

# COUNCIL ON ENVIRONMENTAL QUALITY



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## TESTIMONY

DATE: February 23, 2018

TO: Committee on Environment  
Connecticut General Assembly

FROM: Karl J. Wagener  
Executive Director

RE: Raised Bill 102, An Act Concerning Minor Revisions to Environmental Protection and Agriculture-Related Statutes (Section 7)

The Council on Environmental Quality (CEQ) recommends against adoption of Section 7 of this bill in its current form.

**1. The current law regarding siting of solar facilities, adopted in 2017, has not been shown to cause any problems,** to the knowledge of the CEQ.

It is critical to realize that the current statute does not prohibit or even restrict solar facilities on prime farmland or core forest; it guides the *application process*. The 2017 law ([PA 17-218](#)) says that if you propose to build a medium-to-large solar generating facility on prime farmland or core forest (as determined by the Departments of Agriculture and/or Energy and Environmental Protection), then you must submit an application to the Connecticut Siting Council for a Certificate of Environmental Compatibility and Public Need. If, on the other hand, you submit a proposal for the same facility on another type of land (industrial land, landfill, marginal land, etc.), then you can avail yourself of the Siting Council's more limited petition process. This is good public policy.

Raised Bill 102 would allow solar developments on prime farmland or core forest to use the much narrower petition process if the impacts to farmland or forest are not "permanent."

The CEQ recommends that you keep the existing law intact and let the Connecticut Siting Council balance the need for a project's electricity with its environmental impact, which indeed is the primary job of the Siting Council.

**2. Alternative language.** If the Committee determines that there is indeed a need to encourage solar development on prime farmland and core forests on a “temporary” basis, then the solution should be worded differently.

The CEQ defers to the Department of Agriculture with regard to impacts to prime farmland, and confines its comments to the impacts to forests.

Once the core forest is cleared, the change in status of the now-nonexistent “forest” as “core forest” should be regarded by default as permanent. Decades ago, we all learned that cleared fields, when left alone, would revert to forest. This has changed. Now, if you abandon a disturbed site, you can end up with an overrunning mess of multiflora rose, Asiatic bittersweet, knotweed and other invasive species. This point is summarized well in a brief Connecticut-specific article by staff of the USDA Natural Resources Conservation Service:

### **Invasive Plants Change Expected Pathways of Plant Succession**

“In the textbook model of old field succession, abandoned farm land is expected to revert to a mixture of grasses and herbaceous plants and from there, change to domination by shrubs and tree seedlings and ultimately to forest. Invasive shrubs are changing old-field succession. In addition, on logged sites, invasive plants are creating changes in the pathways to re-establishment and development of new forest cover...

Often when the controlling force of grazing or mowing is taken away, fields become overrun with invasive shrubs such as Multiflora Rose, Autumn-Olive, non-native Honeysuckles, or Japanese Barberry, and Asiatic Bittersweet. These plants shade the ground preventing the establishment of the native herbaceous plants and shrubs expected to crop up in old fields soon after farm use abandonment. A thick cover of invasive shrubs can hold the site in a shrub stage where species diversity is low.

... it is increasingly likely that we will be seeing invasive plants disrupting old-field succession because it is increasingly likely there will be a seed source or established plants waiting to be released when farm land is abandoned or land is cleared... Japanese Barberry is particularly a problem when it quickly expands to covers large areas of the forest floor making it difficult for tree seedlings to get established.

The over-population of deer in Connecticut also contributes to the invasive plant problem. The invasive plants that do well in Connecticut tend to be avoided by deer. It is more difficult for the expected pathway of forest succession to occur on open sites that have the combination of competition from invasive plants and excessive browsing by deer because fewer new native trees and shrubs can remain alive beyond the early seedling stage under these conditions.

Given the widespread presence of invasive plants in our landscape, a pro-active approach is needed...”

Excerpts from [Charlotte Pyle, USDA Natural Resources Conservation Service](#)

This potential for invasion is especially strong if the soil has been altered. Given the trouble that New England solar facilities have had in controlling erosion (as documented in a December, 2017 CEQ review of solar facilities), one should not assume that the forest soil will be retained or undisturbed. To be considered a temporary use of forest land, a solar facility would need to submit a binding, fully-funded, multi-decade restoration plan. The language, therefore, could be amended to leave the word “materially” in lines 484 and 487, and to add language with the following intent: “In making its representation, the Department of Energy and Environmental Protection may evaluate the proposed long-term restoration plan and its likelihood of complete success in restoring the status of the core forest for a period of 75 years following the decommissioning of the facility.”

This alternative is, in the Council’s view, unnecessary and less preferable than keeping the current law, at least until we learn if the law has caused any real problems.

Thank you for your consideration of these comments. Much more information about solar siting is available in a 2017 special report of the CEQ, [Energy Sprawl in Connecticut](#).