



STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

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September 1, 2017

TO: Parties and Intervenors

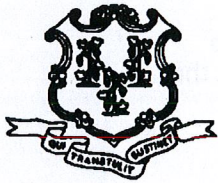
FROM: Melanie Bachman, Executive Director *MB*

RE: **PETITION NO. 1312** – Candlewood Solar LLC petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the proposed construction, maintenance and operation of a 20 megawatt AC (26.5 megawatt DC) solar photovoltaic electric generating facility located on a 163 acre parcel at 197 Candlewood Mountain Road and associated electrical interconnection to Eversource Energy's Rocky River Substation on Kent Road in New Milford, Connecticut.

Comments have been received from the Council on Environmental Quality (CEQ), dated August 30, 2017. A copy of the comments is attached for your review.

MB/MP/bm

c: Council Members



COUNCIL ON ENVIRONMENTAL QUALITY

Susan D. Merrow
Chair

Janet P. Brooks

Alicea Charamut

Lee E. Dunbar

Karyl Lee Hall

Alison Hilding

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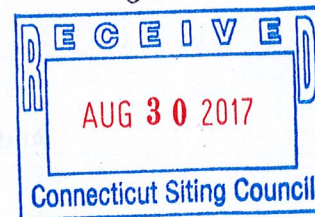
Matthew Reiser

Charles Vidich

Karl J. Wagener
Executive Director

August 30, 2017

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



RE: PETITION NO. 1312 - Candlewood Solar LLC

Dear Ms. Bachman,

The Council on Environmental Quality (CEQ) offers the following comments on Petition Number 1312, a solar photovoltaic facility proposed to be constructed in New Milford.

It is the CEQ's understanding that the Department of Energy and Environmental Protection (DEEP) has requested party status. Assuming such status is granted, the CEQ defers to the expertise of DEEP staff with regard to the project's impacts on forest land. Similarly, the CEQ acknowledges the expertise of the Department of Agriculture with regard to the impacts to agriculture.

Potential Impacts to Wildlife and Vegetation

The CEQ has reviewed the petition and finds the analysis of potential impacts to vegetation and wildlife to be inadequate to enable an informed decision by your Council. It appears that the petition was filed before essential data, such as Natural Diversity Data Base (NDDDB) information, were available, a deficiency that could be corrected during interrogatories and hearings. At this time, however, the CEQ is concerned that the petition provides insufficient information on upland habitats.

A good environmental impact analysis will inform the reader about the wildlife that inhabits the site and the likely impacts to that wildlife. This petition does neither.

With regard to the wildlife inventories: No breeding bird survey was conducted (Environmental Assessment, p. 7). Instead, birds with potential to breed at the site were "inventoried" based on field studies conducted in November. The CEQ has two observations regarding this inventory:

1. The hypothetical list of species is likely to be incomplete. Taking just two examples, why would only one species of cuckoo be listed when the two frequently overlap? Why are there only two species of vireos and eight species of warbler listed? We now know, from the July 10, 2017 NDDDB Preliminary Assessment, that Golden-winged Warblers (a state-endangered species) were reported to be present in the area. It is likely that other species, not listed in the petition, also are present.
2. Even if the list were complete, the inclusion of 20 bird species that are uncommon and/or declining – the species designated by the State of Con-

necticut as being of greatest conservation need – should be enough to trigger a serious analysis of probable impacts. Instead, the reader sees the following (p.19):

“Smaller, less mobile wildlife species could experience direct mortality during clearing, grading, and construction activities. Other wildlife species would likely leave the immediate area when these activities begin and relocate to similar nearby habitats.” [emphasis added]

And

“Although permanent alteration of food and cover sources may occur, the species known to occur in the Project area are not dependent on habitats that would be affected for the overall fitness or reproductive viability of the populations as a whole. Many of the mammal, bird, reptile, and amphibian species are adaptive to changing habitat conditions and have the capability of temporarily or permanently expanding or shifting their home ranges to find alternative sources of food, water, and shelter in the adjacent upland and wetland forested areas.” [emphasis added]

This analysis is deficient in several ways. First, the meaning of the first sentence in the second excerpt above is opaque. Second, the bird “species known to occur in the Project area” would seem to refer to the hypothetical list described above. Far worse is the conclusion that animals will pack up and move. The focus needs to be on the specific effects of the loss or conversion of habitat, not on the fate of individual animals.

Animals do not simply move to nearby habitats where the territorial residents move aside to make room for them. Barring some disturbance, the nearby habitats generally are at or near their carrying capacity for a species, and individuals must compete for territories. A loss of habitat will result in a reduction in specific wildlife species. What species will be diminished in New Milford? The reader or decision-maker has little way of knowing.

Even if “many of the...species are adaptive to changing habitat conditions,” how many and which species are *not* adaptive? What will happen?

As a final comment on this point (i.e., wildlife will move away from disturbances), we will note that the CEQ spent *years* working to banish such analyses from environmental impact analyses, and to a large degree it was successful. We have not seen this conclusion in some time. It is not valid, and calls into question the quality of the environmental information submitted with this petition.

The petition also states that, after 20 or 30 years, the facility will be decommissioned “and the Project Area will be allowed to revert back to natural habitat.” After 20 to 30 years of disturbance, what are the assurances that the site will revert to native species and not a compromised waste filled with the invasive species that follow unmanaged soil disturbances everywhere?

Again, an adequate analysis will let the reader know what species are present and how they will be diminished or enhanced by the proposed development. This petition does not provide such information, and the Siting Council should require adequate information and analysis. The Council also recommends, if the petition is ap-

proved, a condition requiring restoration of native species and suppression of invasive species following decommissioning with appropriate monitoring and management.

Soils

The soils in the farmed areas are classified as Paxton and Montauk fine sandy loams, 3 to 15 percent slopes, extremely stony, which are not prime and important farmland soils under USDA classifications. If, however, decades of agricultural activity have removed the stones, then it is possible that the soil could meet the criteria for prime or important farmland. Paxton and Montauk fine sandy loams, 3 to 8 percent slopes are classified as prime farmland in Connecticut, and Paxton and Montauk fine sandy loams, 8 to 15 percent slopes are of statewide importance.

Need for Comprehensive Review

Many of the project's significant potential impacts are related to upland soils, vegetation and wildlife. At this time, not enough information has been submitted to support a decision. It is the CEQ's recommendation that the information, once obtained, be analyzed in detail and be used to make a decision based on the complete environment, not just air and water.

Thank you for consideration of these comments.

Sincerely,



Karl Wagener
Executive Director