



STATE OF CONNECTICUT

COUNCIL ON ENVIRONMENTAL QUALITY

July 28, 2021

Melanie Bachman, Executive Director Connecticut
Siting Council
Ten Franklin Square New
Britain, CT 06051

DOCKET NO. 505 –Haddam Quarter Solar, LLC (Applicant) application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a 2.8-megawatt-AC solar photovoltaic electric generating facility located south of Haddam Quarter Road and north of Johnson Lane, Durham, Connecticut and associated electrical interconnection.

Dear Ms. Bachman:

The Council on Environmental Quality (“the Council”) supports the development of clean, renewable energy technologies on appropriate sites in Connecticut. The Council offers the following comments with regard to Docket 505.

1. Wetlands

The Applicant has designed the proposed facility to minimize the potential impacts the proposed project would have on the identified wetlands. However, there are instances where the proposed project would encroach upon a 100-foot wetland buffer. As detailed in a recent report, “larger buffers will be more effective over the long run because buffers can become saturated with sediments and nutrients, gradually reducing their effectiveness, and because it is much harder to maintain the long term integrity of small buffers.” In addition, “wetland buffers maintain or serve directly as habitat for aquatic and wetland-dependent species that rely on complementary upland habitat for critical stages of their life-history.”¹ While not governing in this case, the Town of Durham’s Inland Wetland and Watercourses Regulations, states that construction activities within the “upland review area”, which is within 100 feet of a wetland, are a regulated activity. Consequently, the Council recommends that the Petitioner utilize a minimum 100-foot buffer around all identified wetlands and assess the total area of direct and indirect impacts that would result from encroaching on the standard 100-foot buffer on the proposed site.

2. Wildlife

The Applicant states that the most recent Natural Diversity Data Base (NDDB) mapping was reviewed and that no NDDB polygon exists on or within one-quarter mile of the Site. While consultation with NDDB is not required since there are no records of state-listed species, it is possible that state-listed species may be present on the proposed site given its proximity to Hersig Brook, a perennial stream, and its associated wetlands and riparian corridor. Furthermore, the United States Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPAC) tool has identified seven migratory

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

birds that may be present on the proposed site. Consequently, the Council recommends that the Applicant survey the proposed site to assess the presence of any endangered, threatened and special concern species or suitable habitat that might be present. If found, the Council recommends that the Applicant consult with the NDDDB to develop and implement plans to eliminate or mitigate any potential adverse impacts to state-listed species and /or any of the seven migratory bird species identified by the USFWS. In addition, the Council recommends providing space at the bottom of the proposed perimeter fence to allow for the migration of small wildlife, if consistent with safety requirements.

3. Prime Farmland Soils

The Petitioner states that approximately 7.7 acres within the proposed site is underlain by prime farmland soils. The Council is concerned about the impacts the proposed project would have on the prime farmland soils on the proposed site. The Council recommends that best practices be employed during construction that might allow for the future restoration of those soils to productive agricultural use. These practices include minimizing grading, trenching, and compaction of prime farmland soils.

Thank you for your consideration of these comments.

Sincerely,

A handwritten signature in cursive script that reads "Peter Hearn". The signature is written in black ink and is positioned above the typed name and title.

Peter Hearn
Executive Director