



STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

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VIA ELECTRONIC MAIL

October 5, 2017

Paul R. Michaud, Esq.
Michaud Law Group LLC
515 Centerpoint Drive, Suite 502
Middletown, CT 06457

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.

Dear Attorney Michaud:

The Connecticut Siting Council (Council) requests your responses to the enclosed questions no later than October 24, 2017. To help expedite the Council's review, please file individual responses as soon as they are available.

Please forward an original and 15 copies to this office, as well as a copy via electronic mail. In accordance with the State Solid Waste Management Plan, the Council is requesting that all filings be submitted on recyclable paper, primarily regular weight white office paper. Please avoid using heavy stock paper, colored paper, and metal or plastic binders and separators. Fewer copies of bulk material may be provided as appropriate.

Any request for an extension of time to submit responses to interrogatories shall be submitted to the Council in writing pursuant to §16-50j-22a of the Regulations of Connecticut State Agencies.

Yours very truly,

Melanie A. Bachman
Executive Director

MB/MP/lm

c: James J. Walker, Vice President, Ameresco, Inc.
Joel S. Lindsay, Director, Ameresco, Inc.
Council Members

**Petition No. 1312
Interrogatories
Set Two
October 5, 2017**

Project Schedule

80. Describe the commitments and/or time constraints related to project development that were referred to during the September 26, 2017 hearing.

Public Outreach

81. Is it correct to say that, even though the proposed facility is a generating facility with a capacity of over 10 MW, it is exempt from Connecticut General Statutes Section 22a-20a (Environmental Justice Act) because it is a solar facility?

Decommissioning Plan

82. What is the status of decommissioning plan? If the decommissioning plan has been finalized, please provide a copy.

Environmental/Wildlife

83. On page 8 of the pre-filed testimony of Brian Butler, it notes that a copy of the final report on the Golden-winged warbler study will be prepared and submitted to Connecticut Department of Energy and Environmental Protection (DEEP) and the Council when complete. What is the status of such report? If the report is complete, please provide a copy of such report.
84. Would the “Bat Protection Recommendations” in the DEEP Preliminary Natural Diversity Database Letter dated July 10, 2017 also be protective of the northern long-eared bat, particularly because of the seasonal restriction limiting tree cutting to November through March?
85. Has the Petitioner considered a seasonal restriction on tree cutting to protect the breeding birds listed in Table 2.4-1 on page 8 of the Environmental Assessment? If yes, would the timeline overlap with the seasonal restrictions to protect bats? Explain.
86. Map the vernal pool (cryptic vernal pool portion) of Wetland 1 and provide a narrative of why the boundaries of this pool were established as shown. Discuss the physical characteristics of the pooled area (s) Wetland 1 that distinguish these areas from the rest of Wetland 1.
87. Please provide photographs of the marbled salamander and four toed salamander found by Dr. Klemens during the Council site visit on September 26, 2017 at Wetland 1.
88. Page 8 of the pre-filed testimony of Brian Butler states that two species of salamander and six frogs were found, but no species were identified. Provide a list of amphibians and reptiles documented on site as part of your work. Please describe where on site these were found and if multiple localities were documented for any species.

89. Please add the following species documented during the Council site visit to the previous information requested in question 88: Marbled Salamander, 4-toed Salamander, Slimy Salamander, Red-spotted Newt, Wood Frog, American Toad, and Spring Peeper on the site species list.
90. Analyze the landscape around the vernal pool portion of Wetland 1 using Calhoun and Klemens (2002). Show the vernal pool area, the vernal pool envelope, and the critical terrestrial habitat.
91. Calculate the percentage of development proposed in each of these areas. Express this as a percentage of each ring—the pool, the envelope, the critical terrestrial habitat.
92. Is the post-development condition of the cryptic vernal pool in Wetland 1 compliant with development guidelines set forth in Table 3 on page 18 and pages 18-26 of Calhoun and Klemens (2002)?
93. If compliance cannot be achieved as described in question 92, please describe the potential impacts to Wetland 1 and its wildlife and any potential mitigation by project redesign.
94. Provide pre-development and post-development water budgets for all receiving wetlands on the site, including the 2 vernal pools.
95. Would eastern box turtles be expected to use the cleared areas around the solar arrays?
96. Would these cleared areas serve as an attraction zone for eastern box turtles?
97. What provisions could be made for the fence that surrounds the facility to allow for the passage of small wildlife such as eastern box turtles?
98. Testimony was provided that the grassy areas between the arrays will be mowed. How will this be accomplished? Provide details.
99. Incidental take by mower kill can be a major impact to the long-lived eastern box turtle. How will this be avoided?
100. In testimony/cross examination it was established that the State-threatened slimy salamander is present on the site. To recap, one large male was collected on September 13, 2017, at Lookout Point, 0.4 mi SSE of the summit of Candlewood Mountain. A specimen that was likely a juvenile of this species escaped capture during the Council site visit on September 26, 2017. As the presence of this species has been confirmed on or immediately adjacent to the subject property, what measures will be taken to avoid impacts to this species?
101. Please map all areas of potential slimy salamander habitat on the entire site and provide a narrative describing how these areas were determined to be slimy salamander habitat. Please include the size/species of trees, the presence of talus, the amount of duff and rotting logs, slope, and aspect. Also, provide photographs to document these findings keyed to a map illustrating these areas.
102. Provide three maps as follows:
 - a) A map showing the designated slimy salamander habitat areas;
 - b) A map showing the designated slimy salamander habitat areas with a 100, 200, and 300 foot buffer clearly demarcated; and
 - c) A map showing the designated slimy salamander habitat areas with a 100, 200, and 300 foot buffer clearly demarcated overlain onto the site development plan.

103. Provide a narrative that expresses the amount of slimy salamander habitat present over the entire site as a percentage of the site.
104. Provide a narrative that provides the percentages of that previously identified habitat that will be lost through the proposed clearing and development (1) without buffers, (2) with a 100-foot buffer, (3) with a 200-foot buffer, and (4) with a 300-foot buffer. This could be most usefully expressed in tabular format.
105. Can losses of slimy salamander habitat be mitigated by project re-design?
106. Provide references from the scientific literature for the optimal size buffer required to minimize the edge effects of forest clearing on slimy salamander habitat.
107. Discuss whether the proposed clearing and development, apart from outright loss of slimy salamander habitat, will fragment the site into islands of slimy salamander habitat and provide an opinion of the long term viability of these fragments of slimy salamander habitat.

Construction

108. Provide an end view drawing of the solar panels on a rack to show the 15 degree angle (or as applicable) and the edges of the solar panels along the hypotenuse of the triangle. Also include the heights to the top and bottom vertices of the hypotenuse above grade. (An example of such a drawing is Petition No. 1310, Sheet G-001, Solar Racking System Detail.) With the proposed panels using a "landscape" orientation and a width of 991 mm (39 inches or as applicable), how many panels would be placed along the hypotenuse of the triangle? (See JA Solar Specifications Sheet under Attachment 9 of the Petition.)

Geology

109. Is the proposed project at risk of any seismic events? Is the proposed project located in the vicinity of Cameron's Line, an existing fault line?