



STATE OF CONNECTICUT

COUNCIL ON ENVIRONMENTAL QUALITY

VIA ELECTRONIC MAIL

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March 26, 2026

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Re: Docket No. 550 - Brookfield Husky Solar, LLC d/b/a Verogy application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a 50-megawatt-AC solar photovoltaic electric generating facility and associated equipment on 9 parcels generally located east and west of Sterling Road (Route 14) along the Plainfield municipal boundary in Sterling, Connecticut; north of Sterling Hill Road along the Sterling municipal boundary and west of the intersection of Sugar Brook Road and Black Hill Road (Route 14) in Plainfield, Connecticut and associated electrical interconnection.

Dear Attorney Bachman:

The Council on Environmental Quality (Council) offers the following comments regarding Docket 550:

Wetlands and Vernal Pools

The Applicant notes that 14 wetland and eight (8) watercourse systems totaling 142.80 acres were identified and delineated on the proposed facility parcels and that “all the delineated wetlands and watercourses are regulated through the Connecticut Inland Wetlands and Watercourses Act (IWWA).” Further, the Applicant states that “a portion of the proposed array is located in existing farm fields that were flagged as wetlands due to the soil types that exist on site” and that “the racking located in the farm fields flagged as wetlands will be fixed tilt with ground screw foundations and will be installed utilizing temporary matting to protect the wetland soils from disturbance.” While the Town of Plainfield Inland Wetland and Watercourses Regulations allow for “grazing, farming, nurseries, gardening, and harvesting of crops” as uses permitted in wetlands as of right, “all activities in wetlands or watercourses involving filling, excavating, dredging, clear cutting, clearing, or grading or any other alteration or use of a wetland” would be a regulated activity.

The Council notes that several site plans including, but not limited to, sheets PV-C2.01 and PV-C2.02 depict solar arrays, access roads, and perimeter fencing within both the 50-foot and 100-foot wetland buffers, which might not comply with the provisions of the Connecticut Department of Energy and Environmental Protection’s (DEEP) *General Permit for the Discharge of Stormwater from Construction Activities - Appendix I Stormwater Management for Solar Array Construction Projects*. The Council notes that “well-designed buffers protect and maintain wetland functions by removing sediments and associated pollutants from surface water runoff, removing, detaining, or detoxifying nutrients and contaminants from upland sources, influencing the temperature and microclimate of a water body, and providing organic matter to the wetland. Buffers also maintain habitat for aquatic, semi-aquatic, and terrestrial

wildlife, and can serve as corridors among local habitat patches, facilitating movement of wildlife through the landscape.”¹ Consequently, the Council recommends that the Applicant maintain a minimum 100-foot buffer around all identified wetlands and watercourses.

The Applicant states that “a total of 39 vernal pools were identified through the Project area, located across three of the four parcels.” The Council notes that the concentration/presence of 39 vernal pools on the proposed sites is significant. The Council also notes that *Appendix Q - Wetland and Watercourse Delineation Report Tables 3a-3c* includes information regarding the “Current Upland Vernal Pool Habitat Percentages” for the Vernal Pool Envelope (VPE) and Critical Terrestrial Habitat (CTH) for each of the 39 vernal pools. In addition, Table 4 (Summary of Onsite Vernal Pool Indicators), which includes the Tier Classification for the 39 vernal pools, indicates that at least 16 are classified as Tier 1, which denotes exemplary pools. However, it is unclear what the “developed” upland vernal pool habitat percentages would be after construction of the proposed facility if it was developed as designed. It is recommended that a minimum of 75 percent of the zone in contiguous (i.e., unfragmented) forest with undisturbed ground cover within the CTH be maintained as “undeveloped”, which is needed to support upland populations of amphibians that breed in vernal pools. The Council recommends that the Applicant provide the percentages for the “developed” area within the CTH for each of the vernal pools on the proposed facility parcels to assist the Connecticut Siting Council in assessing any potential adverse environmental effects of the proposed project on the obligate vernal pool species.

