



January 20, 2021

Ref: 42496.00

Mr. Jean-Paul LaMarche
Director of Development
Greenskies Clean Energy
127 Washington Ave., West Building, Garden Level
North Haven, CT 06473

Re: Seasonal Tree Clearing Restrictions
Petition #1347a – Waterford Solar
117 Oil Mill Road, Waterford, CT

Dear Mr. LaMarche:

This letter is written in reference to Condition #4 of the Decision & Order (D&O) of the above-referenced Petition.

Site clearing is expected to commence on or about February 1, 2021 and continue through March 2021, at which point viable wildlife habitat will not exist on the site until after tree clearing activities are completed. The following addresses wildlife concerns during site clearing through the month of March.

Although different taxonomic groups and species have different biological timing, most terrestrial wildlife in Connecticut typically do not engage in reproductive activities, and are dormant, during winter months. Most terrestrial invertebrates are not active until ground thaw and leaf-out in April (USA National Phenology Network, 2021). Most Connecticut bird species do not initiate nesting or breeding until April (Connecticut Bird Atlas, 2021), please refer to the Attachment. Similarly, Connecticut reptiles, including the state-listed Common Ribbon Snake (*Thamnophis sauritus*), are typically not active until April (CTDEEP, 2018). In addition, given their motility and ability to emigrate from active construction areas, clearing through the month of March will not increase impacts to mammal species.

Vernal pool breeding amphibians could be active if temperatures and precipitation are appropriate during the latter weeks of March. However, clearing within the vicinity of the onsite vernal pools is minimal and the areas targeted for clearing during early March are remote from those vernal pools. Therefore, impacts to vernal pool breeding species are not expected to occur with clearing during the month of March.

As a result of the above noted considerations related to effects of tree clearing into the month of March on wildlife taxonomic groups, we do not anticipate a conflict and would not recommend additional protective procedures at this time.

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References:

Connecticut Bird Atlas. 2021. Surveys – Safe Dates and Habitats website:
<http://www.ctbirdatlas.org/Surveys-Safe-dates.htm>. Last accessed January 14, 2021.

Connecticut Department of Energy and Environmental Protection (CTDEEP). 2018. Common Ribbonsnake *Thamnophis sauritus* Fact Sheet <https://portal.ct.gov/DEEP/Wildlife/Fact-Sheets/Common-Ribbonsnake>; last accessed January 14, 2021.

USA National Phenology Network. 2021. Spring Indices, Current Year - First Bloom - Spring Index Date 2021-01-14. Region: 41.256149, -73.457321. USA-NPN, Tucson, Arizona, USA. Data set accessed January 14, 2021. <http://dx.doi.org/10.5066/F7XD0ZRK>

Sincerely,

A handwritten signature in black ink, appearing to read "J. Shamas", with a long horizontal stroke extending to the right.

Jeffrey Shamas
Director of Environmental Services

Enclosures

Safe dates and habitats – arranged chronologically

The table below provides “safe dates” and the most frequently used breeding habitats for each species. Safe dates give the period when most migrants will have left, and those birds that remain are likely nesters. Breeding codes, especially those in the Possible and Probable categories, generally should not be used outside the safe dates for a given species. Confirmed breeding codes, are less likely to cause errors, but even confirmed breeding should be well documented (e.g., a detailed description of the bird species and the behaviors that confirm breeding) if it happens outside the safe dates for a species because these records are likely to be of particular interest.

If you find a species and you feel that there is strong evidence of nesting, even though you are outside the safe dates or in an inappropriate habitat, please provide additional documentation. Species marked with an asterisk (*), below, or any species not on this list, always require additional written documentation because they are rare breeders in the state that we want to fully document for the historical record. Information on reporting rare sightings is provided on the web site (www.ctbirdatlas.org).

