



STATE OF CONNECTICUT

COUNCIL ON ENVIRONMENTAL QUALITY

VIA ELECTRONIC MAIL

September 28, 2023

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PETITION NO. 1592 – Santa Fuel, Inc. proposed construction, maintenance and operation of a 3.85-megawatt AC solar photovoltaic electric generating facility located at 159 South Road, Somers, Connecticut, and associated electrical interconnection.

Dear Attorney Bachman,

The Council on Environmental Quality (Council) offers the following comments regarding Petition 1592.

1. Farmland of Statewide Importance and Soils

The Petitioner notes that the northern and eastern portions of the proposed project site, including the existing hayfield and old orchard area, are classified as Farmland of Statewide Importance. Consequently, the Council recommends that the Petitioner employ best practices during construction and operation that might allow for the future restoration of farmland soils to a more productive agricultural state by retaining the topsoil and minimizing grading, 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 DEEP's draft Soil Erosion & Sediment Control Guidelines update and draft Connecticut Stormwater Quality Manual update¹.

2. Core Forest

The Petitioner notes that the proposed development would involve the clearing of approximately three acres of existing forestland in the southeast corner of the proposed project site. The Petitioner also notes that the proposed tree removal would be within 300 feet of the existing boundary between the forested land² and non-forest land (edge forest), and that none of the trees to be removed would be within the "Core Forest". The Council notes that the area east of the proposed project site is identified by the Department of Energy and Environmental Protection (DEEP) as forestland habitat and that the removal of edge forest could result in a reduction of core forest located further east of the proposed project site. The Council does not support the destruction or reduction of core forests, which provide many ecological benefits, including the ability to sequester and store carbon, and habitat for many species of wildlife that cannot tolerate significant disturbance.³ In addition, the Council questions if the provision of Connecticut General Statutes 16-50k, which would require a determination from DEEP regarding the material affect of the proposed project on core forest, is applicable since the proposed project is a "solar photovoltaic facility with a capacity of two or more megawatts, to be located on prime farmland or forestland".

3. Wildlife

The Petitioner states that “a review of the Natural Diversity Database (NDDB) map for Somers, Connecticut dated June 2023 shows that the Project Site is not located within any potential locations of State and Federal Listed Species and Critical Habitats”. The Council notes that the United State Fish and Wildlife Service (USFWS) Information for Planning and Conservation (IPaC) system identified the Northern Long-eared Bat (NLEB) (*Myotis septentrionalis*), a federally listed “Endangered” species, as a species that may potentially occur in the project area. There is no information in the Petition to suggest that the Petitioner utilized the NLEB Rangewide Determination Key available in IPaC, consulted with the DEEP Wildlife Division, or conducted a survey of the proposed site for the presence of the federally listed species or suitable habitat. Since NLEB are known to roost in trees during the summer and the proposed project would require the removal of approximately three acres of forestland, the Council recommends that the Petitioner undertake a survey of the proposed site for the presence of roost trees for NLEB.

4. Wetlands and Vernal Pools

The Petitioner notes that on December 4, 2022, a survey of the proposed site identified two wetlands (man-made ponds) in the vicinity of the proposed arrays and one small pond just off of the subject property in the field to the north of the proposed project site. The Petitioner states that “a 100-foot buffer has been maintained between all proposed panels in the array and the downgradient wetlands. In addition, an undisturbed buffer of 50 feet has been maintained between any proposed construction activity and all wetlands”. The Council supports the proposed 100-foot buffer and efforts to minimize impacts on the identified wetland resources. The Council questions if the Petitioner assessed the proposed project site for the presence of vernal pools since there is no mention of vernal pools in the Petition filing.

5. Visual Impact

The Petitioner notes that the nearest residence is located approximately 80 feet south of the southwest corner of the proposed arrays along South Road and that residential homes are also located on the opposite side of South Road south of the site entrance. The Petitioner states that “in order to mitigate potential visual impacts of the southern portion of the array to these nearby residences, a row of evergreens is proposed along the southern and western limits of the array.” The Council supports efforts to minimize the visual impact of the proposed project and recommends that the Petitioner consider utilizing native, deer-resistant species that would be of sufficient size to effectively screen the proposed facility.

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 Connecticut General Statutes 23-65f, Definitions; https://www.cga.ct.gov/current/pub/chap_451a.htm#sec_23-65f

³ Council on Environmental Quality, Environmental Quality in Connecticut, Forests, May 4, 2023; <https://portal.ct.gov/CEQ/AR-22-Gold/2022-CEQ-Annual-Report-eBook/Land---Preserved-Land/Forests>