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ATTORNEYS

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September 26, 2017

**VIA E-MAIL AND U.S. MAIL**

Jason Bowsza  
Connecticut Department of Agriculture  
450 Columbus Blvd.  
Hartford, CT 06103

**Re: Petition No. 1313 - Petition of DWW Solar II, LLC for a Declaratory Ruling that no Certificate of Environmental Compatibility and Public Need is Required for a 26.4 Megawatt AC Solar Photovoltaic Electric Generating Facility in Simsbury, Connecticut**

Dear Mr. Bowsza:

In connection with the above-referenced Petition, I am enclosing a copy of DWW Solar II, LLC's first set of Interrogatories to the Connecticut Department of Agriculture.

Should you have any questions, please feel free to contact me at your convenience.

Sincerely,

  
Lee D. Hoffman

Enclosure

cc: Service List, Petition 1313 (by e-mail)

**STATE OF CONNECTICUT**  
**CONNECTICUT SITING COUNCIL**

DWW SOLAR, II, LLC PETITION	)	PETITION NO. 1313
FOR DECLARATORY RULING	)	
THAT NO CERTIFICATE OF	)	
ENVIRONMENTAL	)	
COMPATIBILITY AND PUBLIC	)	
NEED IS REQUIRED FOR A 26.4	)	
MEGAWATT AC SOLAR	)	
PHOTOVOLTAIC ELECTRIC	)	
GENERATING FACILITY IN	)	SEPTEMBER 26, 2017
SIMSBURY CONNECTICUT	)	

**DWW SOLAR II, LLC'S FIRST SET OF INTERROGATORIES**  
**TO THE DEPARTMENT OF AGRICULTURE**

The petitioner, DWW Solar II, LLC (“DWW”) respectfully submits this First Set of Interrogatories to the Connecticut Department of Agriculture (“DOA”), a party in the above-referenced Petition. Please respond to these interrogatories by October 3, 2017.

- Q1: Please refer to the comments of the DOA submitted to the Siting Council on August 30, 2017. Who are the individual(s) who were responsible for developing, assisting with the development of or drafting those comments?**
  
- Q2: With respect to DOA’s comments regarding food security, what percentage of the food consumed in the state of Connecticut is grown in the state of Connecticut?**
  
- Q3: With respect to DOA’s comments regarding increased carbon footprint associated with distance food must travel to reach Connecticut, please provide an estimate of the increased carbon emissions associated with the need for food to travel to Connecticut if the Project is developed and the property that is the subject of this Petition is no longer in agricultural production.**
  
- Q4: Please compare the amount of increased carbon emissions estimated in the answer to Interrogatory Number 3 to the amount of carbon emissions that will be offset by the development of a 26.4 MW AC solar photovoltaic electric generating facility.**
  
- Q5: With respect to DOA’s comments regarding the economic impact to “retailers of farm equipment and supplies to feed and fertilizer dealers and tourism,” please provide an estimate of that economic impact.**

- Q6:** How many acres of locally important farmland soils are impacted by the Project that is the subject of this Petition?
- Q7:** On p. 2 of its comments, DOA states that having the land “remain available for a variety of agricultural uses” “could provide substantially better soil health for agricultural production.” Please elaborate as to whether this better soil health will occur without the addition of soil amendments such as fertilizer and/or the application of pesticides and herbicides.
- Q8:** On p. 3 of its comments, DOA states that “the soils on the Simsbury property have variable thicknesses of topsoil, subsoil and substratum with unique physical and chemical properties.” Please describe with specificity the unique physical and chemical properties of the soil on the property that is the subject of this Petition.
- Q9:** On p. 4 of its comments, DOA states that “a lack of managing soil nutrients over 25 years will result in acidification and loss of fertility” of the subject soil. What is meant by the term “managing soil nutrients?”
- Q10:** Is it DOA’s contention that the only way to keep this subject soil fertile and properly pH balanced is through the use of “managing soil nutrients?”
- Q11:** If the answer to Interrogatory Number 10 is yes, please provide a detailed description of the soil management activities that would be necessary to keep the subject soil fertile and properly pH balanced. If the answer to Interrogatory Number 10 is no, please describe in detail activities other than “managing soil nutrients” that would provide these same results.
- Q12:** On lines 538-549 of the Pre-Filed Testimony of Kipen (Kip) Kolesinskas (“PFT”), the PFT states that “soil health is a function of assessing and managing dynamic soil properties for a particular use,” and that the current use of the property is agricultural development. Please describe all activities that are currently being taken by the users of the property to assess and manage the “dynamic soil properties” at the property that is the subject of this Petition.
- Q13:** Please describe Mr. Kolesinskas’s experience in constructing solar photovoltaic facilities on agricultural land. Please describe Mr. Kolesinskas’s experience in constructing any structures on agricultural lands.
- Q14:** Did the construction of five barns on the subject property adversely impact the prime farmland located underneath the barns? If so, please describe in detail what adverse impacts were caused and how those adverse impacts came to be caused.
- Q15:** On lines 434-441 of the PFT, concerns over soil erosion from the Project are raised. How will the soil erosion from the Project (if the project is approved) differ from the soil erosion that will result from agricultural activities at the site? For the agricultural activities portion of this analysis, please describe how the potential for erosion will differ during periods when the site is under agricultural cultivation versus when the site is not planted.