| Species | Safe Dates | Habitat |
|-------------------------|------------|---|
| Great Horned Owl | 12/1-6/15 | Wide variety of habitats from forest to farmland |
| Rock Pigeon | 1/1-12/31 | Buildings, bridges, towers in urban areas, farms |
| House Sparrow | 3/10-8/15 | Residential, farms |
| Common Raven | 3/20-7/20 | Remote forested areas |
| American Crow | 3/25-7/15 | Conifers in forested areas, woodlots, suburban yards, parks |
| Pileated Woodpecker | 4/1-6/30 | Mature forest, especially bottomland |
| Ruffed Grouse | 4/1-6/30 | Mixed upland woods |
| Barred Owl | 4/1-7/15 | Moist woods, wooded swamps, bottomlands |
| Wild Turkey | 4/1-7/15 | Mature deciduous woods, edge |
| Barn Owl* | 4/1-8/1 | Open habitats |
| Eastern Screech-Owl | 4/1-8/1 | Open deciduous forests, woodlots, orchards, residential areas |
| Long-eared Owl* | 4/1-8/1 | Conifers |
| Black-capped Chickadee | 4/1-8/15 | Woodlands, orchards, shade trees, yards, and city parks |
| Carolina Wren | 4/1-8/15 | Wet woods, stream edges with dense thickets, tangles, brush piles, etc. |
| Mourning Dove | 4/1-8/15 | Suburbs, woodlots, farmlands |
| Tufted Titmouse | 4/5-8/1 | Deciduous forest, riparian woodlands, and residential areas |
| European Starling | 4/10-6/15 | Everywhere except remote rural areas |
| Northern Goshawk* | 4/10-8/15 | Mature, mixed woodlands |
| Red-shouldered Hawk | 4/10-8/15 | Wet mixed forests, swamps |
| American Woodcock | 4/15-7/15 | Forest edges |
| Canada Goose | 4/15-8/1 | Shore or islands in any wetland |
| House Finch | 4/15-8/1 | Scattered trees- especially conifers- mainly in residential areas |
| Mute Swan | 4/15-8/1 | Large ponds and marshes |
| Red-bellied Woodpecker | 4/15-8/1 | Older-growth forest and woodlots |
| Red-tailed Hawk | 4/15-8/1 | Mature woodlands, often near edges |
| Bald Eagle | 4/15-8/15 | Margins of large lakes, rivers |
| Northern Saw-whet Owl* | 4/15-8/15 | Mixed moist woods with conifers |
| Northern Cardinal | 4/15-8/20 | Suburban or semi-rural areas; forest edge, woodlots, thickets, parks, gardens |
| Killdeer | 4/20-7/1 | Open, sparsely vegetated areas; flat rooftops |
| Hairy Woodpecker | 4/25-7/20 | Forests |
| Horned Lark* | 4/25-8/1 | Coastal dunes and beaches, abandoned agricultural fields, airports |
| White-breasted Nuthatch | 4/25-8/10 | Deciduous forest |
| Northern Bobwhite* | 4/30-8/15 | Open scrub, pastures, fields |
| Boat-tailed Grackle* | 5/1-7/10 | Various habitats close to coastal marshes |
| Brown-headed Cowbird | 5/1-7/15 | Virtually all habitats; anywhere host species are found |
| Fish Crow | 5/1-7/15 | Mixed woods, woodlots, suburban yards, parks |
| Glossy Ibis | 5/1-7/15 | Coastal islands |