The Council supports vernal pool protective measures, including measures identified in the “Recommendations and Conclusion” in *Appendix Q - Wetland and Watercourse Delineation Report D Vernal Pool Survey Report*. The Council recommends that the Applicant also employ best development practices² within the CTH including, but not limited to, the following: maintain or restore a minimum of 75 percent of the CTH in contiguous (i.e., unfragmented) forest with undisturbed ground cover (see above); maintain or restore forested corridors connecting wetlands and/or vernal pools; provide suitable terrestrial habitat for pool-breeding amphibian populations by maintaining a partially closed-canopy stand that will provide shade, deep litter, and woody debris; minimize disturbance to the forest floor; mark/flag the vernal pools and the VPE in the field during construction to avoid any unintentional encroachment; incorporate an approximately six inch gap at the bottom of the security fence around the solar panel arrays to allow for the movement of vernal pool obligate species; limit ground disturbance activities within the CTH between February and May; and where possible, maintain native understory vegetation (e.g., shrubs and herbs). Additionally, the Council recommends that the use of herbicides and/or pesticides at the proposed facility should be minimized and that applications within 100 feet of wetland and vernal pool resources should be avoided. If the use of herbicides and/or pesticides is necessary, the Council recommends that its use be strictly controlled and applied by a state-licensed pesticide/herbicide applicator.

Core Forest

The Applicant proposes to clear approximately 45 acres of small core forest. The Applicant states that “DEEP procurement specifically defined Core Forest as “unfragmented forested land of at least two hundred fifty (250) acres that is three hundred (300) feet or greater from the boundary between forested land and non-forested land” and that DEEP “implicitly accepted impacts to small core forest.” The Council notes that Connecticut General Statutes 16a-3k defines core forest as “unfragmented forest land that is three hundred feet or greater from the boundary between forest land and nonforest land”, with no reference to area. Further, the Council does not concur with the Applicant’s interpretation that DEEP implicitly accepts impacts to core forest. The Applicant states that the areas designated as core forest were subject to timber harvesting and that “the property would currently be considered an early successional forest, comprised mostly of sapling trees.” The Council notes that DEEP’s Forestry Division often plans and coordinates the harvesting of timber products throughout Connecticut’s state forests and such harvesting and regeneration practices are a form of forest management, which DEEP asserts does not change the status of the forested land as “core forest”.

¹ Environmental Protection Agency, *Planner’s Guide to Wetland Buffers for 1 Local Governments*, March 2008, Environmental Law Institute; https://www.epa.gov/sites/default/files/2014-03/documents/final_40.pdf

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. <https://www.nae.usace.army.mil/Portals/74/docs/regulatory/VernalPools/BestDevelopmentPractices20Oct2014.pdf>

Core forests provide habitat for many species of wildlife that cannot tolerate significant disturbance and the core forest “pockets” that would result from the proposed development would provide substandard or poor habitat for some species of wildlife. Additionally, the loss of core forest allows invasive species of plants and animals to spread; diminishes water purification functions; and often results in heavier runoff, leading to poorer water quality. And the removal of edge forest modifies the 300-foot boundary thereby impacting/reducing the status or designation of adjacent core forest. Consequently, **the Council does not support the proposed destruction of the core forest.**

Prime Farmland

The Applicant states that “there are approximately 36 acres of prime farmland located within the Project limits, entirely at the Bellavance parcels.” However, it is unclear how many acres of the project site are currently used for agricultural production. The Applicant also notes that sheep grazing is proposed on the project site. The Council suggests that the Applicant 1) conform to the Connecticut Department of Agriculture’s “Agrivoltaics Requirements for Solar Energy Generating Facilities located in whole or in part on Prime Farmland”, revised December 2023, and 2) incorporate agrivoltaic practices and low-impact development to enable additional agricultural co-use including, but not limited to, installing the solar panels higher above the ground and spaced farther apart than conventional systems to allow in enough sunlight to grow crops for harvesting or grazing. In addition, the Council recommends that best practices be employed during construction that might allow for the future restoration of farmland soils to more productive agricultural use by retaining the topsoil on the proposed site and minimizing grading, trenching, and compaction of farmland soils.

