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March 13, 2020

Via Electronic Mail and First Class Mail

Melanie A. Bachman, Esq.
Executive Director
Connecticut Siting Council
10 Franklin Square
New Britain, CT 06051

RE: ***Petition No. 1310A*** – Quinebaug Solar, LLC petition for a declaratory ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the proposed construction, maintenance and operation of a 50 megawatt AC solar photovoltaic electric generating facility on approximately 561 acres comprised of 29 separate and abutting privately-owned parcels located generally north of Wauregan Road in Canterbury and south of Rukstela Road and Allen Hill Road in Brooklyn, Connecticut. Reopening of this petition based on changed conditions pursuant to Connecticut General Statutes §4-181a(b) – ***NDDB Final Determination***

Dear Ms. Bachman:

On behalf of the petitioner, Quinebaug Solar, LLC (the “Petitioner”), enclosed please find correspondence from the Department of Energy and Environmental Protection Natural Diversity Database (“DEEP NDDB”) dated March 5, 2020.

The Petitioner asks that the Council accept the DEEP NDDB Final Determination as state agency written comments. The Petitioner submits that no party in this proceeding will be prejudiced as a result of the Council’s consideration of the March 5, 2020 letter.

Please feel free to contact me or David Bogan of this office (860-541-7711) if you have any questions or require additional information.

Sincerely,

Kathryn E. Boucher

Enclosure: Quinebaug Solar – NDDB Final Determination

CERTIFICATION

I hereby certify that on March 13, 2020, the foregoing was delivered by electronic mail, in accordance with § 16-50j-12 of the Regulations of Connecticut State Agencies, to all parties and intervenors of record, as follows:

Troy and Meghan Sposato
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Canterbury, CT 06331
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tsposato9@yahoo.com

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Kathryn E. Boucher



March 5, 2020

Katelin Nickerson
Senior Environmental Consultant
Tetra Tech, Inc.
451 Presumpscot Street
Portland, ME 04103
Katelin.nickerson@tetratch.com

Re: Quinebaug Solar Project, Wauregan Road and Rukstella Road, Canterbury and Brooklyn, CT
NDDDB Final Determination: 201904603

Current data maintained by the Natural Diversity Database (NDDDB) indicates that the following species have been documented within the vicinity of the proposed project area:

- American kestrel (*Falco sparverius*) – State Special Concern
- Eastern pearlshell (*Margaritifera margaritifera*) – State Special Concern
- Eastern spadefoot (*Scaphiopus holbrookii*) – State Endangered

Wildlife Division staff have reviewed following material submitted by TetraTech, including but not limited to:

- Environmental Site Conditions Report, April 2019
- Vernal Pool Survey and General Herpetological Inventory of the Quinebaug Solar Project. Prepared by FB Environmental (March 2019)
- Eastern Spadefoot Toad Survey, Quinebaug Solar Project, Brooklyn and Canterbury, Connecticut. Prepared by FB Environmental (March 2019)
- Northern Long-eared Bat (NLEB) Presence/Absence Survey Prepared by Tetra Tech, Inc. for Ranger Solar (September 20, 2016)
- Herpetofauna Avoidance and Mitigation Plan, Quinebaug Solar Project, April 2019
- Quinebaug Solar Project, Additional Wildlife and Resource Evaluation (correspondence), August 28, 2019
- Quinebaug Solar 2019 Spadefoot Surveys (October 7, 2019)
- Quinebaug Solar Project, Eastern Spadefoot Toad Protection, January 17, 2020
- Eastern Spadefoot Toad (*Scaphiopus holbrookii*) Three-Year Monitoring Plan, submitted February 28, 2020, which includes current array layout map and updated conservation area map

American kestrel (*Falco sparverius*)

Habitat for this bird consists of open grassy or shrubby areas with short vegetation and natural tree cavities or nest boxes for nesting; they are limited by habitat in Connecticut. This bird returns to breed in March – July and can benefit from active nest box monitoring and management to decrease competition by starlings. Availability of early successional habitat benefits this species during the post fledgling period and during migration.