| Species | Safe Dates | Habitat |
|-----------------------------|-------------------|--|
| Great Blue Heron | 5/1-7/15 | Wooded swamps, beaver ponds, islands |
| Red-winged Blackbird | 5/1-7/15 | Wide variety of densely vegetated marsh habitats |
| Downy Woodpecker | 5/1-7/25 | Forests, copses, suburbs |
| Great Black-backed Gull | 5/1-8/1 | Coastal islands |
| Herring Gull | 5/1-8/1 | Coastal shores/islands, flat rooftops |
| Belted Kingfisher | 5/1-8/10 | Stream, river, lake, or bay shore with banks |
| Eastern Towhee | 5/1-8/10 | Dry, open forest, edge, brushy habitats, coastal thickets, powerline cuts |
| Song Sparrow | 5/1-8/10 | Forest edge, brushy areas, marsh edges, suburbs |
| Blue Jay | 5/1-8/15 | Varied; most forest types, thickets, suburban yards, parks |
| Chipping Sparrow | 5/1-8/15 | Open mixed forest, suburbs, parks, and cemeteries with conifers |
| Eastern Bluebird | 5/1-8/15 | Fields with scattered trees; farmland, orchards, pastures, etc. |
| Eastern Phoebe | 5/1-8/15 | Ledges, bridges, porch sills, etc., usually near water |
| Mississippi Kite* | 5/1-8/15 | Various wooded habitats ranging from wooded suburbs to hardwood forest |
| Ring-necked Pheasant | 5/1-8/15 | Open scrub, pastures, fields |
| American Black Duck | 5/1-8/5 | Most wetlands, from beaver ponds to saltmarsh |
| Field Sparrow | 5/1-8/5 | Brushy areas, weedy fields, powerline cuts |
| Mallard | 5/1-8/5 | All wetlands, occasionally suburban yards with swimming pools |
| Pine Warbler | 5/1-8/5 | Variety of pine forest types |
| Swamp Sparrow | 5/1-8/5 | Freshwater wetlands including swamps, river meadows, and pond edges |
| Winter Wren | 5/1-8/5 | Cool, moist, coniferous or mixed woods, swamps, bogs, streams, brooks |
| Wood Duck | 5/1-8/5 | Wooded swamps, freshwater marshes, streams, rivers |
| American Robin | 5/1-9/1 | Almost anywhere except the most open habitats such as marsh, grasslands |
| Dark-eyed Junco | 5/1-9/5 | Edges in coniferous/mixed woodlands; brushy thickets at higher elevations |
| Black-crowned Night-Heron | 5/5-7/15 | Coastal islands |
| Yellow-crowned Night-Heron* | 5/5-7/15 | Coastal islands |
| Eastern Meadowlark* | 5/5-7/25 | Extensive grasslands, including airports, margins of saltmarsh |
| Cooper's Hawk | 5/5-8/1 | Mixed woodlands, groves, copses |
| Northern Mockingbird | 5/5-8/15 | Suburban or semi-rural habitats with thickets, forest edges, hedgerows |
| Cattle Egret* | 5/10-7/15 | Coastal islands |
| American Kestrel | 5/10-7/20 | Open country, scattered trees, edge |
| Louisiana Waterthrush | 5/10-7/20 | Rocky streams in deciduous or mixed forest |
| Golden-crowned Kinglet | 5/10-8/1 | Coniferous woods |
| Green Heron | 5/10-8/1 | Woody growth near marshes or open water |
| Pied-billed Grebe* | 5/10-8/1 | Fresh/brackish reedy pond or marsh |
| Savannah Sparrow | 5/10-8/1 | Grasslands, including airports, hayfields |
| Sharp-shinned Hawk* | 5/10-8/1 | Conifers in mature woodlands |
| Black Vulture | 5/10-8/15 | Woods, cliffs, caves, buildings |
| Osprey | 5/10-8/15 | Coastal marshes; rarely large wetlands inland |
| Turkey Vulture | 5/10-8/15 | Woods, cliffs, caves, buildings |
| Northern Harrier* | 5/10-8/20 | Coastal dunes, beaches, marshes, heathlands |
| Blue-winged Teal* | 5/10-8/5 | Fresh/brackish pond or marsh |
| Double-crested Cormorant | 5/10-8/5 | Islands on coast or lake |
| Vesper Sparrow* | 5/10-8/5 | Short grass areas, agricultural fields, clearings in pine barrens, coastal moors |
| Hermit Thrush | 5/10-9/10 | Damp mixed forest with dense undergrowth including pine barrens |
| Tree Swallow | 5/15-7/1 | Open areas or woodland edge near wetlands; including saltmarsh |
| Common Grackle | 5/15-7/10 | Variety of urban and rural habitats from open forest to marshes, parks, etc. |
| Great Egret | 5/15-7/15 | Islands on coast or lake |
| Little Blue Heron | 5/15-7/15 | Coastal islands |
| Snowy Egret | 5/15-7/15 | Coastal islands |

