

ATTACHMENT B

KATE BEDNAZ

PREFILED TESTIMONY

(See attached)



November 8, 2024

Attn: Robert DeCrescenzo, Esq. c/o Town of Granby
Updike, Kelly & Spellacy, P.C.
225 Asylum Street 20th Floor
Hartford, CT 06103

**Re: CSC PETITION NO. 1637 – 100 Salmon Brook Street, Granby, CT
Granby Inland Wetlands & Watercourses Expert Review
AC Battery Energy Storage Facility - CT11 BESS – KCE CT 11, LLC**

Dear Mr. DeCrescenzo:

Freshwater Wetland Services (FWS) is pleased to submit this report per your request on behalf of the Town of Granby, CT to review the above-mentioned development proposal, CSC Petition No. 1637 as it relates to wetland resource areas associated with, and immediately adjacent to the property referenced as Map H-53, Block 78, Lot 26, totaling 4.85 acres in size, herein referred to as the subject property.

The forested subject property is located immediately south of the Mill Pond Drive commercial development, east of Salmon Brook Street, north and east of the Monrovia agricultural field system which contains the adjacent impoundment by a dam, locally identified as Sumatra Pond. Approximately 1,500 feet downstream of the dam is the watercourses confluence with Salmon Brook, and less than 2 miles downstream is the confluence with the Farmington River, both watercourses federally designated Wild and Scenic Rivers.

The Wild and Scenic designation, elevates the level of ecological protection warranted to the Salmon Brook, its tributaries, and adjacent lands that influence the river. Granby has been protecting the watercourse for decades, if not centuries by preserving thousands of acres of land that influence Granby's vibrant, healthy and diversified ecosystems and watercourses.

FWS review is based on the proposed projects compliance with the local wetlands and watercourses regulatory requirements and sound ecological development practices as it relates to the subject property. FWS has reviewed the documents available on the CSC website (https://portal.ct.gov/csc/3_petitions/petition-nos-1601-1700/pe1637) as of the date of this letter as they pertain to regulated wetland resource areas and the proposed development on the subject property. My review comments and questions are as follows.

1. It is noted on the NRCS Soil Survey that Merrimac fine sandy loam is located throughout the elevated portion of the site, where the project infrastructure is proposed. These soils are mapped as prime farmland soils in the State of Connecticut. Has limited hardscaping to potentially preserve soils if the site is decommissioned been considered, and if not why?
2. The Granby Inland Wetlands and Watercourses Commission (GIWWC) has contacted myself and other town staff to request access to the subject property, to conduct a site visit to review the wetland resource areas as it relates to the proposed project design element locations and existing

environmental features. In addition, myself as their expert requests access for inspection of site conditions.

3. Has an effort been made by the applicant to delineate/depict the boundary of wetlands located on the adjacent property? It appears that wetlands may be located only feet from the property and no mention of the estimation or presence of the wetland location was made in any submitted documentation. It is clearly notable from aerial photography that a wetland is located at a minimum, at the base of the slope immediately surrounding and adjacent to the subject property. Topography indicates that the wetland may extend onto or be very close to the property line, especially on the easterly side.
 - a. The application depicts the 50- and 100-foot buffer of the inland wetland boundary on the "Site Plans", dated July 22, 2024. It is recommended that the abutting wetlands and watercourse be delineated so that the extent of the buffer zone that extends onto the subject property will be accurately depicted. This will also confirm that no other wetlands exist on the subject property. If the adjacent owner will not consent to providing access for the delineation, at a minimum an ocular and aerial estimated boundary can be projected onto the "Site Plans" by the projects soil scientist.
 - i. Has the swale located in the northeasterly property corner been evaluated for wetland soil conditions and if so has corresponding documentation been submitted? If not, why. If so, it is requested that the applicant submit the documentation for review.
 - b. The Granby IWWC regulates an Upland Review Area (URA) that extends 100-feet from wetlands and 200-feet from watercourses. This is an area that has been deemed important for review and protection of the functions and values that wetland resource areas provide. It is recommended that the applicant show these review areas as part of the permitting plans.
4. The applicant proposes clearing 1,500 sf of wetland vegetation and additional buffer zone vegetation. Mitigation measures presented includes leaving low grown shrub species and only clearing trees necessary to install the utility line. Very little detail is presented to detail the work proposed within this sensitive resource area.
 - a. Locally, when there is a direct, significant impact to a wetland or watercourse, we have the right to ask the applicant for alternatives for this impact.
 - i. Considering the direct wetland and watercourse impact and plethora of pavement to the north, why are impacts not proposed through a parking area instead of through a wetland and a watercourse?
 - ii. Have project layout alternatives been presented and evaluated for the necessity of wetland and buffer/riparian area impacts?
 - iii. Can the utility line be connected as required by traversing already disturbed areas? An alternative for utilizing the existing utility easement is paramount in permitting direct impacts to wetland resource areas.
 - b. What will be done to restore and protect the watercourse during and after construction?
 - i. It is recommended that a detailed wetland and watercourse mitigation plan for this direct impact be included in the Petition filing. This plan is recommended to address the multiple outstanding items in the filing as it relates to the direct impact and restoration of a wetland and watercourse. The following are some recommendations/observations regarding this location.
 1. How will the direct impacts to the wetlands be conducted in terms of sequencing and stabilization?
 2. How will soil/substrate within the wetland/watercourse be stabilized?