Land disturbance activities including digging, ground clearing, heavy machinery driving, staging, or trampling that will occur more than 100 feet into or cut across in a way that fragments large parcels of grassland or shrubland habitat should be done when birds are not breeding. Breeding primarily takes place between March 1 and July 30. Conducting land disturbance activities outside of this breeding season will avoid impact to the individuals. Additionally, do not introduce new traffic or construction noise within a 200m buffer of an active nest or nest box.

Thank you for your August 28, 2019 memo detailing additional protection measures that will be undertaken for this species, which included seasonal clearing restrictions (winter clearing) as well as the following:

- Construction-phase environmental monitoring,
- On-site environmental training for contractors, and
- Minimizing soil disturbance and establishing meadow habitat following construction.

We concur that these additional measures will be protective of this species.

Eastern pearlshell (*Margaritifera margaritifera*)

This freshwater mussel species lives buried in clean, stable, mixed substrate in fast-flowing unpolluted streams and rivers. Its host fish include Atlantic salmon (*Salmo salar*), brook trout (*Salvelinus fontinalis*), brown trout (*Salmo trutta*), and rainbow trout (*Onchorhynchus mykiss*). Best habitats are good trout streams that are heavily shaded by a riparian canopy, possess clean cold water with high dissolved oxygen, and have stable channels with substrates of coarse sand, gravel, and cobble. Factors that limit the eastern pearlshell are changes to water quality, including eutrophication, acidification, sedimentation, and increases in water temperature.

DEEP accepts the following measures, outlined in your August 28, 2019 correspondence, intended to prevent erosion and sedimentation to adjacent watercourses during project construction:

- Establish a no-disturbance buffer around all wetlands and watercourses that will be fortified by using the best erosion control devices available to maintain high water quality of the stormwater runoff during heavy rainfall events. Buffers will be a minimum of 100 feet, except in limited circumstances in the vicinity of existing gravel roads (less than 100 feet) that will be used for site access during construction
- Redundant erosion control devices will be installed along the gravel access roads to ensure a failsafe system to protect the resources. Regular road maintenance will be employed during construction and will be maintained during the operation of the Project.
- The herpetofauna avoidance area established around the cluster of wetlands and vernal pools in a relic stream channel immediately up slope from Cold Spring Brook and Blackwell Brook will leave a forested buffer intact between the adjacent watercourses and potential sources of erosion and sedimentation created during Project construction.
- Additional measures are found in the August 28, 2019 memo, sections Stormwater Control and Site Stabilization, Stormwater Pollution Control Plan and Construction Sequence, and Additional Control Measures.

Eastern spadefoot (*Scaphiopus holbrookii*)

Pursuant to the December 18, 2019 meeting, ongoing discussions between Agency Staff and project proponents have resulted in an agreement by all parties to implement Spadefoot toad mitigation measures as outlined in the Quinebaug Solar Herpetofauna Avoidance and Mitigation Plan (April 2019), the Quinebaug Solar Project, Eastern Spadefoot Toad Protection (January 17, 2020), and the Eastern Spadefoot Toad (*Scaphiopus holbrookii*) Three-Year Monitoring Plan (submitted February 28, 2020).

These plans provide details regarding the components of spadefoot toad protection, as highlighted below. Refer to these plans for specific details.

Conservation Areas

- Wetlands and watercourses are outside the limit of work, and include 100-foot buffers, with some exceptions. See Figure 2, Eastern Spadefoot Toad (*Scaphiopus holbrookii*) Three-Year Monitoring Plan (submitted February 28, 2020).
- Conservation area (designated as 'herpetofauna protection area'); ~ 40 acres, which has been updated to include conserved areas around Pool C (~1 acre) and the edge of the gravel extraction area (~7 acres). See Figure 2, Eastern Spadefoot Toad (*Scaphiopus holbrookii*) Three-Year Monitoring Plan (submitted February 28, 2020).
- Conserved areas are to be designated as such for the life of the project, as agreed to in the letter dated January 10, 2020, signed by River Junction Estates LLC, O & G Industries, Inc. and Strategic Commercial Realty DBA Rawson Materials, and provided to DEEP (Attachment 1).