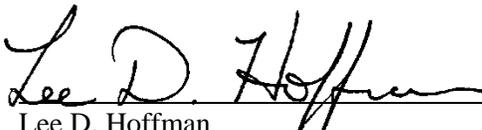
- Q16:** Refer to lines 470-484 of the PFT. Who currently decides if the subject property is too wet to drive on soils with tractors and other agricultural equipment? Is such activity regulated by the DOA? If so, how is such regulation achieved?
- Q17:** How many acres of prime farmland currently exist in the state of Connecticut? Please provide your sources documenting such acreage.
- Q18:** Please refer to lines 631-649 of the PFT. Please describe all “large scale specialty crops” or “forage crop production” that have been grown on the property that is the subject of this Petition for the last five years.
- Q18:** Please refer to lines 631-649 of the PFT. Who is the current lessee of the property that is the subject of this Petition? Please describe the efforts of the current lessee “to find comparable acreage,” the failure of which will either “put that business in jeopardy” or result “in the current lessee out-competing other farmers for a dwindling land base.”
- Q19:** If the current landowner of the property that is subject to the Petition sells the property to a third party, and the third party no longer wishes to lease the property for agricultural production, how would such a situation differ from the situation described in lines 631-649 of the PFT?
- Q20:** Please refer to lines 662-666 of the PFT. Please identify the types and amounts of all foodstuffs grown on the property that is the subject of this Petition for the last five years.
- Q21:** Please refer to the “Northern Gateway” section of the Simsbury 2007 Plan of Conservation and Development (POCD), which can be found at: [https://www.simsbury-ct.gov/sites/simsburyct/files/file/file/adopted\\_pocd.pdf](https://www.simsbury-ct.gov/sites/simsburyct/files/file/file/adopted_pocd.pdf). The Northern Gateway section begins on p. 85 of the POCD. Please also refer to the map entitled “Special Areas Reference Map” which can be found at: [https://www.simsbury-ct.gov/sites/simsburyct/files/file/file/special\\_areas\\_ref.pdf](https://www.simsbury-ct.gov/sites/simsburyct/files/file/file/special_areas_ref.pdf), and is attached as Exhibit A hereto. Assuming that the Town of Simsbury is successful in developing the Northern Gateway as articulated in the POCD, please articulate how the impacts to the subject property associated with such development differ from the impacts of the Project proposed in this Petition. Please discuss the impacts of such development on both prime farmland and on agriculture in general.
- Q22:** Please refer to the Economic Development section of the POCD (starting on p. 105) and the map entitled “Economic Development Plan,” which can be found at: [https://www.simsbury-ct.gov/sites/simsburyct/files/file/file/economic\\_development.pdf](https://www.simsbury-ct.gov/sites/simsburyct/files/file/file/economic_development.pdf), and is attached as Exhibit B hereto. Assuming that the industrially-zoned area of the map labeled “North End” is developed for an industrial/commercial purpose, please articulate how the impacts to the subject property associated with such development differ from the impacts of the Project proposed in this Petition. Please discuss the impacts of such development on both prime farmland and on agriculture in general.