| Species | Safe Dates | Habitat |
|---------------------------|------------|---|
| Tricolored Heron* | 5/15-7/15 | Coastal islands |
| Willet | 5/15-7/15 | Coastal beach, dunes, saltmarsh |
| Broad-winged Hawk | 5/15-7/25 | Mature, mixed woodlands |
| Sora* | 5/15-7/25 | Fresh/brackish reedy pond or marsh |
| American Bittern* | 5/15-8/1 | Fresh/brackish reedy pond or marsh |
| Black Rail* | 5/15-8/1 | Fresh/brackish marshes, especially along coast |
| Blue-gray Gnatcatcher | 5/15-8/1 | Wooded edges along ponds, rivers, streams, swamps, beaver ponds |
| Clapper Rail | 5/15-8/1 | Salt and brackish marsh |
| Common Eider* | 5/15-8/1 | Coastal islands |
| King Rail* | 5/15-8/1 | Fresh/brackish reedy pond or marsh |
| Peregrine Falcon | 5/15-8/1 | Cliffs, tall buildings, towers |
| Virginia Rail | 5/15-8/1 | Salt, fresh, or brackish pond or marsh |
| White-eyed Vireo | 5/15-8/1 | Moist areas, thickets, tangle of vines or briars |
| Blue-headed Vireo | 5/15-8/10 | Mature coniferous or mixed woods |
| Brown Thrasher | 5/15-8/10 | Dry second-growth; powerlines, overgrown pastures, coastal thickets |
| Red-breasted Nuthatch | 5/15-8/10 | Coniferous forest |
| Warbling Vireo | 5/15-8/10 | Semi-open borders of river meadows, ponds, and streams |
| American Oystercatcher | 5/15-8/15 | Upper portions of coastal beach, dunes |
| Marsh Wren | 5/15-8/15 | Cattail and other tall marshes, including saltmarsh edges |
| Piping Plover | 5/15-8/15 | Coastal, sandy beach |
| Sedge Wren* | 5/15-8/15 | Overgrown wet fields, edges of freshwater marshes, bogs and wet meadows |
| Gadwall | 5/15-8/5 | Fresh/brackish water or saltmarsh |
| Green-winged Teal* | 5/15-8/5 | Fresh/brackish pond or marsh |
| Hooded Merganser | 5/15-8/5 | Wooded swamps, freshwater marshes, streams |
| Northern R-winged Swallow | 5/20-7/1 | Often near water, in cavity, pipe, or excavated burrow |
| Upland Sandpiper* | 5/20-7/15 | Extensive grasslands, especially airports |
| Northern Waterthrush | 5/20-7/25 | Wooded swamps, bogs, backwaters |
| Blue-winged Warbler | 5/20-8/1 | Old, brushy fields, copses, edge with low undergrowth, powerline cuts |
| Brown Creeper | 5/20-8/1 | Mature, mixed, and swampy forest |
| Golden-winged Warbler* | 5/20-8/1 | Damp brushy fields, powerline cuts |
| Worm-eating Warbler | 5/20-8/1 | Brushy undergrowth of rocky, wooded hillsides and ravines, usually near water |
| Yellow-bellied Sapsucker | 5/20-8/1 | Higher-elevation hardwoods |
| Yellow-throated Vireo | 5/20-8/10 | Open deciduous and mixed forest and riparian woodlands |
| Gray Catbird | 5/20-8/15 | Dense tangles and thickets |
| House Wren | 5/20-8/15 | Open forests, wood edges, farms, orchards, suburbs, parks, gardens |
| White-throated Sparrow | 5/20-8/20 | Scrubby habitats esp with conifers; Red Maple, Atlantic White Cedar |
| Red-headed Woodpecker* | 5/20-8/25 | Open country with scattered trees |
| Ovenbird | 5/20-8/5 | Open forests with little or no understory vegetation and ample leaf litter |
| Bank Swallow | 5/25-7/1 | Earthen embankments |
| Barn Swallow | 5/25-7/1 | Structures offering access to interior; barns, garages, porches, |
| Cliff Swallow | 5/25-7/1 | Eaves and sides of old barns and other buildings, bridges |
| Purple Martin | 5/25-7/1 | Open areas; edge of saltmarsh, coastal farmland, and golf courses |
| Eastern Whip-poor-will | 5/25-7/15 | Secondary forest, copses, pine barrens, Scrub Oak, edge |
| Orchard Oriole | 5/25-7/15 | Open, patchy forest, copses, often near river, stream, or pond |
| Eastern Kingbird | 5/25-7/25 | Open habitats, including edge, copses, often near water |
| Northern Flicker | 5/25-7/25 | Forests, parks |
| Spotted Sandpiper | 5/25-7/5 | Coastal shores, shores of freshwater lakes, ponds, rivers, streams |
| Baltimore Oriole | 5/25-8/1 | Open deciduous forest, shade trees in urban or rural areas |
| Black-and-white Warbler | 5/25-8/1 | Mainly deciduous forest |
| Chestnut-sided Warbler | 5/25-8/1 | Brushy, open second-growth, edges |
| Great Crested Flycatcher | 5/25-8/1 | Mature forest, edge |
| Least Bittern* | 5/25-8/1 | Fresh/brackish reedy pond or marsh |

