



November 5, 2020

**VIA ELECTRONIC DELIVERY**

Attorney Melanie Bachman  
Executive Director  
Connecticut Siting Council  
10 Franklin Square  
New Britain, CT 06051

**RE: Petition 1412** – LSE Phoenix LLC (“Lodestar”) for a Declaratory Ruling that No Certificate of Environmental Compatibility and Public Need is Required for the Construction, Operation and Maintenance of Solar Photovoltaic Facility in North Canaan, Connecticut

Dear Attorney Bachman:

In connection with the above-captioned petition, please find attached Petitioner’s final determination from the Natural Diversity Database (“NDDB”). Please be advised that the required exclusionary fencing has already been installed under the supervision of Petitioner’s retained herpetologist, Quinn Ecological, LLC and the Petitioner will continue to comply with the requirements set forth in this final determination from NDDB. Please contact me directly if you have any questions.

Sincerely,

*Carrie Larson Ortolano*

Carrie L. Ortolano

Enclosure





Connecticut Department of  
**ENERGY &  
ENVIRONMENTAL  
PROTECTION**

November 1, 2020

Mr. Dean Gustafson  
All-Points Technology Corporation, P.C.  
3 Saddlebrook Drive  
Killingworth, CT 06419  
[dgustafson@allpointstech.com](mailto:dgustafson@allpointstech.com)

Project: Lodestar Energy, LLC North Canaan Solar Facility Located at 100 Sand Road in North Canaan, Connecticut  
NDDDB Final Determination No.: 201913244

Dear Dean Gustafson,

I have reviewed Natural Diversity Database maps and files regarding the area delineated on the map provided for Lodestar Energy, LLC North Canaan Solar Facility Located at 100 Sand Road in North Canaan, Connecticut. According to our records there are known extant populations of State Listed Species that occur within or close to the boundaries of this property.

I received State Listed Species Survey Results Proposed Solar Energy Facility 100 Sand Road, North Canaan prepared by Eric Davison of Davison Environmental on October 19, 2020. The report documents surveys and protection mitigation for the 21 state listed plant species, the alder flycatcher and five species of amphibians and reptiles.

#### **State Listed Plant Species**

None of the plant species were located primarily because many of the species are associated with calcareous wetlands and may occur in adjacent Robbins Swamp. Other state listed plant species were surveyed at the site but no habitat or state listed plant species were observed. I concur with the findings in this report and no further conservation action is required for plants.

#### **State Listed Bird Species**

Surveys were also conducted for State Special Concern Alder flycatcher (*Empidonax alnorum*) in May and June 2020 between the hours of 6:00am and 9:00am with habitat-based line transect survey methods. Although no Alder flycatcher were observed during the studies I concur with the protection measures outlined in the report.

#### Alder Flycatcher Protection

- Do not clear trees or conduct construction activities between March 1<sup>st</sup> and October 1<sup>st</sup>.

#### **State Listed Amphibians and Reptiles**

Surveys and habitat assessment for state listed amphibians and reptiles was conducted in April, July and October, 2020. No suitable habitat was found on this site for blue-spotted salamander, northern leopard frog or timber rattlesnake. The site, however does contain suitable habitat for state special concern smooth green snake. I concur with the amphibian and reptile species protection plan outlined in the Habitat Assessment and Species Surveys Report: Blue-spotted Salamander, Northern Leopard Frog, Smooth Green snake and Timber Rattlesnake report prepared by Dennis P. Quinn of Quinn Ecological, LLC and dated October 2020.

The following protection plan for amphibian and reptiles is required:

## **Species Protection Plan**

### Pre-construction Protection Measures

1. Install a heavy-duty silt fence exclusionary barrier at the limits of disturbance. The fencing should consist of non-reinforced conventional erosion control woven fabric, installed approximately six inches below surface grade and staked at seven to ten-foot intervals using four-foot oak stakes or an approved equivalent. All stakes must be installed on the inside edge of the erosion control fabric, to prevent snakes crawling up the stakes and into the construction area. In areas where the silt fence cannot be buried, the fencing should be placed with the unburied flap facing away from the construction area and covered with six inches of crushed stone.