- Q23:** Please refer to Exhibit B of the Petition, and to the figure labeled “As-of-Right Concept Plan” which is included in Exhibit B. Assuming that the area is developed as provided for in that drawing, please articulate how the impacts to the subject property associated with such development differ from the impacts of the Project proposed in this Petition. Please discuss the impacts of such development on both prime farmland and on agriculture in general.
- Q24:** Please provide all mechanisms by which the DOA can forbid, prohibit or limit industrial, commercial and/or residential development on prime farmland, statewide important farmland and/or on locally important farmland.
- Q25:** Please provide all mechanisms by which the DOA can forbid, prohibit or limit property owners from failing to put prime farmland, statewide important farmland and/or on locally important farmland into agricultural use.
- Q26:** Please provide all mechanisms by which the DOA can require active soil management on prime farmland, statewide important farmland and/or on locally important farmland.
- Q27:** Please refer to lines 350-355 of the PFT, which discusses farmland of statewide importance. Are any of the soil map units assigned this designation also designated Potentially Highly Erodible Lands (PHEL)? Are there other soil map units not designated as Prime Farmland or Other farmland of Statewide Importance mapped in the active farmland portion of the site that are classified as PHEL?
- Q28:** Has Mr. Kolesinskas or DOA observed any areas on the property that is the subject of this Petition where accelerated soil erosion may have occurred? If so, is conventional tillage always the best method of managing these soil units?
- Q29:** In the NRCS Custom Soil Resource Report submitted in the Petition, several of the named soil series in the map units found in the active farmland are described as excessively drained or somewhat excessively drained and as having very low or low available water holding capacities. Is supplemental irrigation generally a requirement for these soils to maintain optimum productivity? If so, please explain why.
- Q30:** Please estimate the quantities of water (in gallons per day) that would be need to be skimmed from cold water tributaries to the Farmington River to support crop production during typical summer months? How might these withdrawals impact in-stream habitats?
- Q31:** Please refer to lines 443-449 of the PFT, which states that soil compaction can be a major problem in maintaining soil productivity [tilth]. Do routine farming operations such as tillage and traffic by crop harvesting equipment lead to soil compaction? If so, how are these effects mitigated?
- Q32:** When Mr. Kolesinskas visited the site on August 14, 2017, did he observe unimproved perimeter and interior farm roads/cart paths providing access around

and through the active farm fields? Does DOA anticipate that the soils beneath these features have been compacted?

- Q33:** Is there a relationship between the ground pressure exerted by equipment travelling across a soil surface on soil compaction? In general, would greater ground pressure be exerted by rubber-tired equipment such as a farm tractor, loaded farm cart, or pickup truck or tracked construction equipment?
- Q34:** In the absence of tillage, can permanent cover provided by grasses and forbs work to reverse the effects of soil compaction over time?
- Q35:** Please refer to lines 523-536 of the PFT in which it is stated that vegetative management in permanent cover “will not be beneficial for soil health for future agricultural use.” Please comment upon the findings. Is DOA aware of publications reporting the benefits using cover crops to lessen the impacts of tobacco production on the biological, physical, and chemical properties of an agricultural soil, such as the article found at: <http://www.southeastfarmpress.com/tobacco/tobacco-s-history-poses-unique-soil-conservation-challenges?>
- Q 36:** Please provide the name and employer of every individual who prepared or assisted in the preparation of the responses to these interrogatories.

Respectfully Submitted,  
DWW Solar II, LLC

By:   
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Pullman & Comley, LLC  
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[lhoffman@pullcom.com](mailto:lhoffman@pullcom.com)  
Its Attorney

**CERTIFICATION**

I hereby certify that on September 26, 2017, the foregoing was delivered by electronic mail and regular mail, postage prepaid, in accordance with § 16-50j-12 of the Regulations of Connecticut State Agencies, to all parties and intervenors of record, as follows:

