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September 26, 2017

VIA E-MAIL AND U.S. MAIL

Alan M. Kosloff
Alter & Pearson, LLC
701 Hebron Avenue
P.O. Box 1530
Glastonbury, CT 06033

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. Kosloff:

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

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 FLAMMINI ET AL.

The petitioner, DWW Solar II, LLC (“DWW”) respectfully submits this First Set of Interrogatories to Michael Flammini, Laura Nigro, Linda Lough, Lisabeth Shlansky, Zhenkui Zhang, John Marktell, Rob Perissi and Ed Wrobel (“the Abutters” or “Flammini et al.”), parties in the above-referenced Petition. Please respond to these interrogatories by October 3, 2017.

- Q1: Please refer to page 5 of the REMA Report. Given that there are continuous agricultural activities going on at the site, why would it be assumed that avians can be observed or heard regardless of when the avians are surveyed?**

- Q2: Please refer to footnote 7 of the REMA Report. Provide a list of references that support the contention that “the widely accepted breeding avian survey protocol for woodlands and scrub shrub areas is twice in June, separated by at least 7 days.”**

- Q3: Please refer to page 5 of the REMA Report, which states that “the presence or absence of the larval host plant for the two moths is one of the techniques that can be used” to determine the presence of these two species. Please provide supporting documentation for the statement in the REMA Report that such determination, as has been made by the Petitioner, “should not replace specific field surveys during the flight times of these species.”**

- Q4: Please provide the dates, times and a detailed description of the activities undertaken by Mr. Logan at the property that is the subject of this Petition.**

- Q5: Please refer to page 7 of the REMA Report, which discusses the concept of a 400 foot undisturbed buffer. Please provide an example of where such a buffer has been**

required for any development in Connecticut and the circumstances for such requirement.

- Q6:** Please refer to page 7 of the REMA Report, which discusses the concept of a 400 foot undisturbed buffer. Please provide any basis for which the barred owl, the broad-winged hawk, the mink and/or the Louisiana waterthrush would be anticipated to be present at the Project site.
- Q7:** Please refer to page 7 of the REMA Report. Provide all literature reviewed which supports the statement that the solar panels that are proposed for the Project will be mistaken by wetland-dependent avians and by aquatic invertebrates and will lower prey numbers and wildlife support functions.
- Q8:** Please refer to page 7 of the REMA Report. Please provide all examples of the recreation and scientific enjoyment of the fauna that is currently being undertaken by individuals at the Project site.
- Q9:** Please refer to page 7 of the REMA Report. Identify all “traprock ridge systems” that will be present at the Project site.
- Q10:** Please refer to page 9 of the REMA Report. Please provide all scientific literature that was reviewed that supports the proposition that the “grassland fields shown on the proposed plans are not of sufficient size, configuration, or location to accommodate the habitat requirements of these ‘listed’ avians, based on the scientific literature.”
- Q11:** Please refer to page 9 of the REMA Report. Please provide the anticipated increase in mortality amounts as a result of the fencing being proposed for the Project.
- Q12:** Please refer to pp. 9 and 10 of the REMA Report. Are any of the soils at the Project site classified as Potentially Highly Erodible Lands (PHEL)? What are the anticipated increases in soil erosion for the totality of the Project as compared with the current agricultural activities taking place at the site?
- Q13:** Has Mr. Logan or any of the Abutters observed any areas on the property that is the subject of this Petition where accelerated soil erosion may have occurred? If so, please describe.
- Q14:** Please refer to page 10 of the REMA Report, which discusses the potential for pesticide mobilization. Please describe how the mobilization of pesticides for the Project would differ from the current risk of pesticide mobilization given the agricultural activities at the Project site. Please include in your analysis calculations of pesticide mobilization assuming that no pesticides are used if the Project is constructed, but that pesticides will continue to be used at their current levels if the Project is not constructed.

- Q15:** What is the current impact of pesticide and fertilizer residue on waterways near the Project site, including, but not limited to the Munnisunk and Saxton Brooks, as a result of the current agricultural operations at the Project site?
- Q16:** Please refer to page 10 of the REMA Report relating to open space considerations. Please provide all materials/references that support the assertion that the “ecological integrity and wildlife utilization of these parcels would be substantially diminished by the proposal,” including an analysis of the distance between the Project site and the parcels referenced on page 10 of the REMA Report, which wildlife species would be adversely impacted, and a detailed description of such impacts.
- Q17:** If the current landowner of the property that is subject to the Petition sells that property to a third party, and the third party no longer wishes to lease the property for agricultural production, how would such a situation impact the various natural resources discussed in the REMA Report?
- Q18:** Please describe all measures that the current owner and/or operator of the Project site are required to take to reduce impacts to the various natural resources that are discussed in the REMA Report. For example, what steps must the current owner of the Project site undertake to protect herpetological or entomological resources, etc.?
- Q19:** 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. 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, 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 the impacts associated with such development and how those impacts would affect the Project site in terms of the areas of study addressed in the REMA Report (e.g., endangered/threatened species, habitat, pesticide infiltration, etc.)
- Q20:** 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, which 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 the impacts associated with such development and how those impacts would affect the Project site in terms of the areas of study addressed in the REMA Report (e.g., endangered/threatened species, habitat, pesticide infiltration, etc.)
- Q21:** Please refer to Exhibit B of the Petition, and to the figure labeled “As-of-Right Concept Plan” contained in Exhibit B. Assuming that the area is developed as provided for in that drawing, please articulate the impacts associated with such

development and how those impacts would affect the Project site in terms of the areas of study addressed in the REMA Report (e.g., endangered/threatened species, habitat, pesticide infiltration, etc.)

