**CONNECTICUT DEPARTMENT OF**

**ENERGY & ENVIRONMENTAL PROTECTION**

**OFFICE OF ENVIRONMENTAL REVIEW**

**79 ELM STREET, HARTFORD, CT 06106-5127**

**To:** Binu Chandy - Project Manager
DECD - Office of Financial & Technical Review, 505 Hudson Street, Hartford, CT

**From:** David J. Fox - Senior Environmental Analyst **Telephone:** 860-424-4111

**E-Mail:** david.fox@ct.gov

**Date:** December 8, 2016

**Subject:** Montgomery Mills, Windsor Locks

The Department of Energy and Environmental Protection (DEEP) has received the Notice of Scoping for proposed funding for the remediation and redevelopment of the Montgomery Mills buildings in Windsor Locks. In general, the Department supports efforts to increase the demand for public transportation through transit-oriented development. The increased use of public transit will reduce vehicle miles traveled and highway congestion, thus decreasing vehicular emissions that contribute to ozone formation, particulate matter levels and climate change. Redevelopment and revitalization of urban centers, expansion of housing opportunities and concentrating development around transportation nodes are three growth management principles of *Conservation & Development Policies: The Plan for Connecticut 2013 - 2018*. The following comments are submitted for your consideration.

The Department has had discussions with Beacon Communities regarding the Windsor Locks Canal State Park Trail. The trail, following the historic towpath on the east bank of the canal, begins at Bridge Street and extends 4.5 mile to the north. Concept plans being reviewed include routing park visitors to the east side of the mill building, providing recreational parking at the proposed northern paved lot, and moving the seasonal access gate north of the mill site.

Any proposal that involves DEEP property would entail a need for property rights from the Department. Requests for temporary or permanent property rights from DEEP should be submitted using DEEP's Land Management Request Application (copy attached). All such requests are reviewed by a multidisciplinary panel of DEEP staff that comprise the DEEP Property Management Review Team.

The Wildlife Division reports that the project area is close to an active bald eagle nesting territory. Bald eagles are protected by the Connecticut Endangered Species Act, the Federal Bald and Golden Eagle Protection Act and section 26-93 of the Connecticut General Statutes (CGS) that protects nesting eagles. The Department routinely closes the southern end of the canal trail to protect the eagles during nesting season. Depending on the type of activities occurring during redevelopment of the site, there may be seasonal restrictions imposed. Most activities should be acceptable without restrictions, but the Wildlife Division eagle biologists should be consulted early in the planning process.

The Wildlife Division's Natural Diversity Data Base (NDDB) has previously reviewed projects at the site. The attached January 17, 2014 letter outlines recommendations for the bald

eagle, protected freshwater mussels and fish in the Connecticut River, and protected plant species found along the canal. As additional details regarding proposed activities become available, the applicant should submit a Request for Natural Diversity Data Base State Listed Species Review Form (DEEP-APP-007) and all required attachments, including maps, to the NDDB for further review. Additional information concerning NDDB reviews and the request form may be found on-line at: NDDB Requests.

Additionally, the Wildlife Division has worked with the Town of Windsor Locks and the Recreational Trail Program to modify the parking area and trail entrance immediately adjacent to the project area in a manner that will help minimize future impacts to nesting eagles. Creation of a 160-unit housing project will no doubt increase trail use and as a result pressure on the nesting eagles or complaints about trail closures. The Wildlife Division would like to discuss possible ways to create a visual screen along the section of trail that passes the eagle nest. Appropriate contacts are Jenny Dickson at jenny.dickson@ct.gov or Brian Hess at brian.hess@ct.gov. In addition, the residents would be a welcome addition to the Windsor Locks Canal Trail Friends, a volunteer organization helping to keep the park operational, clean and attractive.

A vast majority of the site is within the 100-year flood zone of the Connecticut River on the community's Flood Insurance Rate Map. Because it is a State action, the project must be certified by the sponsoring agency as being in compliance with flood and stormwater management standards specified in section 25-68d of the CGS and section 25-68h-1 through 25-68h-3 of the Regulations of Connecticut State Agencies and receive approval from the Department. Because it is a critical activity involving intensive use of the floodplain, it would require an exemption pursuant to section 25-68d(d). Your office has been involved with several pre-application meetings with the Land & Water Resources Division to discuss technical requirements of the certification, which included verification of dry access and first floor elevations meeting relevant standards.

