



STATE OF CONNECTICUT

COUNCIL ON ENVIRONMENTAL QUALITY

VIA ELECTRONIC MAIL

August 29, 2024

Melanie Bachman, Executive Director
Connecticut Siting Council
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PETITION NO. 1638 – LSE Sextans LLC and LSE Sextans II LLC (Lodestar Energy) (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 and associated equipment located at Parcel Nos. 221-3-1 and 222-4-26, Lovers Lane, Torrington, 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 Petition 1638.

1. Farmland

The Petitioner states that the “project will be constructed in the southwestern portion of the Site, within an existing farm field with crop rows and wooded area” and that “approximately 8.4 of the 54.1 acres is classified as farmland of statewide importance.” 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. And although the Connecticut Department of Agriculture has determined that proposed project “will not materially affect the status of project land as prime farmland”, primarily because the proposed project would not impact prime farmland soils, 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 Petitioner employ agrivoltaics and adhere to the best management practices² 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.

2. Wildlife

The Petitioner notes that the western and northern portions of the proposed site are within a Connecticut Department of Energy and Environmental Protection (DEEP) Natural Diversity Database (NDDDB) buffer area and that “wood turtle (*Glyptemys insculpta*), a State Special Concern species afforded protection under the Connecticut Endangered Species Act, is known to occur on or proximity to the proposed facility”. The Petitioner indicates that a Resources Protection Program, containing “an educational component for sub-contractors, installation of isolation barriers, and routine sweeps of the Project Area”, as well as other measures identified on Sheet EC-3 Environmental Notes - Resource Protection have been developed and approved by DEEP to minimize any adverse impacts to “sensitive habitats including wetland resources

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and rare species”. The Council supports the Petitioners efforts to minimize adverse impacts to sensitive habitats and state-listed species, both during construction and ongoing maintenance of the proposed facility, and recommends that the Petitioner follow all the NDDB general design recommendations, identified DEEP’s determination letter dated March 1, 2024.

The U.S. 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), 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 *Connecticut Northern Long-eared bat Observations by Town* map, dated July 24, 2023, identifies Winchester, a municipality located immediately north of Torrington, as an area with known “Winter Occurrence” of NLEB. Since the Petitioner states that “the project calls for 11.8 acres of tree clearing for placement of the access road and shade mitigation in select areas within the vicinity of the arrays”, the Council recommends that the Petitioner 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.

3. Wetlands and Vernal Pools

The Petitioner states that the proposed site has “a large, forested wetland system with three interior intermittent watercourses of varying sizes and extents.” The Petitioner also states that “a portion of the electrical interconnection will pass below a narrow segment of the wetland, where a jack and bore technique will be employed; jack and bore pits would be positioned at least 50 feet from wetlands and no direct wetland impacts would be associated with this work.” While the Phase 1 Sedimentation and Erosion Control Plan, Sheet EC-4 depicts the locations of the bore pits and spoil piles associated with the excavation of the bore pits, it is unclear where dewatering wastewater, resulting from the construction of the bore pits, would be discharged, if needed. The Council recommends that the Petitioner provide information regarding the location and method of disposing of any dewatering wastewater that does not include discharging such wastewater into the wetlands and intermittent watercourses on the proposed site.

The Council questions if the Petitioner assessed the proposed site for the presence of any vernal pools. While neither the Petition’s narrative nor the Petition’s Environmental Assessment mention a vernal pool survey or the presence of a vernal pool(s), the Resource Protection Program notes list preventative measures to minimize impact on vernal pool resources. If the proposed site was not surveyed for vernal pools, the Council recommends that 1) a site survey be completed for the potential presence of vernal pools, and if present, 2) assess the potential impacts of the proposed facility on those vernal pools.

4. Vegetation Management

As noted above, “the project calls for 11.8 acres of tree clearing for placement of the access road and shade mitigation in select areas within the vicinity of the arrays.” The Council recommends that the Petitioner limit tree removal/trimming, especially along the western and northern edge of the proposed site, to the greatest extent practicable to minimize any potential visual impacts to the nearby residential properties.

The Petitioner also states that “the use of herbicides and pesticides at the Facility shall be minimized. If herbicides and/or pesticides are required at the Facility, their use will be used in accordance with current Integrated Pest Management (“IPM”) principles with particular attention to avoid/minimize applications within 100 feet of wetland and vernal pool resources”. While the proposed site is not within a public water supply watershed (PWSW), the southern boundary of a PWSW is located approximately two-tenths of a mile north of the proposed facility. Since the Petitioner states that the “wetland system extends off the

¹ Important farmlands consist of prime farmland, unique farmland, and farmland of statewide or local importance

² Connecticut Department of Agriculture, Agrivoltaics Requirements for Solar Energy Generating Facilities located in whole or in part on Prime Farmland, December 2023; <https://portal.ct.gov/-/media/doag/adarc/solar/doag-agrivoltaics-requirements-final.pdf>

Property to the south and generally drains in a south to north direction”, the Council recommends that the Petitioner adhere to best management practices for protecting groundwater from pesticide contamination.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,

A handwritten signature in black ink that reads "Paul Aresta". The signature is written in a cursive, flowing style.

Paul Aresta
Executive Director

³ University of Connecticut Cooperative Extension Service/DEEP, “Protecting Groundwater From Pesticide Contamination”; <https://portal.ct.gov/-/media/deep/pesticides/certification/supervisor/protectinggroundwaterpdf.pdf>