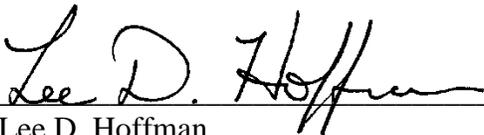
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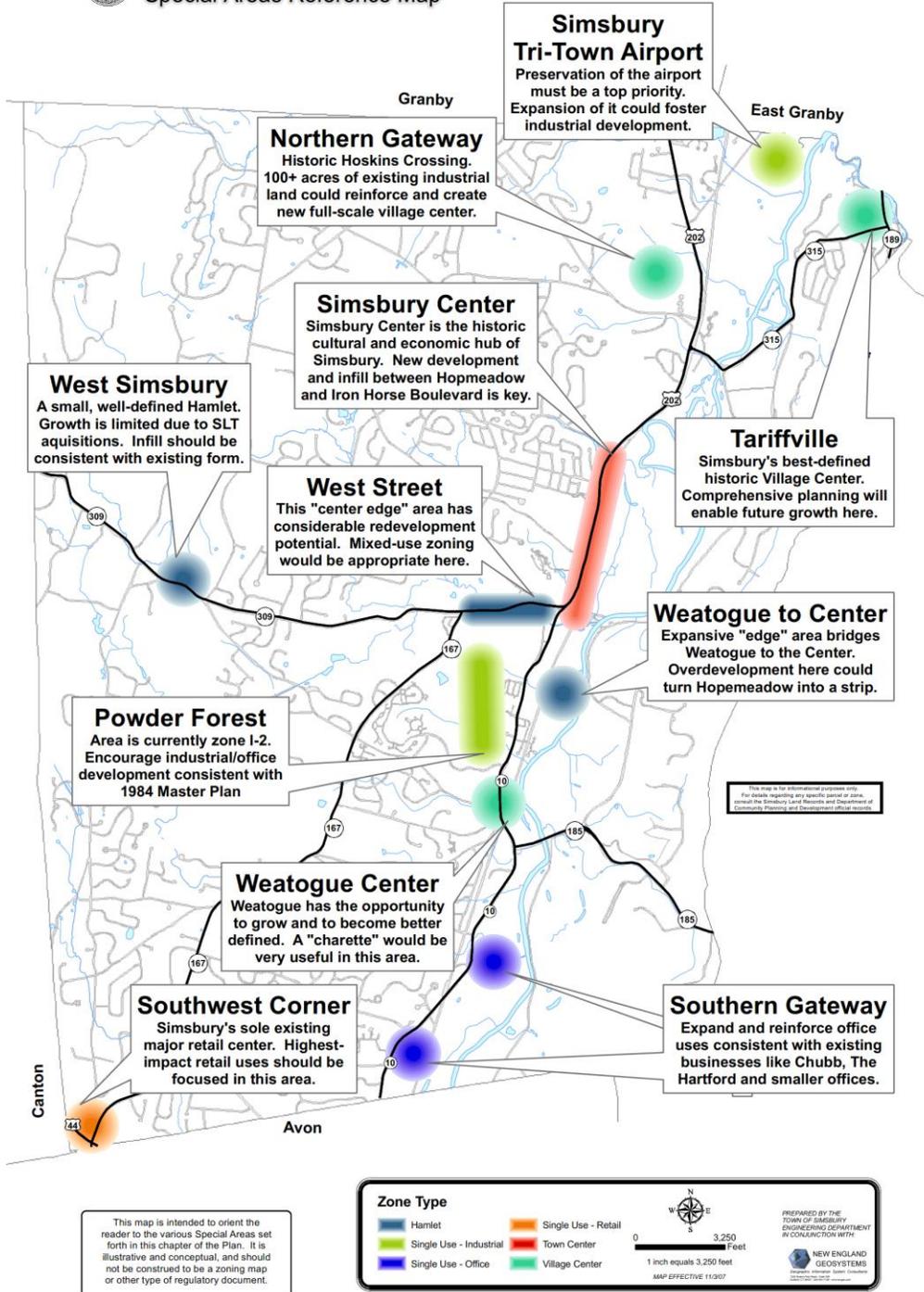
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\_\_\_\_\_  
Lee D. Hoffman  
Commissioner of the Superior Court