The Remediation Division reports that the mill site has a long history of filings under the Transfer Act as required under required under section 22a-134a of the Connecticut General Statutes (CGS) dating back to 1989, as outlined below (note Benk is as spelled in the filing).

**Montgomery Company, 25 Canal Bank Road, Windsor Locks**
**Property Transfer History**

| Action | Seller | Buyer | Certifying Party |
|---|---|---|---|
| Form I filed on 5/15/1989 | Montgomery Co. | Excelsior Corporation | Montgomery Co. |
| Form III filed on 6/7/2004 | The M Corporation | Windsor Locks Assets, LLC | Windsor Locks Assets, LLC |
| Form III filed on 3/10/2006 | Windsor Locks Assets, LLC | Canal Benk Realty, LLC | Canal Benk Realty, LLC |

**Current Status**

Foreclosure notice published on the Journal Inquirer on 2/5-6/2011.
Town of Windsor Locks vs Canal Benk Realty LLC
Date of sale: 2/19/11

DECD and/or the project applicant should contact the Remediation Division with any questions regarding additional site investigations or development of a Remedial Action Plan. Robert Robinson, supervisor for the North Central District, is the appropriate contact. He may

be reached at 860-424-3775 or robert.robinson@ct.gov.

Beyond known releases associated with the Transfer Act filings, much of the Montgomery Mills site is built on urban fill, which can contain contaminants above Remediation Standard Regulations (RSR) criteria. Development plans in urban areas that entail soil excavation should include a protocol for sampling and analysis of potentially contaminated soil. Soil with contaminant levels that exceed the applicable criteria of the RSR, which is not hazardous waste, is considered to be special waste. Often such soils can be left in place with an appropriate land use restriction.

The disposal of special wastes, as defined in section 22a-209-1 of the Regulations of Connecticut State Agencies (RCSA), requires written authorization from the Waste Engineering and Enforcement Division prior to delivery to any solid waste disposal facility in Connecticut. If clean fill is to be segregated from waste material, there must be strict adherence to the definition of clean fill, as provided in Section 22a-209-1 of the RCSA. A fact sheet regarding disposal of special wastes and the authorization application form may be obtained at: Special Waste Fact Sheet.

The Waste Engineering & Enforcement Division has issued a *General Permit for Contaminated Soil and/or Sediment Management (Staging & Transfer)* (DEP-SW-GP-001). It establishes a uniform set of environmentally protective management measures for stockpiling soils when they are generated during construction or utility installation projects where contaminated soils are typically managed (held temporarily during characterization procedures to determine a final disposition). Temporary storage of less than 1000 cubic yards of contaminated soils (which are not hazardous waste) at the excavation site does not require registration, provided that activities are conducted in accordance with the applicable conditions of the general permit. Registration is required for on-site storage of more than 1000 cubic yards for more than 45 days or transfer of more than 10 cubic yards off-site. A fact sheet describing the general permit, a copy of the general permit and registration forms are available on-line at: Soil Management GP.

Riparian vegetation performs a variety of functions essential to a healthy instream aquatic environment. It naturally filters sediments, nutrients and other nonpoint source pollutants from overland runoff; maintains water temperature; and stabilizes stream banks, reducing erosion and aquatic habitat degradation. The redevelopment plan should preserve existing streambank vegetation and, where feasible, enhance it with additional plantings.

The Connecticut River is listed as impaired in the *State of Connecticut Integrated Water Quality Report*; the stretch from Gildersleeve Island in Portland to the Massachusetts border does not meet the designated use of recreation due to bacteria, with potential sources being combined sewer overflows and stormwater. The Department has completed a *Statewide Total Maximum Daily Load Analysis for Bacteria Impaired Waters* that includes the Connecticut River. The document is available on-line at: Bacteria TMDL. The Connecticut River appendix can be found at: CT River Watershed Summary.

