



STATE OF CONNECTICUT

COUNCIL ON ENVIRONMENTAL QUALITY

VIA ELECTRONIC MAIL

August 29, 2024

Melanie Bachman, Executive Director
Connecticut Siting Council
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DOCKET NO. 525 – Greenskies Clean Energy, LLC (Applicant) application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a 4.75-megawatt-AC solar photovoltaic electric generating facility and associated equipment located on two parcels at 54 Jeremy Hill Road, North Stonington, and Parcel No. 90-1-1 Jeremy Hill Road, Stonington, Connecticut and associated electrical interconnection.

Dear Attorney Bachman,

The Council on Environmental Quality (Council) supports the development of clean energy facilities on appropriate sites in Connecticut. The Council offers the following comments regarding Docket 525.

1. Farmland

The applicant notes that prime farmland soils and statewide important farmland soils are found on the proposed site and within the project area. The Council wants to emphasize the importance of agricultural land in Connecticut and to note that the continuing accretion of multiple individual decisions to site solar facilities on agricultural land has cumulative regional economic and ecological implications. The Council does not support the use of “important farmlands”¹ for commercial (front of the meter) energy projects. However, if approved, the Council recommends that the Applicant employ best practices during construction and operation that might allow for the future restoration of farmland soils to a more productive agricultural state by minimizing grading, trenching, and compaction of farmland soils. The Council also recommends that the Applicant comply with the requirements of the Department of Agriculture’s Agrivoltaics Requirements² for Shared Clean Energy Facilities, including but not limited to a) providing a vegetation and soil management plan, prepared by a soil scientist, and b) a soil health assessment, performed by a soil scientist, to establish baseline conditions for soil restoration upon decommissioning.

Lastly, the Applicant notes that “topsoil shall be stripped and stockpiled from areas proposed for regrading. Excess soil which is not reused in proposed site grading as depicted on plans shall be handled per the owner.” The Council recommends that the stripping of topsoil be limited, such as in the areas of the stormwater and sediment control structures and proposed access road, and that no topsoil be removed from the proposed site.

2. Wildlife

The Applicant notes that the Connecticut Department of Energy and Environmental Protection (DEEP) Natural Diversity Database (NDDDB) provided a determination letter, dated June 18, 2021, that there were no records of rare, threatened, or endangered species for the proposed

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project area, and the determination letter was renewed and extended through June 18, 2023. The Council notes that the one-year renewal letter to the original determination has expired. Consequently, the Council recommends that the Applicant a) provide the information from the Vernal Pool Survey, dated June 21, 2021, and any other wildlife surveys performed on the proposed site to the NDDDB if any state-listed species were found, and b) seek an updated determination letter from the NDDDB regarding the potential presence of state-listed species in the proposed project area.

The United States Fish and Wildlife Service (USFWS), Information for Planning and Conservation (IPAC)³ tool indicates that there is the possibility that the northern long-eared bat (NLEB), a species that has recently been reclassified as “endangered” under the Endangered Species Act, and tricolored bat, a species proposed for official listing as endangered, might occur in the vicinity of the proposed project area. The Council also notes that the *CTDEEP Northern Long-eared Bat Map*, dated July 24, 2023, identifies Stonington as an area with known “Summer Occurrence” of NLEB. Since the Applicant states that “tree clearing will be needed for shading purposes that would impact panel efficiency” on the proposed site, the Council recommends that the Applicant consult with the DEEP’s Wildlife Division regarding protective measures, such as time of year restrictions on tree removal, to minimize any potential impacts on NLEB and tricolored bat. The Council also recommends that the Applicant utilize the USFWS Range-wide Northern Long-eared Bat determination key (Dkey), available through the IPaC website, to confirm that the proposed project would not adversely affect NLEB.