Protection Measures - Construction Activities

- Construction Timing as described in the Quinebaug Solar Herpetofauna Avoidance and Mitigation Plan, including but not limited to restricting tree clearing in vernal pool critical terrestrial habitats to winter (November to March)
- Monitoring during construction as described in the Quinebaug Solar Herpetofauna Avoidance and Mitigation Plan
- Exclusion fencing and relocation as needed as described in the Quinebaug Solar Herpetofauna Avoidance and Mitigation Plan.
- Contractor training – as described in the Quinebaug Solar Herpetofauna Avoidance and Mitigation Plan, including but not limited to hiring an Environmental Monitor, who will create a training curriculum prior to commencement of construction activities.

Post-Construction

- Permanent signage around Pool C (prevent entry of mechanized maintenance equipment)
- Post-construction monitoring – 3 years of monitoring, beginning in 2022 and extending to 2024, will be implemented utilizing survey methods deployed during summer 2019. Monitoring focus will be limited to surveying for breeding evidence at Pool C. Refer to the Eastern Spadefoot Toad (*Scaphiopus holbrookii*) Three-Year Monitoring Plan (submitted February 28, 2020) for details. Annual monitoring reports must be submitted to the Wildlife Division by December 31st each year.
- Note that DEEP would like to clarify the declaration found in the Eastern Spadefoot Toad (*Scaphiopus holbrookii*) Three-Year Monitoring Plan statement; *"Therefore, if breeding of eastern spadefoot toad is not observed during the proposed three-year monitoring effort, it will not be indicative of negative impact or disturbance to the species resulting from Project development. Rather, it will be a continuation of what has been previously observed."* A parsing of this sentence indicates that Quinebaug Solar is stating that a lack of breeding should not be utilized to conclude there have been negative impacts to the species from project development. DEEP notes that if breeding is not observed, there are no conclusions to be drawn regarding potential impacts to spadefoot toad breeding from project activities.

As the project moves forward, it will be important for your project leaders and herpetologists to work closely with DEEP spadefoot toad biologist, Michael Ravesi (michael.ravesi@ct.gov; 860-424-3104) to ensure that protection measures proposed during construction are properly implemented and that

study design for the post-construction monitoring is appropriate for the species and for acquisition of the appropriate data to assess impact associated with and site use of the Quinebaug Solar Project.

Finally, DEEP notes that impact avoidance and mitigation measures agreed to for this project are applicable to this project only and may not be appropriate or deemed acceptable for similar species and conditions at other sites.

The NDDDB Determination for Quinebaug Solar Project, Wauregan Road and Rukstella Road, Canterbury and Brooklyn, as described in the submitted information is valid for two years. This determination applies only to the project as described in the submission. Please re-submit an updated Request for Review if there are additional scope of work and/or timeframe changes, including if work has not begun by March 05, 2022.

Natural Diversity Database information includes all information regarding listed species available to us at the time of the request. This information is a compilation of data collected over the years by the Department of Energy and Environmental Protection's Natural History Survey and cooperating units of DEEP, land owners, private conservation groups and the scientific community. This information is not necessarily the result of comprehensive or site-specific field investigations. Current research projects and new contributors continue to identify additional populations of species and locations of habitats of concern, as well as enhance existing data. Such new information is incorporated into the Database and as it becomes available. New information may result in additional review, and new or modified restrictions or conditions may be necessary to remain in compliance with certain state permits.