Several studies examining the bacteria removal performance of stormwater best management practices suggest that flow reduction is the most effective approach to pathogen attenuation in stormwater. Where building renovation and site improvements are proposed, the

Department strongly recommends the use of low impact development (LID) practices for infiltration of stormwater on-site. Although LID techniques are not primarily designed to reduce pathogen pollution, their mitigation of hydrologic impacts is likely to reduce pathogen loading from stormwater by reducing the volume and rate of runoff from a given area. Water quality and quantity benefits are maximized when multiple techniques are grouped together. Consequently, we typically recommend the utilization of one, or a combination, of the following measures:

- the use of pervious pavement or grid pavers (which are very compatible for parking lot and fire lane applications), or impervious pavement without curbs or with notched curbs to direct runoff to properly designed and installed infiltration areas,
- the use of vegetated swales, tree box filters, and/or infiltration islands to infiltrate and treat stormwater runoff (from building roofs, roads and parking lots),
- the minimization of access road widths and parking lot areas to the maximum extent possible to reduce the area of impervious surface,
- if soil conditions permit, the use of dry wells to manage runoff from the building roofs,
- the use of vegetated roofs (green roofs) to reduce the runoff from buildings,
- incorporation of proper physical barriers or operational procedures to prevent release of pollutants from special activity areas (e.g. loading docks, maintenance and service areas, dumpsters),
- the installation of rainwater harvesting systems to capture stormwater from building roofs for the purpose of reuse for irrigation, and
- providing for pollution prevention measures to reduce the introduction of pollutants to the environment.

The effectiveness of various LID techniques that rely on infiltration depends on the soil types present at the site. According to the Natural Resources Conservation Service's Soil Web Survey, the soils at the property consist of urban land. These soils are unrated in their suitability for various stormwater management practices. However, infiltration practices may be suitable at this site. Soil mapping consists of a minimum 3 acres map unit and soils may vary substantially within each mapping unit. Test pits should be dug in areas planned for infiltration practices to verify soil suitability and/or limitations. Planning should insure that areas to be used for infiltration are not compacted during the construction process by vehicles or machinery. The siting of areas for infiltration must also consider any existing soil or groundwater contamination. Even if infiltration is limited at a site, it is still possible to implement LID practices such as green roofs on buildings or the use of cisterns to capture and reuse rainwater.

The Department has compiled a listing of web resources with information about watershed management, green infrastructure and LID best management practices. It may be found on-line at: LID Resources.

Stormwater discharges from construction sites where one or more acres are to be disturbed, regardless of project phasing**,** require an NPDES permit from the Permitting & Enforcement Division. The *General Permit for the Discharge of Stormwater and Dewatering Wastewaters Associated with Construction Activities* (DEEP-WPED-GP-015) will cover these discharges. The construction stormwater general permit dictates separate compliance procedures for Locally Approvable projects and Locally Exempt projects (as defined in the permit). Locally Exempt construction projects disturbing over 1 acre must submit a registration form and Stormwater

Pollution Control Plan (SWPCP) to the Department. Locally Approvable construction projects with a total disturbed area of one to five acres are not required to register with the Department provided the development plan has been approved by a municipal land use agency and adheres to local erosion and sediment control land use regulations and the *CT Guidelines for Soil Erosion and Sediment Control*. Locally Approvable construction projects with a total disturbed area of five or more acres must submit a registration form to the Department prior to the initiation of construction. This registration shall include a certification by a Qualified Professional who designed the project and a certification by a Qualified Professional or regional Conservation District who reviewed the SWPCP and deemed it consistent with the requirements of the general permit. The SWPCP for Locally Approvable projects is not required to be submitted to the Department unless requested. The SWPCP must include measures such as erosion and sediment controls and post construction stormwater management. A goal of 80 percent removal of total suspended solids from the stormwater discharge shall be used in designing and installing post-construction stormwater management measures. Stormwater treatment systems must be designed to comply with the post-construction stormwater performance management requirements of the permit. These include post-construction performance standards requiring retention of the water quality volume and incorporating control measures for runoff reduction and low impact development practices. For further information, contact the division at 860-424-3018. The construction stormwater general permit registrations can now be filed electronically through DEEP's e-Filing system known as ezFile. Additional information can be found on-line at: Construction Stormwater GP.