3. How will the area be revegetated?
 4. If there is organic soil in the wetland area to be disturbed? Will it be preserved and later reused to restore the wetland soil profile? If not, what will be the criteria for wetland and watercourse mitigation substrate/soil.
 5. Will invasive species be controlled within the cleared area?
 6. How will the water/flow be managed during and post construction?
 7. What time of year will the work be completed and are there any restrictions?
 8. How will hydrology be managed during and post construction, including but not limited to dewatering, and restoration of the stream bed and banks?
 9. What will be the width and depth of trench traversing the wetland and watercourse?
 10. Where will material and soil stockpiles be located?
 11. How long will the area be monitored for success post construction?
 12. What will be considered success?
 13. The "Erosion & Sediment Control Plan" dated July 22, 2024 does not show any erosion controls perpendicular to the watercourse. It is my understanding that the area will be excavated for the utility east to west. This provides no protection to the wetland or watercourse construction.
5. Section 3.4.1 of the CSC Petition Narrative contains the Wildlife Habitat discussion. The submission only references the vegetative community and physical features without reference to habitat suitability, utilization, and preservation.
- a. The application states that the USFWS information for Planning and Conservation system, which identified the endangered Northern Long-eared Bat (*Myotis septentrionalis*), and monarch butterfly (*Danaus Plexippus*) may potentially occur in the project area. It is recommended that the applicant consider incorporating mitigation measures for enhancing habitat for these endangered species through their mitigation design which is recommended to be presented in greater detail.
6. As previously mentioned, downstream of the subject site is the Salmon Brook and Farmington River, which are designated and federally protected under the Wild and Scenic Rivers Act, this is the same designation as rivers within national parks throughout the United States. Therefore, installing additional controls to protect these resources is paramount in maintaining such an outstanding resource.
- a. If a contained fluid was to spill and reach the nearby slope it has a significant potential to reach the adjacent wetland and watercourse. This watercourse flows east, off the subject property, to Sumatra Pond which is contained by a small earthen dam. The watercourse then continues east to the Salmon Brook, eventually continuing to the Farmington River, all exemplary riverine systems.
 - i. Has the applicant considered additional contouring of the site to prevent fluids from entering the downgradient wetlands and watercourse in the case of a spill?
 1. Have the soils been analyzed to demonstrate the anticipated percolation rate, depth for the fluid materials to be stored to demonstrate a reasonably likely upland containment area during a total failure of the fluid containment system?
 - ii. Has the applicant contacted the owner of the Sumatra Pond dam to explore options for containment utilizing hydrologic dam controls to prevent the migration of spill materials past Sumatra Pond, to the Salmon Brook? It is recommended that this



option be explored, and if viable, included as a provision in their Operations and Management/Emergency Response Plan to contact the dam owners to stop flows to the maximum extent practicable, isolating contamination, and therefore preventing impacts to exemplary Wild and Scenic Rivers. It should be noted that it is understood that the owner of the dam intends on permitting a proposed project for a solar field that will require the review of the CSC. Applicants/owners may be able to work symbiotically towards their projects goals.