### Construction Protection Measures

#### **1. Isolation Measures (exclusionary fencing installed for pre-construction monitoring) & Erosion and Sedimentation Controls.**

- a) Plastic netting used in a variety of erosion control products (i.e., erosion control blankets, fiber rolls [wattles], reinforced silt fence) has been found to entangle wildlife, including reptiles, amphibians, birds, and small mammals. These products or reinforced silt fence should not be used on the project site. Temporary erosion control products such as erosion control blankets, fiber rolls composed of processed fibers mechanically bound together to form a continuous matrix (net less) and/or netting composed of planar woven natural biodegradable fiber should be used to avoid/minimize wildlife entanglement.
- b) Installation of exclusionary fencing (i.e., construction grade silt fencing), should be installed as a barrier to migrating/dispersing herpetofauna.
- c) The intent of the barrier is to isolate the majority of the work zone from foraging/migrating/dispersing herpetofauna. Oftentimes complete isolation of a work zone is not feasible due to accessibility needs. In this circumstance all openings in the isolation barrier, used during the workday for accessibility, should be closed with temporary silt fencing backed with hay bales at the completion of each day.
- d) The fencing should consist of non-reinforced conventional erosion control woven fabric, installed approximately six inches below surface grade and staked at seven to ten-foot intervals using four-foot oak stakes or an approved equivalent. In areas where the silt fence cannot be buried, the fencing should be placed with the unburied flap facing away from the construction area and covered with six inches of crushed stone. The Contractor is responsible for daily inspections of the fencing for tears or breaches in the fabric and accumulation levels of sediment, particularly following storm events of 0.25 inch or greater. All compromised areas of silt fence must be immediately repaired. The herpetologist will conduct random inspections to ensure the exclusionary barrier is be appropriately maintained. The extent of the barrier fencing should be as shown on the site plans. The Contractor should have available additional barrier fencing should field conditions warrant extending the fencing as directed by the environmental monitor.
- e) No equipment, vehicles or construction materials should be stored outside of the exclusionary barrier fencing.
- f) All silt fencing shall be removed within 30 days of completion of work and permanent stabilization of site soils.

## 2. Contractor Education

- a) Prior to work on site, the Contractor shall attend an educational session at the pre-construction meeting with a qualified herpetologist. This orientation and educational session will consist of an introductory meeting providing photos of herpetofauna that may be encountered during construction activities, including the sooth green snake.
- b) The education session will also focus on means to discriminate between the species of concern and other native species to avoid unnecessary “false alarms”. Encounters with all species will be documented.
- c) The Contractor will be provided with cell phone and email contacts for the Environmental Monitor to immediately report any encounters with listed species, or other herpetofauna species.
- d) Educational poster materials will be provided and must be displayed on the job site to maintain worker awareness as the project progresses.

### Reporting

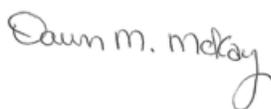
- a) Following completion of the construction project, a summary report to the CTDEEP NDDB documenting the monitoring and maintenance of the exclusionary fence and erosion control measures will be completed.
- b) Any observations of state listed species will be reported to CTDEEP by the Environmental Monitor with photo-documentation (if possible) and with specific information on the location and disposition of the animal. Forms can be found at the CTDEEP NDDB webpage and should be submitted to [deep.nddbrequest@ct.gov](mailto:deep.nddbrequest@ct.gov). Any data collected by construction personnel should be immediately sent to the Environmental Monitor for reporting purposes.

This determination is good for two years. Please re-submit a new NDDB Request for Review if the scope of work changes or if work has not begun on this project by November 1, 2022.

Natural Diversity Database information includes all information regarding critical biological resources 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, cooperating units of DEEP, landowners, private conservation groups and the scientific community. This information is not necessarily the result of comprehensive or site-specific field investigations. Consultations with the NDDB should not be substitutes for onsite surveys necessary for a thorough environmental impact assessment. The result of this review does not preclude the possibility that listed species may be encountered on site and that additional action may be necessary to remain in compliance with certain state permits.

Please contact me if you have further questions at (860) 424-3592, or [deep.nddbrequest@ct.gov](mailto:deep.nddbrequest@ct.gov)  
Thank you for consulting the Natural Diversity Data Base.

Sincerely,



Dawn M. McKay  
Environmental Analyst 3