



STATE OF CONNECTICUT

COUNCIL ON ENVIRONMENTAL QUALITY

VIA ELECTRONIC MAIL

April 24, 2025

Melanie Bachman, Executive Director
Connecticut Siting Council
Ten Franklin Square
New Britain, CT 06051
Melanie.Bachman@ct.gov

PETITION NO. 1655 – Borrelli Solar LLC (BSL) (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 1.99-megawatt AC solar photovoltaic electric generating facility and associated equipment to be located at 179 and 197 Borrelli Road, East Haven, 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 additional comment regarding Petition 1655.

In response to a Siting Council interrogatory, the Petitioner noted that an email had been received from Robin Blum with the Connecticut Department of Energy and Environmental Protection (DEEP) Natural Diversity Database (NDDB), dated February 19, 2025, that noted the presence of *Lysimachia quadifolia* on the proposed site, which is a host plant for Special Concern oil-bee (*Macropis ciliata*), which, in turn, is a host for the Endangered kleptoparasitic bee (*Epeoloides pilosula*). In addition, NDDB's correspondence sought additional information and clarification "as to whether or not impacts to this host plant are to be expected from proposed project activities" and "whether or not the project can accommodate flag and avoid measures for this host plant population."

The Petitioner also responded that "BSL does not intend to take further action regarding DEEP's email and the requests suggested therein". (See attachment). The Council believes that NDDB's request for additional information and clarification is reasonable to ensure that "any action authorized, funded or performed by such agency does not threaten the continued existence of any endangered or threatened species or result in the destruction or adverse **modification of habitat designated as essential to such species...**" (emphasis added). The Council is concerned with the Petitioner's response to NDDB's request to identify and avoid an identified plant species upon which endangered or listed species is dependent. The Council encourages the Petitioner to provide the requested information to NDDB, and if approved, that the Petitioner abide by all protection and mitigation measures that might be required by NDDB as a minimal effort to protect the identified and vulnerable state-listed species noted above.

The Council's comment above addresses only certain elements of the materials provided by the Petitioner. 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

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Executive Director

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 comment.

Sincerely,

A handwritten signature in black ink that reads "Paul Aresta". The signature is written in a cursive style with a long, sweeping underline.

Paul Aresta
Executive Director

(attachment 1 - Petition No. 1655 Borrelli Solar LLC Interrogatory Responses April 3, 2025, page 1)

Petition No. 1655
Borrelli Solar LLC
179 and 197 Borrelli Road, East Haven, Connecticut

Interrogatory Responses
April 3, 2025

Has Borrelli Solar LLC (BSL) received any comments since the petition was submitted to the Council? If yes, summarize the comments and how these comments were addressed.

BSL has not received any comments outside of the Petition for Declaratory Ruling process, except for an e-mail from Robin Blum with DEEP on February 19, 2025 (a copy of which is attached hereto as Exhibit I) in response to the review of the Sand Blackberry report prepared by Barya Ecological LLC. DEEP stated the following in the February 19th e-mail:

“...there is a moderately large population of *Lysimachia quadrifolia* on the perimeter of the cliff-top meadow in the eastern-central portion of proposed array 2. This species is the host plant for Special Concern oil-bee (*Macropis ciliata*), which, in turn, is a host for the Endangered kleptoparasitic bee *Epeoloides pilosula*. NDDDB recently has been provided records for both bees in the general area of the project.

In order to avoid impacts to these listed invertebrates, host plant populations will need to be protected; the populations should be flagged and avoided during project activities (including array siting, access road creation, equipment staging and storage) and also during ongoing site management (mowing, etc). Based on site plans and information provided, it is unclear as to whether or not impacts to this host plant are to be expected from proposed project activities. Please confirm whether or not the project can accommodate flag and avoid measures for this host plant population...”

The *Lysimachia quadrifolia* is not endangered or threatened in Connecticut, and is native to eastern North America, including Connecticut. See, e.g., <https://gobotany.nativeplanttrust.org/species/lysimachia/quadrifolia/>.

Massachusetts ranks it S5, i.e., widespread. In other words, it is abundant. Its distribution in the United States includes, AL, CT, DC, DE, GA, IL, KY, MA, MD, ME, NC, NH, NJ, NY, OH, PA, RI, SC, TN, VA, VT, WI, WV. https://www.wildflower.org/plants/result.php?id_plant=LYQU2.

These plants, and other *Lysimachia* plants, and seeds for plants are widely available for purchase from nurseries too.

The population on “perimeter of the cliff-top meadow in the eastern-central portion of proposed array” is certainly not “moderately large,” especially considering the widespread abundance and availability of the *Lysimachia*.

Given the abundance of the *Lysimachia quadrifolia* and the lack of any indication that there is any reasonable possibility that the absence of the plants on the project site would affect any bee, increasing the cost of the Project and/or potentially removing a portion of the land for the proposed solar facility is patently unreasonable.

Regardless, as of legal matter, there is no basis to even remotely support a conclusion under Conn. Gen. Stat. § 16-50k(a)(ii) that the Project would have “a substantial adverse environmental effect” based upon the potential demise of *Lysimachia quadrifolia* on the Project site. For all those reasons, BSL does not intend to take further action regarding DEEP’s email and the requests suggested therein.