For large construction projects, the Department typically encourages the use of newer off-road construction equipment that meets the latest EPA or California Air Resources Board (CARB) standards. If that newer equipment cannot be used, equipment with the best available controls on diesel emissions including retrofitting with diesel oxidation catalysts or particulate filters in addition to the use of ultra-low sulfur fuel would be the second choice that can be effective in reducing exhaust emissions. The use of newer equipment that meets EPA standards would obviate the need for retrofits.

The Department also encourages the use of newer on-road vehicles that meet either the latest EPA or California Air Resources Board (CARB) standards for construction projects. These on-road vehicles include dump trucks, fuel delivery trucks and other vehicles typically found at construction sites. On-road vehicles older than the 2007-model year typically should be retrofitted with diesel oxidation catalysts or diesel particulate filters for projects. Again, the use of newer vehicles that meet EPA standards would eliminate the need for retrofits.

Additionally, Section 22a-174-18(b)(3)(C) of the Regulations of Connecticut State Agencies (RCSA) limits the idling of mobile sources to 3 minutes. This regulation applies to most vehicles such as trucks and other diesel engine-powered vehicles commonly used on construction sites. Adhering to the regulation will reduce unnecessary idling at truck staging zones, delivery or truck dumping areas and further reduce on-road and construction equipment emissions. Use of posted signs indicating the three-minute idling limit is recommended. It should be noted that only DEEP can enforce Section 22a-174-18(b)(3)(C) of the RCSA. Therefore, it is recommended that the project sponsor include language similar to the anti-idling regulations in the contract specifications for construction in order to allow them to enforce idling restrictions at the project site without the involvement of the Department.

In keeping with the Department's interest in furthering the use of alternate fuels for transportation purposes, we recommend that Level 2 electric vehicle charging stations be included at 3% of the parking spaces in the project design. Increasing the availability of public charging stations will facilitate the introduction of the electric vehicle technology into the state and serve to alleviate the present energy dependence on petroleum and improve air quality.

The following standard comments regarding building renovation projects should be observed, as applicable, during future planning and implementation of the project. Fact sheets providing additional information concerning environmental, health and safety requirements applicable to building renovation and demolition projects have been developed by the Waste Engineering & Enforcement Division. To obtain copies, call the division at 860-424-3023. This information is also available on-line at: Health & Safety Requirements.

During any building renovation, areas to be disturbed must be inspected for the presence of asbestos-containing materials. Abatement projects must be conducted by asbestos abatement contractors that are licensed by the Department of Public Health (DPH). Additional information on asbestos contractors may be found at: Asbestos Contractors. ACM must be properly containerized and labeled, and must be shipped off-site using an asbestos manifest. Written notice must be submitted to the DPH ten working days prior to the demolition of any structure in accordance with Section 19a-332a-3 of the Regulations of Connecticut State Agencies. For further information, contact DPH at 860-509-7367. Additional information concerning regulation of asbestos may be found on the DPH website at: Asbestos Program.

Asbestos-containing material is regulated as a "special waste" in Connecticut, and may not be disposed of with regular construction and demolition waste. Instead, it may only be disposed at a facilities that are specifically authorized to accept ACM. Currently, there are only two facilities that are authorized to accept asbestos-containing material in Connecticut: Red Technologies in Portland and Manchester Landfill in Manchester (which can only accept non-friable types of asbestos-containing materials). Although the disposal of asbestos-containing material is typically arranged for by the licensed asbestos abatement contractor, project proponents should ensure that the contractor disposes of all such materials at properly-licensed facilities. For further information, contact the Waste Engineering & Enforcement Division at 860-424-3023. A fact sheet regarding disposal of special wastes and the authorization application form may be obtained at: Special Waste Fact Sheet.