- Q22:** 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 (including the Munnisunk and Saxton Brooks) to support crop production during typical summer months? How might these withdrawals impact in-stream habitats?
- Q23:** Please describe all anticipated impacts to the flora and fauna that may be present at the Project site due to the current agricultural uses of the site, including the application of pesticides and fertilizers, storage of chemicals, use of tractors, etc.
- Q24:** What is the current impact on nearby waterways, including, but not limited to the Munnisunk and Saxton Brooks, as a result of the use of pesticides and fertilizers at the Project site?
- Q25:** Please provide the name and employer of every individual who prepared or assisted in the preparation of the REMA Report.
- Q26:** 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: 
Lee D. Hoffman
Pullman & Comley, LLC
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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:

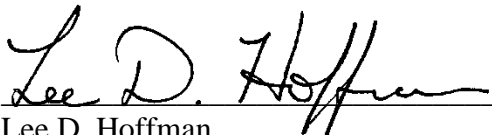
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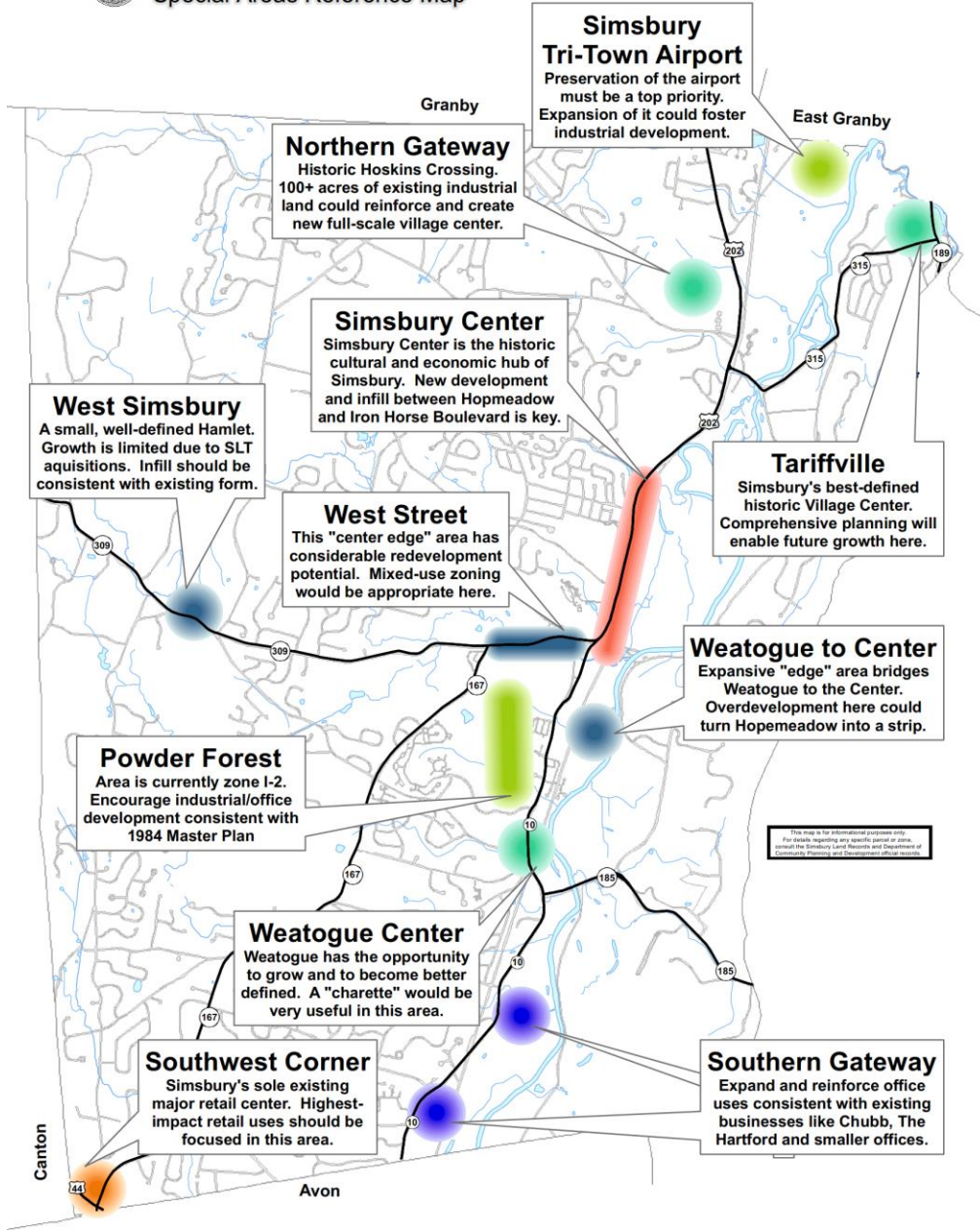


Lee D. Hoffman
Commissioner of the Superior Court

Exhibit A



Town of Simsbury Special Areas Reference Map



This map is for informational purposes only. For details regarding any specific parcel or area, consult the Simsbury Land Resources and Department of Public Works and Development officials.

