STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

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September 1, 2017

TO: Parties and Intervenors

FROM: Melanie Bachman, Executive Director MAB

RE: **PETITION NO. 1313** – DWW Solar II, 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 26.4 megawatt AC solar photovoltaic electric generating facility on approximately 289 acres comprised of 5 separate and abutting privately-owned parcels located generally west of Hopmeadow Street (US 202/CT 10), north and south of Hoskins Road, and north and east of County Road and associated electrical interconnection to Eversource Energy's North Simsbury Substation west of Hopmeadow Street in Simsbury, Connecticut.

Comments have been received from the Council on Environmental Quality (CEQ), dated August 29, 2017. A copy of the comments is attached for your review.

MB/RDM/bm

c: Council Members

STATE OF CONNECTICUT

COUNCIL ON ENVIRONMENTAL QUALITY

August 29, 2017

RECEIVED
AUG 30 2017
Connecticut Siting Council

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

RE: PETITION NO. 1313 – DWW Solar II (Simsbury)

Dear Ms. Bachman,

The Council on Environmental Quality (CEQ) offers the following comments on Petition Number 1313, a photovoltaic facility proposed to be constructed in Simsbury.

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.

The CEQ has reviewed the petition and offers brief comments on four points:

- The need for a comprehensive environmental review,
- The project's potential impacts on wildlife and vegetation,
- Stormwater management, and
- Post-construction and post-decommissioning inspection and management.

Need for Comprehensive Review

Many of the project's significant potential impacts are related to upland soils, vegetation and wildlife. The petition includes much of the information that would be necessary to analyze such impacts and the steps required to mitigate them. It is the CEQ's recommendation that the information be analyzed in detail and be used to make a decision based on the complete environment, not just air and water.

Potential Impacts on Wildlife and Vegetation

This petition includes data from field studies conducted during the bird-breeding season. These data should be used for making decisions. The field studies documented a rich group of habitats that are home to more than a dozen species determined by the State of Connecticut to be of greatest conservation need. These are species which the state spends considerable sums to conserve through direct land management and educational efforts aimed at private landowners. Their habitats warrant careful consideration and conservation.

According to the petition, about 30 acres of woodland habitat will be cleared. The reader does not know which species of greatest conservation need will lose habitat and have their populations diminished. The CEQ recommends completion of a

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more detailed analysis, one that includes more spatial information that relates the clearing and development to specific species' habitats, similar to what is included for Natural Diversity Data Base species. The purpose of such analysis would be to guide the Siting Council in modifying the project, where warranted, in order to keep impacts to a minimum. This recommendation extends to non-woodland habitat as well. As it stands, considerable high-quality wildlife habitat stands to be lost to a project that will generate a modest amount of electricity.

The analysis also would be useful for consideration of mitigation requirements. Some of the documented species, such as American Kestrel, rely on a variety of habitats. It is possible that kestrel habitat could be maintained with proper design and attention. Even if kestrels and other state-listed species do not nest on the property, the habitat might be important to migrants. The Connecticut and Farmington River valleys are important migratory flyways. Similarly, extensive plantings of native species and control of invasive species could benefit some of the bird species as well as pollinators. A key to successful mitigation is a complete understanding of the potential effects of the project.

The project includes fencing that will inhibit the movement of wildlife. Exhibit I includes a map with numerous arrows depicting future wildlife corridors and the assuring statement,

> "Although the proposed solar array will be fenced for safety and security reasons, adequate corridors will be maintained to facilitate wildlife passage. Wildlife corridors are depicted in Figure A-5 in Attachment A."

What wildlife will use the corridors? Which species need corridors, and in what ways are the corridors "adequate" for them? The corridors cross brooks and roads. Are these corridors for large mammals? Reptiles? Where are they going? What is the basis for declaring the corridors to be "adequate?

As a final comment on the wildlife analysis, the CEQ notes that considerable use is made of the *Atlas of Breeding Birds of Connecticut*. The data in that source are virtually useless for impact analysis. The data were collected by volunteers of unknown expertise on unknown parcels of land more than thirty years ago. Furthermore, the data are not population data; the project merely recorded the occurrence or absence of each species in each block. The book is a reference for natural historians; it was never intended to be used for impact analysis and is not in any way useful for such purposes in 2017.

Stormwater Management

The CEQ has observed landowners and developers respond with surprise and dismay when four or five inches of rain fall in a day. According to Exhibit L, the Stormwater Management Report, and confirmed by the National Weather Service's Precipitation Frequency Estimates, we should *expect* to see a 24-hour rainfall event exceeding six inches during the life of the facility. It is critical that that the system is designed and managed accordingly.

During development, as you know from experience, clearing many acres at once can lead to severe environmental consequences. Exhibit L includes a section on sequencing but does not appear to place any limit on the area of land that can be cleared at any one time. The General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities, for which this project would register, *seems* to limit clearing to five acres at a time but, in fact, is not enforceable in that regard because the actual language reads, "*Wherever possible*, the site

shall be phased to avoid the disturbance of over five acres at one time..." [emphasis added]. Because of the importance of preventing degradation to water quality, the CEQ recommends 1) careful evaluation of the quality of stormwater discharges, and 2) a condition, to be enforced by the Siting Council, to limit clearing to a maximum of five acres at any one time.

Post-construction and post-decommissioning inspection and management

The stormwater general permit will require inspection for water management, but there are other aspects of this large project which should be monitored and managed. If, for example, any approval includes requirements for planting of native plants and pollinator habitat, the condition should include monitoring requirements and requirements for successful management.

The decommissioning plan, Exhibit S, is quite short. There is one sentence that pertains to future nonagricultural ground cover:

> "In all areas restoration shall include, as reasonably required, leveling, terracing, mulching, and other necessary steps to prevent soil erosion, to ensure establishment of suitable grasses and forbs, and to control noxious weeds and pests."

This lacks required detail. After 30 years of disturbance, one could expect a forceful invasion by unwanted plant species. The decommissioning plan should include a statement of the objectives to be achieved though replanting, a plan to control invasive species, and a plan for monitoring and ensuring success for a specified period of time, which in turn should be adopted as a condition of approval.

Thank you for consideration of these comments.

Sincerely,

Karl J. Wagener

Karl Wagener
Executive Director

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