Demolition debris may also include materials that contain polychlorinated biphenyls (PCBs). Such materials can include transformers, capacitors, fluorescent light ballast and other oil-containing equipment, and in certain building materials (i.e., paint, roofing, flooring, insulation, etc.). In recent years, EPA has also learned that caulk containing potentially harmful polychlorinated biphenyls (PCBs) was used around windows, door frames, masonry columns and other masonry building materials in many buildings starting in 1929 with increased popularity in the 1950s through the 1970s, including schools, large scale apartment complexes and public buildings. In general, these types of buildings built after 1978 do not contain PCBs in caulk. In 2009, EPA announced new guidance about managing PCBs in caulk and tools to

help minimize possible exposure. The guidance can be found at: PCBs in Caulk. Where schools or other buildings were constructed or renovated prior to 1978, EPA and DEEP recommend that PCB-containing caulk removal be scheduled during planned renovations, repairs (when replacing windows, doors. roofs, ventilation, etc.) and demolition projects, whenever possible. However, the continued use of such PCB materials is prohibited and, where it is identified, it must be addressed. EPA recommends testing caulk that is going to be removed as the first step in order to determine what protections are needed during removal. Where testing confirms the presence of PCBs, it is critically important to ensure that they are not released to air during replacement or repair of caulk in affected buildings. Many such PCB removal projects will need to include sampling of the substrate and soil, as well as require plans to be approved by EPA in coordination with DEEP. Further information concerning the DEEP PCB Program can be found on-line at: DEEP PCB Program.

In addition to asbestos and PCBs, demolition debris may also be contaminated with lead-based paint, chemical residues, or other materials that require special disposal. For more information on these materials, see the DEEP's Renovation and Demolition Web Page. Additional information concerning disposal of demolition debris is available in the DEEP's Demolition Debris Web Page.

Demolition waste that is not contaminated with asbestos, PCBs, or other materials that require special handling is subject to Connecticut's solid waste statutes and regulations, and must be reused, recycled, or disposed of accordingly. Construction and demolition debris should be segregated on-site and reused or recycled to the greatest extent possible. Waste management plans for construction, renovation or demolition projects are encouraged to help meet the State's reuse and recycling goals. Connecticut's Comprehensive Materials Management Strategy outlines a goal of 60% recovery rate for municipal solid waste by the year 2024. Part of this effort includes increasing the amount of construction and demolition materials recovered for reuse and recycling in Connecticut. It is recommended that contracts be awarded only to those companies who present a sufficiently detailed construction/demolition waste management plan for reuse/recycling. Additional information concerning construction and demolition material management and waste management plans can be found on the DEEP's C&D Material Management and C&D Waste Management Plan web pages.

One way that certain types of construction and demolition waste can be reused is as clean fill. Clean fill is defined in section 22a-209-1 of the Regulations of Connecticut State Agencies (RCSA) and includes only natural soil, rock, brick, ceramics, concrete and asphalt paving fragments. Clean fill can be used on site or at appropriate off-site locations. Clean fill does not include uncured asphalt, demolition waste containing other than brick or rubble, contaminated demolition wastes (e.g. contaminated with oil or lead paint), tree stumps, or any kind of contaminated soils. Land-clearing debris and waste other than clean fill resulting from demolition activities is considered bulky waste, also defined in section 22a-209-1 of the RCSA. Bulky waste is classified as special waste and must be disposed of at a permitted landfill or other solid waste processing facility pursuant to section

22a-208c of the Connecticut General Statutes and section 22a-209-2 of the RCSA. A fact sheet regarding disposal of special wastes and the authorization application form may be obtained at: Special Waste Fact Sheet.

The disposal of special wastes, as defined in section 22a-209-1 of the Regulations of Connecticut State Agencies, requires written authorization from the Waste Engineering and Enforcement Division prior to delivery to any solid waste disposal facility in Connecticut. Special wastes include non-hazardous industrial sludges, liquids or solids. For further information, contact the division at 860-424-3372. A fact sheet regarding disposal of special wastes and the authorization application form may be obtained at: Special Waste Fact Sheet.