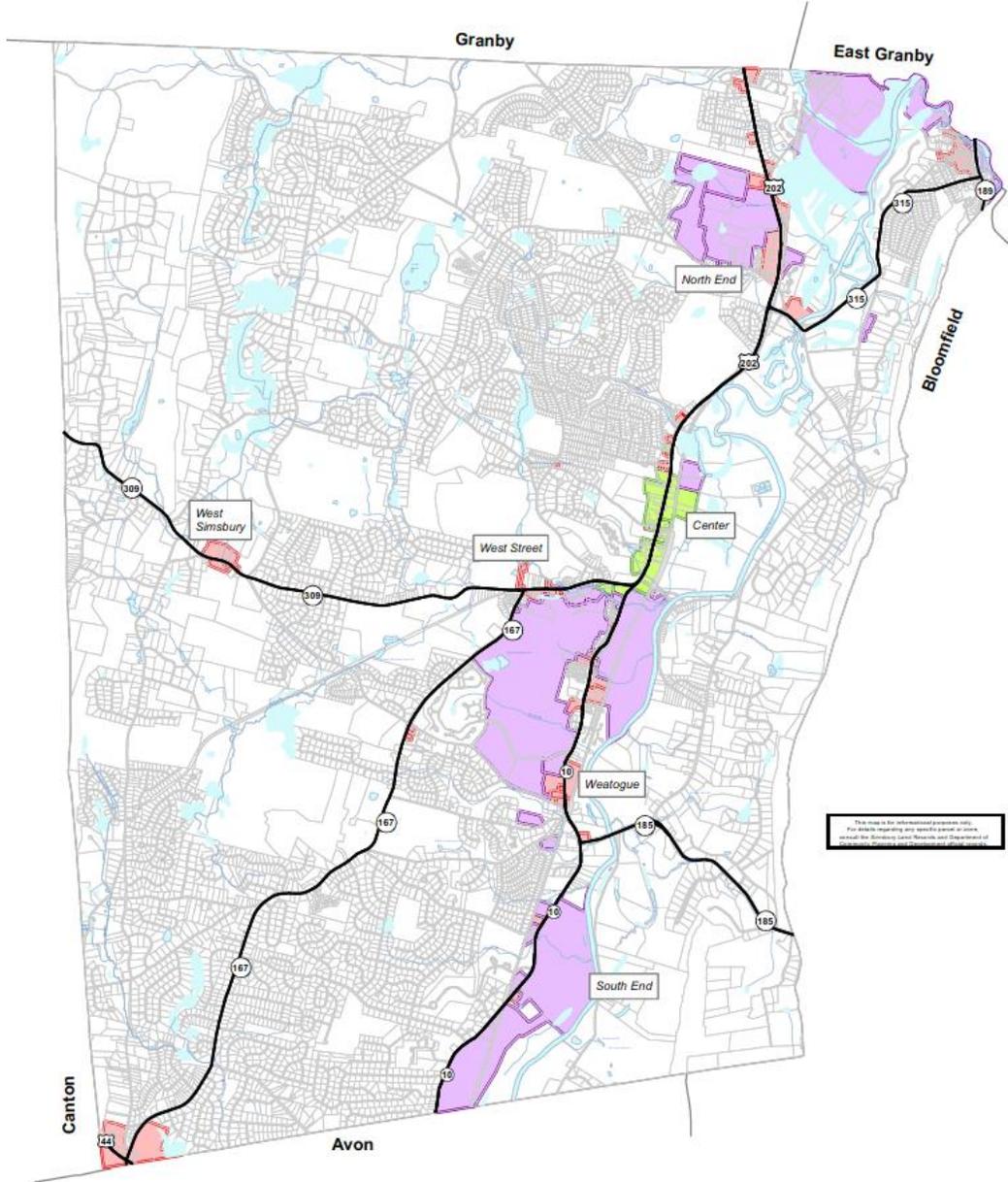
# Exhibit A



## Town of Simsbury Special Areas Reference Map



# Exhibit B



This map is for informational purposes only.  
 For details regarding any specific parcel or area,  
 consult the Zoning and Records and Information of

**Legend**

**Zoning Class at Present Time**

- Commercial
- Industrial
- SCZ



0 3,250 Feet

1 inch equals 3,250 feet

MAP EFFECTIVE 11/3/21

DESIGNED BY THE  
 TOWN OF SIMSBURY  
 ENGINEERING DEPARTMENT  
 45 COLKINGTON RD. N.

 NEW ENGLAND  
 GEOSYSTEMS  
 2001 STATE ST. SUITE 200  
 BOSTON, MA 02116