| Species | Safe Dates | Habitat |
|------------------------------|------------|---|
| Prairie Warbler | 5/25-8/1 | Brushy fields, powerline cuts, edges |
| Yellow Warbler | 5/25-8/1 | Margins of freshwater marsh, other wet brushy areas, farmland |
| Black-throated Blue Warbler | 5/25-8/10 | Mixed woods with dense understory, esp. Mountain Laurel |
| Grasshopper Sparrow* | 5/25-8/10 | Grasslands, including airports, hayfields |
| Indigo Bunting | 5/25-8/10 | Brushy habitats including forest edge, overgrown fields, powerline |
| Purple Finch | 5/25-8/10 | Conifers in mixed woods, suburbs, parklands |
| Saltmarsh Sparrow | 5/25-8/10 | Saltmarsh |
| Scarlet Tanager | 5/25-8/10 | Mature deciduous forest |
| Seaside Sparrow | 5/25-8/10 | Saltmarsh |
| Veery | 5/25-8/10 | Moist mixed forest |
| Wood Thrush | 5/25-8/10 | Mature forest |
| Yellow-rumped Warbler | 5/25-8/10 | Mature White Pines, coniferous forest |
| Chimney Swift | 5/25-8/15 | Urban chimneys |
| Common Gallinule* | 5/25-8/15 | Fresh/brackish reedy pond or marsh |
| Evening Grosbeak* | 5/25-8/15 | Mixed forest |
| Least Tern | 5/25-8/15 | Coastal sandy beach, especially dredge spoils |
| Nashville Warbler | 5/25-8/15 | Open Scrub Oak woodlands, overgrown pastures, bogs |
| Blackburnian Warbler | 5/25-8/5 | Coniferous forest |
| Black-throated Green Warbler | 5/25-8/5 | Coniferous and mature mixed forest |
| Least Flycatcher | 5/25-8/5 | Open deciduous forests, forest edge |
| Rose-breasted Grosbeak | 5/25-8/5 | Deciduous and mixed forest, woodlots, shade trees of parks and suburbs |
| American Goldfinch | 6/1-8/1 | Forest edge, copses, brushy areas, marsh edges, residential |
| American Redstart | 6/1-8/1 | Secondary forest, copses |
| Black Skimmer* | 6/1-8/1 | Coastal, sandy beach |
| Bobolink | 6/1-8/1 | Grasslands, including airports, hayfields |
| Cerulean Warbler | 6/1-8/1 | Mature, moist deciduous forest |
| Hooded Warbler | 6/1-8/1 | Moist thickets in woodlands |
| Monk Parakeet | 6/1-8/1 | Urban streets, large trees, telephone poles |
| Prothonotary Warbler* | 6/1-8/1 | Deciduous/mixed forest, saplings at forest edge, wooded swamps |
| Ruby-throated Hummingbird | 6/1-8/1 | Open woodland, rural and suburban gardens, edge |
| Common Yellowthroat | 6/1-8/10 | Brushy areas, thickets, powerline cuts, preferably wet |
| Northern Parula* | 6/1-8/10 | Woodlands with <i>Usnea</i> lichen |
| Red-eyed Vireo | 6/1-8/10 | Mixed and deciduous woods |
| Common Merganser | 6/1-8/5 | Forested lakes and rivers |
| Common Tern | 6/1-8/5 | Coastal islands, saltmarsh |
| Red-breasted Merganser* | 6/1-8/5 | Coastal marsh |
| Roseate Tern* | 6/1-8/5 | Coastal islands |
| Yellow-breasted Chat* | 6/1-8/5 | Thickets, esp. regenerating fields and pastures |
| Black-billed Cuckoo | 6/5-8/15 | Forested habitats, edge |
| Acadian Flycatcher | 6/5-8/1 | Red Maple swamp and hemlock |
| Alder Flycatcher | 6/5-8/1 | Shrubby areas near water, thickets |
| Canada Warbler | 6/5-8/1 | Thick undergrowth in moist deciduous/mixed forest; cedar swamp, Red Maple |
| Common Nighthawk* | 6/5-8/1 | Barren habitats including river bars and flat rooftops |
| Eastern Wood-Pewee | 6/5-8/1 | Mature forest |
| Willow Flycatcher | 6/5-8/1 | Shrubby areas near water, thickets |
| Magnolia Warbler | 6/5-8/10 | Coniferous forest |
| Yellow-billed Cuckoo | 6/5-8/15 | Forested habitats, edge |
| Cedar Waxwing | 6/10-8/15 | Second-growth forest, parks, orchards, gardens, and margins of waterways |