Thank you for the opportunity to review this proposal. If you have any questions concerning these comments, please contact me.

cc: Jeff Caiola, DEEP/LWRD
Lou Corsino, DEEP/APSD
Jenny Dickson, DEEP/WD
Laurie Giannotti, DEEP/SPD
Robert Hannon, DEEP/OPPD
Brian Hess, DEEP/WD
Susan Peterson, DEEP/WPMD
Robert Robinson, DEEP/RD
Graham Stevens, DEEP/LAMD

# LAND MANAGEMENT REQUEST REQUIREMENTS

Please read the information presented below. **Only applications that meet the criteria listed below will be considered for action.**

Land or interests in land under the custody of the Department of Energy and Environmental Protection (DEEP) were obtained to permanently protect property for conservation or passive recreation purposes. This provides a current benefit to the general public as well as a benefit to future generations. Accordingly, such land or interest in land shall not be exchanged or its use altered *except* in extenuating circumstances and *only* when all of the following criteria are met:

- ✓ The circumstance proposed must not conflict with any terms under which or conditions for which the land was acquired;
- ✓ The proposal is consistent with the State Conservation and Development plan;
- ✓ The DEEP land or interests affected must be evaluated by Department personnel and determined not to be integral or significant to DEEP's resource management programs;
- ✓ The land or interests in land being acquired by exchange must be of equal or greater value than that land or interests in land being conveyed out of Department control;
- ✓ The land or interests in land being conveyed out will be subject to (1) A no development clause, and (2) A reversionary clause stipulating that the ownership will revert back to DEEP if the original agreement specifications are violated.

Please note that title work, appraisals to determine value, and survey costs, as well as other administrative expenses, must be borne by the requestor. Also, most proposals under this program must comply with a required public notice and comment period as specified in CGS 4b-47.

**LAND MANAGEMENT REQUEST APPLICATION** REV 5 March 2014

**CONNECTICUT DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION**

**A** - _____ _____

**Applicant Information:**

Mr. Ms. Mrs. _____ Your relation to the property (owner,manager,etc.) _____

Address: _____

Town: _____ State: _____ Zip: _____

Telephone #(s) _____ _____ _____

**Please Note: Submitting this application constitutes permission for DEEP staff to inspect the applicable sites during the review process. If your request is approved, it will be processed as scheduling allows.**

**A map MUST accompany this submission.** We will accept a survey with proposed changes and/or a copy of the Town Assessor's map with proposed changes sketched onto affected properties. **Any construction aspects should be supported by engineering drawings.** If you have any questions, you may call Alfred Schwentke @ (860) 424-3079. It is also helpful to enclose a copy of the deed to the privately owned property.

Has this request been submitted to this office for review previously? Y N (circle one) If yes, when? (Month/Year) _____

AFFECTED PROPERTY'S STREET ADDRESS: _____ TOWN(S): _____

Which DEEP property does this affect? _____

Explain your exchange request here. Note that any land transferred from DEEP ownership will be subject to Connecticut General Statute 23-8a, which restricts development by placing a conservation easement on the portion conveyed. Also, be aware that certain administrative fees may apply._____

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Attach extra pages as needed.

Fulfillment of this request must result in a *tangible* new benefit toward conserving the environment or providing recreation either at this location or at another DEEP facility. Please suggest an environmental or recreational benefit that you will offer in exchange if this request is approved.

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Attach extra pages as needed.

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**SEND REQUEST TO:**
Department of Energy and Environmental Protection
Land Management Review
79 Elm Street, 6th Floor
Hartford, CT 06106

Connecticut Department of
ENERGY &
ENVIRONMENTAL
PROTECTION

Bureau of Natural Resources
Wildlife Division
Natural History Survey – Natural Diversity Data Base

January 17, 2014

Mr. Gary A. Jackson
Ahlstrom Nonwovens LLC
2 Elm Street
Windsor Locks, CT 06096

Regarding: Ahlstrom Nonwovens Manufacturing Facility Temporary Discharge for Fire Suppression and Preliminary Review of Windsor Locks Canal Dredge, Windsor Locks and Suffield, CT
Natural Diversity Data Base 201306080

Dear Mr. Jackson:

In response to your request for a Natural Diversity Data Base (NDDB) Review of State Listed Species for the Ahlstrom Nonwovens Manufacturing Facility Temporary Discharge for Fire Suppression and Preliminary Review of Windsor Locks Canal Dredge, our records indicate an extent population of a threatened species documented on or within the vicinity of the site:

**Bald Eagle** (*Haliaeetus leucocephalus*) Protection Status: Threatened

Disturbing bald eagles is an illegal activity pursuant to Section 26-93 of the Connecticut General Statutes.