- During your work listed species may be encountered on site. A report must be submitted by the observer to the Natural Diversity Database promptly and additional review and restrictions or conditions may be necessary to remain in compliance with certain state permits.
- Your project involves the state permit application process or other state involvement, including state funding or state agency actions; please note that consultations with your permit analyst or the agency may result in additional requirements. In this situation, additional evaluation of the proposal by the DEEP Wildlife Division may be necessary and additional information, including but not limited to species-specific site surveys, may be required. Any additional review may result in specific restrictions or conditions relating to listed species that may be found at or in the vicinity of the site.

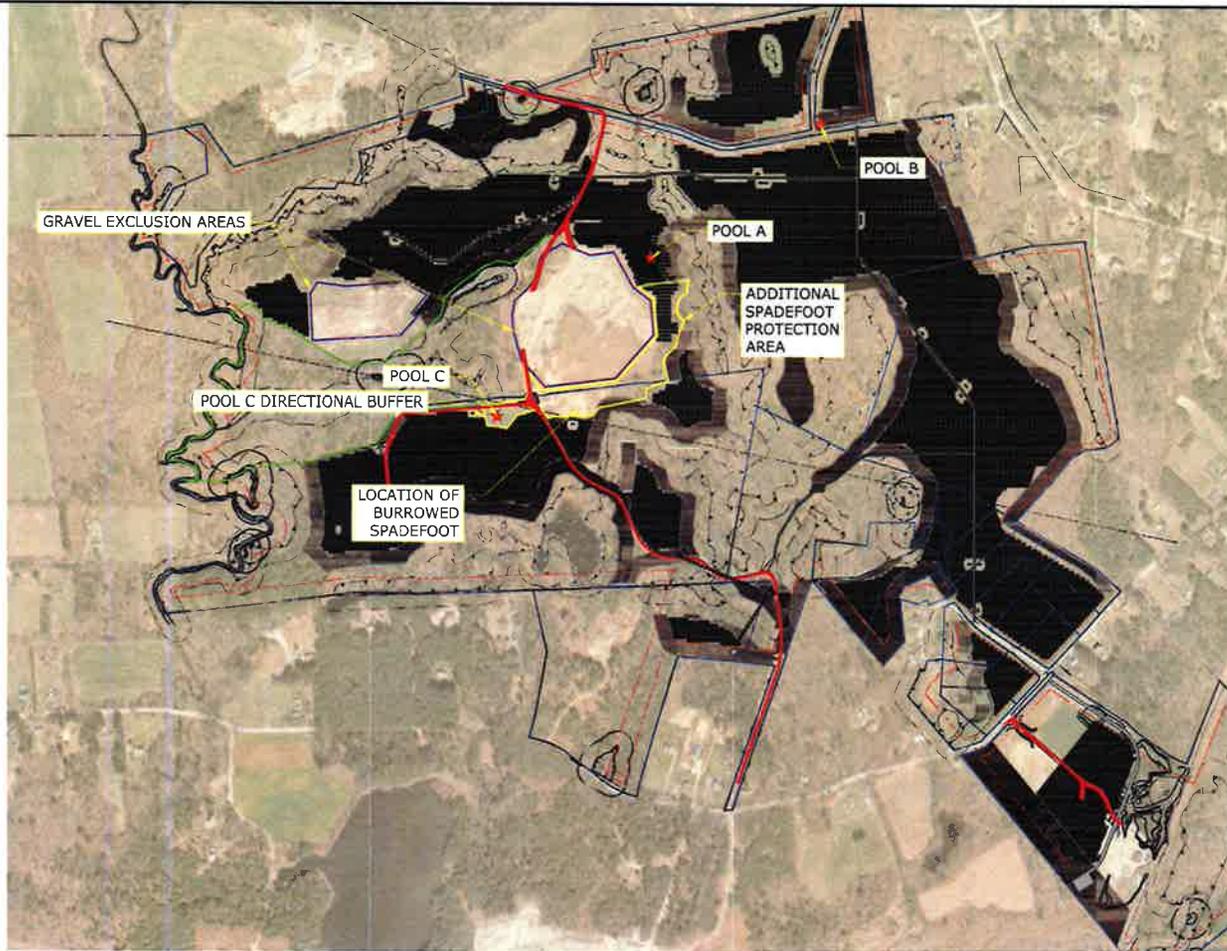
Jenny Dickson



Director

CT DEEP Wildlife Division

Jenny.dickson@ct.gov



- LEGEND**
- ★ POTENTIAL BREEDING POOL
 - PROPERTY LINE
 - - - PROPERTY LINE SETBACK
 - - - HERPETOFAUNA PROTECTION AREA
 - GRAVEL EXCLUSION AREA
 - DEVELOPMENT AREA
 - ADDITIONAL SPADEFOOT PROTECTION AREA
 - UNDERGROUND CONDUIT - DIRECTIONAL DRILLING
 - VEGETATION SETBACK
 - EXISTING GRAVEL ROAD



NOT FOR CONSTRUCTION

Quinebaug Solar Project

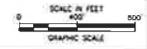
Quinebaug Solar, LLC

Brooklyn & Canterbury, Connecticut

VERIFY SCALE
 HAS TO BE IN ORIGINAL DRAWING
 IF NOT LINE STROKE IN 1/8" OR 1/4" MUST BE IN ACCURACY

DATE	DATE	DESCRIPTION
PROJECT NO:	SC217	
DATE:	07/20/20	
FILE:	Quinebaug Solar 8.8 - Pool C.dwg	
DRAWN BY:	ALG	
CHECKED:	BAJESH	
APPROVED:	FJM	