This map is intended to orient the reader to the various Special Areas set forth in this chapter of the Plan. It is illustrative and conceptual, and should not be construed to be a zoning map or other type of regulatory document.

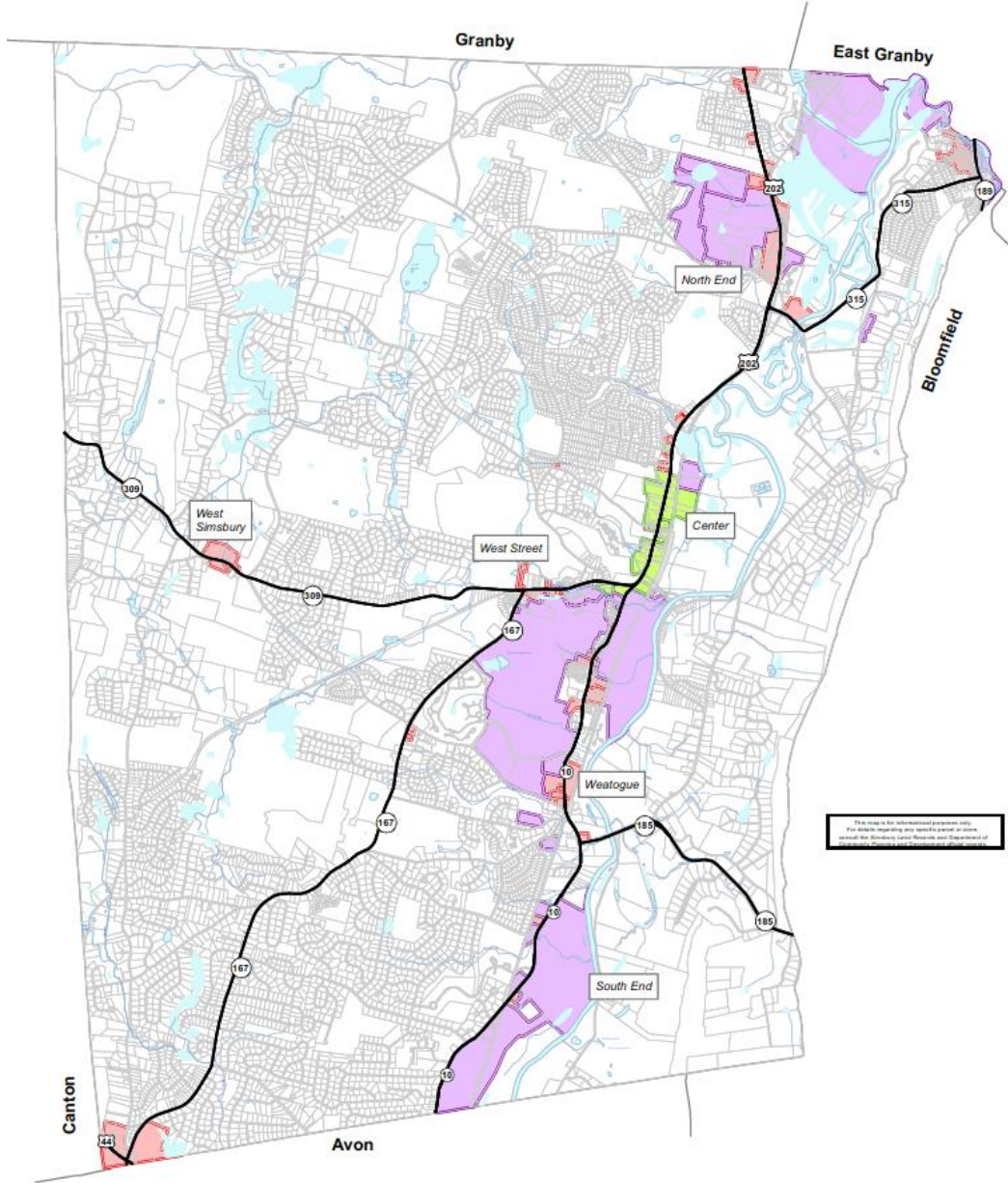
Zone Type

Hamlet	Single Use - Retail
Single Use - Industrial	Town Center
Single Use - Office	Village Center

0 3,250 Feet
1 inch equals 3,250 feet
MAP EFFECTIVE 11/3/07

PREPARED BY THE TOWN OF SIMSBURY ENGINEERING DEPARTMENT IN CONSULTATION WITH NEW ENGLAND GEOSYSTEMS

Exhibit B



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 IN CONJUNCTION WITH NEW ENGLAND GEOSYSTEMS