Natural year-round habitat of bald eagles includes lakes, marshes, rivers, or seacoasts, where there are tall trees nearby for nesting and roosting and plenty of fish for eating. Although bald eagles feed primarily on fish, they also are opportunistic predators and scavengers that will eat anything that can be caught easily or scavenged.

The breeding season in Connecticut begins in January, and most pairs lay their eggs in February and March. Bald eagles return to the same nesting areas year after year. The nest, which sometimes measures 7 to 8 feet across, is a flat-topped mass of sticks, with a lining of fine vegetation such as rushes, mosses, or grasses. It is built in trees, 10 to 150 feet above ground. Disturbance at nest sites may cause the birds to abandon their nest, even if there are eggs or young in the nest.

Winter is a difficult time for any wildlife species, including bald eagles. Food is harder to find and cold temperatures cause energy stress. If the birds are frequently disturbed from feeding and forced to travel to a different area for food, their lives may be threatened. Adult eagles are more easily disturbed than juveniles.

At night, wintering eagles often congregate at communal roost trees; in some cases, they travel 12 or more miles from a feeding area to a roost site. Roosts are often used for several years. Many roosts are protected from the wind by vegetation or terrain, providing a favorable thermal environment. Use of these protected sites helps minimize energy stress. In addition, communal roosting may aid the birds in their search for food.

**Recommendations**: Bald eagles nest and roost along the Connecticut River. Though somewhat tolerable of human disturbance, the bald eagles will be negatively affected if work is too close to a nest or roosting site. Delineating protection zones around areas of high eagle use is important. Therefore, the following precautions shall be adhered to:

February 1st through August 1st (bald eagle breeding season)

- Any machinery or equipment shall maintain, at a minimum, a 600' protection zone around any nest site.
- If a bald eagle is found to be nesting on or with 600' of the project area, work shall be halted immediately until after the breeding season.

December 31st through March 1st (wintering bald eagles)

- Any machinery or equipment shall maintain, at a minimum, a 600' protection zone around areas of high eagle use, particularly winter roosting sites.

**Yellow Lamp Mussel** (*Lampsilis cariosa*) Protection Status: Endangered
**Tidewater Mucket** (*Leptodea ochracea*) Protection Status: Species of Special Concern

**Recommendation:** Freshwater mussels would be seriously impacted if any project activities particularly dredging are conduct on or near the Connecticut River. Considering Ahlstrom Nonwovens' method for dredging hasn't been determined, a recommendation for protecting freshwater mussels is difficult. Therefore, the Wildlife Division suggests that when determining the plan for the dredge including the disposal of the dredged material, the plan should address freshwater mussels. Such plan shall be submitted to the DEEP Wildlife Division (elaine.hinsch@ct.gov) for review and approval.

According to our information, there are records for Federal and State Endangered **shortnose sturgeon** and **Atlantic sturgeon**, State Endangered **American brook lamprey** and State Special Concern **blueback herring** in the vicinity of this project. Please be advised that a DEEP Fisheries Biologist will review the permit applications you may submit to DEEP regulatory programs to determine if your project could adversely affect both sturgeons, American brook lamprey and blueback herring. DEEP Fisheries Biologists are routinely involved in pre-application consultations with regulatory staff and applicants in order to identify potential fisheries issues and work with applicants to mitigate negative effects, including to endangered species. If you have not already talked with a Fisheries Biologist about your project, you may contact the Permit Analyst assigned to process your application for further information, including the contact information for the Fisheries Biologist assigned to review your application.

Also, according to our records, the following plant species have been documented along the Windsor Locks Canal in Suffield:

**False pennyroyal** (Trichostema brachiatum)
Protection Status: State Endangered
Habitat: Dry, often calcareous soils. Blooms Jul, Aug, Sep.

**American bittersweet** (*Celastrus scandens*)
Protection Status: Proposed for listing in 2015

Habitat: Forest edges, forests, shores of rivers or lakes, talus and rocky slopes.

**Recommendations:** To prevent impacts to these species, certain activities should be restricted from areas where the plants have been documented (see attached map). Vegetation removal, the movement of machinery through vegetated areas, and the deposition of dredge spoils should NOT occur on the west bank of the canal where False pennyroyal has been documented, or on the east bank of the canal where American bittersweet has been observed.