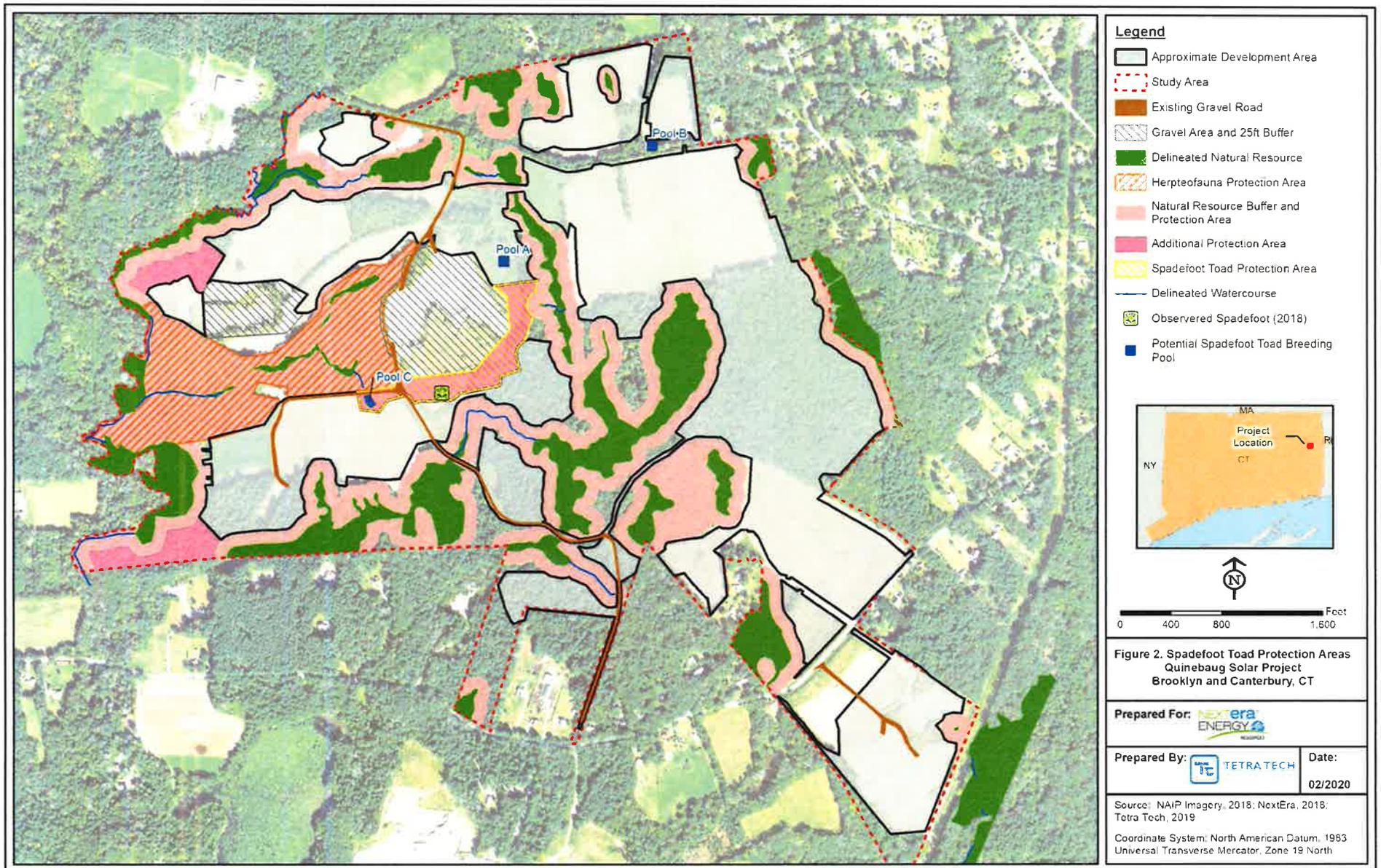
POOL "C" PROTECTION



SCALE: 1"=400'

FIGURE 1

Issue: 8/20/20
 Project: Quinebaug Solar Project
 Drawing: Quinebaug Solar 8.8 - Pool C.dwg
 Date: 8/20/20
 Author: FJM
 Title: Project Engineer



January 10, 2020

Connecticut Department of Energy
and Environmental Protection
79 Elm Street
Hartford, Connecticut 06106

Re: Quinebaug Solar Project - Conservation Areas on the River Junction Estates Land

To Whom This May Concern:

Quinebaug Solar, LLC ("**Quinebaug Solar**") is currently proposing to construct a solar project (the "**Project**") on several parcels of land in the towns of Canterbury and Brooklyn, Connecticut. Quinebaug Solar understands the value of placing certain areas of the solar project in conservation for the duration of the solar project and therefore agrees that it will not develop solar on the areas shown in pink as further denoted on **Exhibit A**, the Conservation Areas Map, attached hereto and hereinafter incorporated by reference (the "**Conservation Areas**").

