



## STATE OF CONNECTICUT

# COUNCIL ON ENVIRONMENTAL QUALITY

### VIA ELECTRONIC MAIL

April 23, 2025

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PETITION NO. 1660 – TA Solar 335 LLC (TRITEC Americas, LLC) (Petitioner) petition for a declaratory ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the proposed construction, maintenance and operation of a 1.90-megawatt AC solar photovoltaic electric generating facility and associated equipment to be located on two parcels at 0 Hunters Mountain Road, Naugatuck, Connecticut, and associated electrical interconnection.

Dear Attorney Bachman,

The Council on Environmental Quality (Council) supports the development of clean energy facilities on appropriate sites in Connecticut. The Council offers the following comments regarding Petition 1660.

#### Core Forest

The Petitioner notes that “the approximate 12-acre investigation area is considered LCF” or large core forest block and “the proposed development will remove approximately 9.3 acres of LCF”. The Petitioner also notes that “while the Forestland Habitat Impact Map regards this site as core forest, the site does not represent the typical definition of a Core Forest, rather, the site is a Successional Shrubland with scattered trees throughout providing limited canopy coverage”. The Council suggests that the Petitioner confirm with the Connecticut Department of Energy and Environmental Protection (DEEP) if the proposed site is classified as “core forest”. If so, the Council would **not** support the destruction of core forest. Core forests provide habitat for wildlife (edge-intolerant species), provide connectivity and corridors for species migration, are vital to overall biodiversity, and play a significant role in climate regulation. The Council continues to be concerned with the loss of forest land for the installation of solar power, and in this case, the amount of impact appears to be disproportionate to the benefits that would be gained.

#### Wildlife

The Petitioner notes that the United States Fish and Wildlife Service (USFWS), Information for Planning and Conservation (IPAC) tool indicates that one proposed endangered species, the tricolored bat (TCB); one proposed threatened species, the monarch butterfly; and 15 migratory bird species have the potential to be impacted by the proposed project. The Petitioner also states that there would be “no cutting, trimming, or knocking down trees during the Tricolored Bat's pup season, which for Connecticut is defined in Appendix L of the USFWS Range-Wide Indiana Bat & Northern Long-Eared Bat Survey Guidelines, as June 1 - August 15”; however, it is unclear if the Petitioner intends to abide by the suggested time-of-year restrictions on tree removal to protect TCB during pup season. The Council recommends that the Petitioner consult

with the Department of Energy and Environmental Protection's (DEEP) Wildlife Division regarding protective measures to minimize any potential impacts on TCB. In addition, the Council recommends project-specific avoidance and minimization measures<sup>1</sup> for the migratory birds identified by the IPAC tool.

The Petitioner notes that DEEP's Natural Diversity Database (NDDDB) indicated that the proposed project could potentially impact six (6) state-listed species, including five (5) state-listed fauna species (columbine borer, whip-poor-will, five-lined skink, eastern box turtle, and the eastern hognose snake), and one (1) flora species (mountain spleenwort). The Petitioner also notes that a qualified herpetologist has been engaged and that additional visits will be undertaken in the spring of 2025 to determine the potential presence of eastern box turtle, eastern hognose snake, and five-lined skink. In addition, the Petitioner states that "to prevent impacts to the whip-poor-wills, surveys should be conducted between May 20 and July 15 when the moon is at least half illuminated and above the horizon, unobscured from clouds" and that "William Kenny Associates will perform surveys for the whip-poor-will in accordance with the surveying requirements and the results will be shared with CT DEEP upon completion". As noted in the email correspondence between NDDDB and Eric Labatte (Director of Operations for Solli Engineering) dated October 11, 2024, DEEP's NDDDB was still waiting for the site assessment and protection plan in order to complete their final review. Given the need to conduct addition studies, the Council questions if the potential impacts of the proposed project can be ascertained at this time for certain state listed species, that might be present on the proposed site.

### **Prime Farmland Soils**

The Petitioner notes that most of the proposed site contains prime farmland soils. The Petitioner also states that "the neighbors located east of the Project area will not be able to view the solar panel facility due to dense tree coverage and extensive grading". Further, the Petitioner states that "wherever prime farmland soils are disturbed, the soil will be removed, segregated, stockpiled, and then spread throughout the Project site after construction". The Council recommends that the Petitioner consider agricultural co-use and incorporate low-impact development to enable agricultural co-use<sup>2</sup>, including but not limited to installing the solar panels higher above the ground and spaced farther apart than conventional systems to allow in enough sun to grow crops or for animals to graze. In addition, the Council recommends that best management practices be employed during construction that might allow for the future restoration of farmland soils to more productive agricultural use by retaining the topsoil on the proposed site and **minimizing** grading, trenching, and compaction of farmland soils.

The Council's comments above addresses only certain elements of the materials provided by the Petitioner at the time of the filing. Additional information can become evident through comments offered by other parties and during the Siting Council's administrative hearing process. The absence of comment(s) by this Council about any Petition or Application, or any aspects thereof, may not be interpreted as an endorsement of a proposed project, or its components or that this Council might not have comments or concerns on more specific issues raised during the hearing process.

Thank you for your consideration of the Council's comments.

Sincerely,



Paul Aresta  
Executive Director

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<sup>1</sup> USFWS, [Measures for avoiding and minimizing impacts to birds](https://www.fws.gov/library/collections/avoiding-and-minimizing-incidental-take-migratory-birds); <https://www.fws.gov/library/collections/avoiding-and-minimizing-incidental-take-migratory-birds>

<sup>2</sup> DRAFT Guidance for Siting Solar on Agricultural Land Department of Energy and Environmental Protection - Department of Agriculture August 2023; [https://portal.ct.gov/-/media/DEEP/Permits\\_and\\_Licenses/Client-Concierge/DRAFT-Guidance-for-Siting-Solar-on-Agricultural-Land.pdf](https://portal.ct.gov/-/media/DEEP/Permits_and_Licenses/Client-Concierge/DRAFT-Guidance-for-Siting-Solar-on-Agricultural-Land.pdf)