Wildlife

The Applicant notes that DEEP’s Natural Diversity Database (NDDDB) provided preliminary determinations for the proposed facility properties on February 26, 2024, and March 12, 2024, which identified the potential presence of two bat species (Red bat and Hoary bat), and numerous plant and animal species, including the state-endangered Eastern spadefoot. These preliminary determinations included specific requests for additional information and identified Best Management Practices (BMPs) that should be undertaken to avoid negative impacts on these state-listed species. In response to the requests by NDDDB to undertake a thorough review of the proposed sites for the presence of state listed species, the Applicant conducted some studies; however, an additional survey of the Bellavance Property for plant species is still incomplete. Further, the Applicant states that “conversations with DEEP on wildlife surveys and potential impact mitigation strategies remain ongoing.” The Council recommends that the Applicant provide the information requested by NDDDB and commit to adhere to the NDDDB’s recommended BMPs, in addition to the “Construction Protective Measures” and “Conservation and Protection Recommendations” identified by the Applicant’s consultant (Quinn Ecological, LLC) in the reports dated March 30, 2025, and January 4, 2026. And while the “Construction Preventive Measures” recommend the installation of exclusionary fencing at the proposed facility properties, consisting of non-reinforced conventional erosion control woven fabric, or plywood, the Council recommends that the Applicant ensure that only erosion and sedimentation control products that avoid/minimize the potential for wildlife entanglement be used.

In addition to the state-listed bat species identified by DEEP’s NDDDB, the United States Fish and Wildlife Service (USFWS), Information for Planning and Conservation (IPAC) tool indicates that there is the possibility that the tricolored bat, a species proposed for official listing as endangered, might occur in the vicinity of the proposed project area. Since the Applicant states that tree clearing will be needed 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 tricolored bat. The Council also recommends that the Applicant utilize the USFWS Range-wide determination key (Dkey)³, available through the IPaC website, to confirm that the proposed project would not adversely affect tricolored bat.

Spill Prevention and Materials Management

The Council supports provisions of the Applicant’s Spill Prevention and Materials Storage Plan (Spill Prevention Plan). The Council recommends that the Applicant ensure that all chemical and petroleum

³ USFWS Dkey, <https://www.fws.gov/library/collections/northern-long-eared-bat-and-tricolored-bat-range-wide-determination-key>

product containers on site, except for those contained in vehicles and equipment, be stored on impermeable surfaces with secondary containment that would be capable of holding 110 percent of the volume of the largest container, or 10 percent of the total volume of all containers in the area, whichever is greater. Although the Applicant states that “the Contractor is responsible for keeping and maintaining a spill containment kit on Site for the duration of the construction of the project,” the Council recommends that the Spill Prevention Plan be revised to include a requirement that spill containment kits be readily available near areas where vehicles are refueled or where hazardous materials and/or petroleum products are stored.

The Council’s comments above address 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.

Sincerely,

A handwritten signature in black ink that reads "Paul Aresta". The signature is fluid and cursive, with a long horizontal stroke at the end.

Paul Aresta, Executive Director

c. Commissioner Bryan P. Hurlburt, Connecticut Department of Agriculture
Christopher Martin, DEEP, Director – Division of Forestry/State Forester
Jenny Dickson, DEEP, Wildlife Division
Kristen O’Neill, DEEP, Inland Wetlands Management Program Administrator
Ryan Brais, Plainfield Town Planner, C/O Plainfield Inland Wetlands and Watercourses Commission (rbrais@plainfieldct.org)
Joseph Theroux, Sterling Wetlands Agent, C/O Sterling Inland Wetlands and Watercourses Commission (JTheroux@sterlingct.gov)