7. The Petition application does not include data on materials used for stabilization and mitigation.
 - a. It is unclear what substrates will be utilized within the project area. Will it be vegetated, concrete, curbs, gravel, etc.? Therefore, a full analysis of impacts cannot be determined as the Petition is submitted.
 - b. What materials will be used to stabilize earthen areas of the site? This shall include detailed seed mix specifications and locations, and locations and species of vegetative plantings.
 - i. How will these species benefit from the ecology of the site and abutting properties?
 - c. What are the habitat considerations for the proposed project area as it relates to final stabilization?
8. The proposed project is designed to clear vegetation to the edge of, if not down the existing slopes that lead to the wetland and watercourse, some of which is undefined. As with any watercourse riparian buffer, maintaining a healthy woody vegetated slope is a key to preventing bank/slope erosion of these meandering watercourses. Especially considering the recent extreme precipitation events that have occurred and are predicted to continue, causing erosion as never seen before.

Not having knowledge of the location of the bank of the adjacent watercourse immediately south and east of the property, and not having accessed the site, it is difficult to evaluate the proximity of the banks of the watercourse and existing vegetation community.

- a. Are there any existing trees or shrubs that can be preserved in areas without site equipment/access?
 - b. Have alternatives for the proposed layout been presented that would potentially reduce impacts to the wetland and riparian buffers and sensitive slopes?
 - c. How will the staging area be utilized/restored post construction? Can this area be utilized for habitat enhancement plantings?
 - d. Why is the area to the northeast of the staging area being cleared? I see no proposed improvements in this location.
9. The adjacent wetland resource area functions and values are supported by diverse wildlife that can be sensitive to light when conducting life maintaining activities such as hunting, resting, finding cover from predators, etc.. To preserve the existing habitat, it is important to consider the necessity, intensity, and location of lighting sources to minimize any direct impacts.
 - a. Is there a lighting plan for this proposed project?
 - i. What are the locations and type of lights to be installed at this facility?
 - ii. What will be the hours of illumination?
 - iii. Will they be dark sky compliant?



10. What mitigation measures would be provided as part of a catastrophic event caused by the facility, that caused damage to vegetation in the buffer or resource areas? Would this be left to the Town to contend with, or is this something that can be included in the "Operations and Management/Emergency Response Plan" as an item that is required to be addressed by the owner/controller of the subject site at the time of the event?
11. The perimeter erosion controls are shown to be only silt fence, to be located at the top, or middle of the slope that leads directly to the wetland resource areas. It is my experience that there is significant potential for silt fence to be brought down by construction activities, especially on a tight site as equipment maneuvers about. Considering the proposed project activities to the top of a slope that leads directly to wetland resource areas, a double erosion control barrier is highly recommended. This may be a combination of silt fence and straw bales, erosion control log, or wood chip berm.
12. How will invasive species be managed?

CONCLUSION

I have reviewed the available information, and it is my opinion that the CSC lacks the details needed to make an informed decision as it relates to the preservation of wetlands and watercourses. This includes key information like the location of all wetland resource areas adjacent to the subject property; construction details; presentations of alternatives to eliminate direct wetland and watercourse impacts; vegetative removal and re-establishment details; direct resource area disturbance details; and details needed to adequately assess the site impacts as it relates to adjacent wetland resource areas.

Furthermore, I feel it is prudent that alternatives be evaluated that do not require direct impacts to wetland resource areas be explored in full. Especially an alternative for utilizing the existing paved utility easement for project interconnection utilities, which if a viable alternative, would require no direct impact to wetland resource areas as currently presented. It seems completely viable that a site utility would be located within the designated and planned utility easement.

As always, please feel free to contact me at 413-695-2195 or at freshwaterwetland@gmail.com with any comments or questions. I look forward to following the progression of this application as the applicant provides adequate information and details to review the entirety of the proposed project.

Sincerely,



KATE BEDNAZ, PWS #1906
FRESHWATER WETLAND SERVICES
Registered Soil Scientist | President

