of earthwork, and final grading. In addition, the Petitioner states that “once vegetative clearing and topsoil stripping activities are completed, grading for the proposed stormwater management basins and swales will occur”. Consequently, it is unclear if the Petitioner’s proposed earth work would be consistent with the DOA’s conditional determination.

The Petitioner had agreed to design and manage the solar facility for the rotational grazing of sheep, which was a consideration in the DOA’s determination that the proposed project would not materially affect the status of project land as prime farmland. However, there are questions regarding the status of the proposed sheep grazing and the determination that the proposed project would not materially affect the status of project land as prime farmland. Regardless of whether the Petitioner utilizes sheep grazing, or apiaries, or some other agricultural co-use strategy, the Council supports the protection of farmland soils. The proposed project could impact statewide important farmland soils and future agricultural uses on the proposed site. Consequently, the Council recommends that the Petitioner 1) collect baseline information on the soils present on the proposed site, and 2) employ best practices during construction and operation that might allow for the future restoration of farmland soils to a more productive

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agricultural state by retaining the topsoil and minimizing trenching and compaction of farmland soils. The Council also recommends that the Petitioner consider utilizing updated methods and techniques for minimizing erosion and sedimentation based on the best currently available technology and strategies, as identified in the Department of Energy and Environmental Protection's (DEEP) draft Soil Erosion & Sediment Control Guidelines update and draft Connecticut Stormwater Quality Manual update¹.

2. State-listed Species

The Petitioner notes that DEEP identified the proposed project site area as potential habitat for the Savannah sparrow, a state-listed special concern species. DEEP recommended site management strategies to promote the development of suitable grassland habitat, including utilizing several warm season grass species. However, the Petitioner notes that "due to the potential growing height of the grasses and the interference with the proposed arrays, planting of these recommended species would need to occur outside of the array operation areas." This statement might be predicated on the proposed design height of the solar panels, which the Petitioner states "will be approximately thirty-six (36) inches above the existing ground surface when they are at full tilt." The Council notes that the DRAFT Guidance for Siting Solar on Agricultural Land (August 2023)² recommends a minimum height for panels to be eight-to-ten feet above ground level. Consequently, the Council recommends that the Petitioner assess the possibility of increasing the proposed height of the panels to enable the utilization of warm season grass species to promote the development of suitable grassland habitat for the Savannah sparrow and potentially other grassland bird species on the proposed site.

The NDDDB also noted that the Savannah sparrow is most sensitive to disturbance between April 1- August 30. Through the Petitioner's efforts to maintain and enhance suitable grassland habitat on the proposed site, consistent with the recommendations of the NDDDB, grassland bird species might utilize the proposed solar array area and contiguous grassland habitat adjacent to the proposed facility. Therefore, the Council recommends that the Petitioner consult with NDDDB and other qualified ornithologists to identify grassland protection and management strategies, including but not limited to provisions for pre-construction/pre-mowing surveys, and the methods and schedule for mowing that avoids disturbance between April 1- August 30. The Council notes that a pre-construction survey is also consistent with the Petitioner's recommendation for "a follow-up savannah sparrow presence/absence survey be conducted immediately prior to the initiation of Project construction (i.e., within 5-days in advance of ground clearing) if construction will be starting after April 1 or before August 30."³

The Council's 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

¹ DEEP, <https://portal.ct.gov/DEEP/Water/Stormwater-Quality-Manual-and-Soil-Erosion-and-Sediment-Control-Guidelines>

² DEEP and DOA, Draft Guidance for Siting Solar on Agricultural Land (August 2023), https://portal.ct.gov/-/media/DEEP/Permits_and_Licenses/Client-Concierge/DRAFT-Guidance-for-Siting-Solar-on-Agricultural-Land.pdf

³ David Kuhlmann, Senior Wildlife Biologist, Westwood Surveying and Engineering, P.C., Savannah Sparrow Survey Results, August 3, 2021