Further, the landowner, River Junction Estates, LLC and the mineral rights owners O&G Industries, Inc. and Strategic Commercial Realty, Inc. DBA Rawson Materials (collectively, referred to as the "**Land Parties**"), represent and warrant that for the duration of the solar project, the Land Parties will not develop or grant others the right to develop, the Conservation Areas.

Quinebaug Solar and the Land Parties agree that a short form of this letter in a format acceptable to all parties, may be recorded at the request of the Connecticut Department of Energy and Environmental Protection in the land records of the towns where such Conservation Areas lie.

Quinebaug Solar and the Land Parties further agree that the above-referenced Conservation Areas shall be effective no earlier than the start of construction of the Project and will not go into effect unless and until all applicable state and local permits have been duly issued.

QUINEBAUG SOLAR

Quinebaug Solar, LLC



By: *Kathy Beilhart*

Title:

VP of Finance, Accounting, and Tax

LAND PARTIES

Strategic Commercial Realty, Inc.
dba Rawson Materials



By: Jeffrey Rawson

Title: President

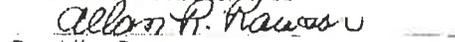
O&G Industries, Inc.



By: Matt Oneglia

Title: *AVP*

River Junction Estates, LLC



By: Allan Rawson

Title: Manager