3. Wetlands and Vernal Pools

The Applicant notes that there are three (3) on-site inland wetlands, consisting of freshwater forested depressional wetland systems, and that three (3) Tier I vernal pools were delineated/identified on the proposed site. Further, the vernal pool envelope (VPE), which is the critical habitat within 100 feet of a vernal pool, for all three vernal pools are all 100 percent “undeveloped” area. The Council recommends that because the vernal pools are all characterized as Tier I type and at least two of the three vernal pools have populations of spotted salamander,⁴ the Applicant should consult with DEEP Wildlife Division and employ best development practices,⁵ including but not limited to the following:

- maintain at least 75 percent “undeveloped” area within the VPE for all three vernal pools;
- maintain an undeveloped forested habitat around the vernal pools, 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.

The Council also notes that the proposed access road, which might need to be improved to facilitate access for the construction and delivery vehicles, would be within the VPE for Vernal Pools 1 and 2, and could be within ten (10) feet of the identified wetland systems both north and south of the proposed access road. The Council recommends that the Applicant assess the possibility of accessing the proposed site via a different entrance and/or establish an undisturbed buffer of at least ten (10) feet between any construction activity at the proposed site, associated with an access road and/or the electrical interconnection, and any wetland that, prior to or after construction, is located downgradient of such construction activity. There are notes in the Construction Sequencing portion of the Applicant’s Site Plan, Sheet C-5.0 that require the contractor to

¹ Important farmlands consist of prime farmland, unique farmland, and farmland of statewide or local importance. As stated in an email from Eileen Underwood, DOAG dated April 22, 2024, “The regulation pertaining to solar development of prime farmland is based on soils, not current usage.”

² DOAG, Agrivoltaics Requirements; <https://portal.ct.gov/-/media/doag/adarc/solar/doag-agrivoltaics-requirements-final.pdf>

³ <https://ipac.ecosphere.fws.gov/>

⁴ Spotted Salamander Conservation Concerns: Connecticut’s spotted salamander population appears to be undergoing a long-term decline, not only because of the loss of its vernal pool breeding habitats, but more so due to the reduction of upland habitat surrounding aquatic breeding sites. Most wetland regulations prescribe a 50- to 100-foot-wide forested buffer around vernal pools. This buffer is to maintain water quality. Maintaining the amphibian diversity of a vernal pool requires 500 feet or more of primarily forested habitat surrounding breeding pools.” – DEEP, Wildlife, Spotted Salamander; <https://portal.ct.gov/deep/wildlife/fact-sheets/spotted-salamander>

⁵ 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.

contact officials at the town of Stonington prior to construction. The Council recommends that the same notice and consideration be given to officials at the town of North Stonington since the proposed access road is located in North Stonington.

4. Public Water Supply and Spill Prevention

The Council notes that the southwestern portion of the proposed site is within a public water supply watershed and that the remainder of the proposed site has a groundwater designation as “GA”, which is defined as “existing or potential public supply of water suitable for drinking without treatment”. The Council recommends that the Petitioner review and incorporate the protective measures identified in the Department of Public Health’s “General Construction Best Management Practices for Sites within a Public Drinking Water Supply Area” guidance document.⁶

The Applicant states that “there will be less than one gallon of PVC glues and less than 25 gallons of fuel stored on-site. Applicant would keep all flammable liquids in code compliant cabinets and containers. spill kits in all vehicles and equipment on-site. Applicant would monitor chemical usage daily to ensure compliance to requirements. No risk of release to the environment is anticipated.” The Council supports the Applicant’s measures to eliminate any potential adverse impact to groundwater resources. The Council recommends that the Applicant also develop and implement a spill prevention plan for construction of the proposed facility, with specific procedures and contact information, as an additional measure to minimize potential adverse impacts on groundwater resources.

The Council is concerned about the potential cumulative impacts associated with the proposed project, noted above, and recommends that the cumulative impacts be addressed in the CSC proceeding and through appropriate conditions, if approved. The Council’s comments above addresses only certain elements of the materials provided by the Applicant 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

⁶ Connecticut Department of Public Health; https://portal.ct.gov/-/media/departments-and-agencies/dph/dph/drinking_water/pdf/bmpfactsheetpdf.pdf