To prevent impacts to State-listed species on other sites, the projected volume of dredge spoils and any dewatering and deposition sites should be submitted to the NDDB for further review (referencing the NDDB determination number provided above).

For questions regarding State-listed plant species, please contact Nelson DeBarros (nelson.debarros@ct.gov).

The Natural Diversity Data Base 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 and cooperating units of DEEP, private conservation groups and the scientific community. This information is not necessarily the result of comprehensive or site-specific field investigations. Consultations with the Data Base should not be substituted for on-site surveys required for environmental assessments. 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 Data Base as it becomes available. If the project is not implemented within 12 months, then another Natural Diversity Data Base review should be requested for up-to-date information.

Please be advised that this is a preliminary review and not a final determination. A more detailed review may be conducted as part of any subsequent environmental permit applications submitted to DEEP for the proposed site.

Thank you for consulting the Natural Diversity Data Base. If you have any additional questions, I can be contacted by email at Elaine.Hinsch@po.state.ct.us.

Sincerely,
/s/
Elaine Hinsch
Program Specialist II
Wildlife Division

Cc: DEEP Office of Long Island Sound Programs
DEEP Bureau of Water Protection and Land Reuse

Connecticut Department of
ENERGY &
ENVIRONMENTAL
PROTECTION

Bureau of Natural Resources
Wildlife Division
Natural History Survey – Natural Diversity Data Base

Connecticut Department of

ENERGY &
ENVIRONMENTAL
PROTECTION

March 13, 2017

Mr. Josh Wilson
Fuss & O'Neill, Inc.
146 Hartford Road
Manchester, CT 06040
jwilson@fando.com

Project: Montgomery Mill Site Development, 25 Canal Bank Rd, Windsor Locks, Connecticut
Request No.: 201701229

Dear Josh,

I have reviewed Natural Diversity Data Base maps and files regarding the area delineated on the map you provided for the proposed Montgomery Mill Site Development, 25 Canal Bank Rd, Windsor Locks, Connecticut. According to our information we have many State Listed species in the area of this project site. The species included:

*Lethenteron appendix* (American brook lamprey)
*Leptodea ochracea* (Tidewater mucket)
*Gomphus vastus* (Cobra clubtail)
*Stylurus amnicola* (Riverine clubtail)
*Glyptemys insculpta* (Wood turtle)
*Terrapene c. carolina* (Eastern box turtle)
*Haliaeetus leucocephalus* (Bald eagle)

Your project description indicates that the development will be largely conducted in areas of the site that have been historically developed and there will be minimal disturbance to wetlands and vegetated uplands. The banks along the CT River will not be cleared, grubbed, graded or modified. You will ensure that storm water and site drainage will minimize any runoff to the canal during and after construction and that sediment and erosion control measures will be in place prior to construction and maintained throughout the project. These best management practices will insure limited adverse impacts to the riverine species (American brook lamprey, Tidewater mucket, Cobra clubtail, Riverine clubtail).

You propose to protect the wood and box turtle by:

- **Not parking any large construction equipment in any wood turtle or box turtle habitat**.
- **Educating all workers about the potential that wood turtles and box turtles occur at this project site and providing a description of the turtles and how they can protect them from project activities**.
- Installing erosion and sedimentation control measures before conducting earthwork and ensuring that these best management practices are maintained throughout construction. These silt fences should not contain plastic or netting and should be installed at the limits of clearing to prevent any turtles from entering the construction area. This fencing is in addition to those areas susceptible to erosion.
- Once the exclusionary fence is installed, turtle sweeps would be conducted to ensure that no turtles are within the construction area. Any turtles found during the turtle sweep would be

relocated outside of the construction area, in a safe location at the shortest distance possible from where they were found.

- The fence would be installed prior to the active season (April 1 through November 1) and allow for two weeks of turtle sweeps prior to the start of construction. The exclusionary fences would be removed as soon as possible to allow turtles to return to the site.
- **And any turtle observation would be reported to the NDDB program (deep.nddbrequest@deep.com) as soon as possible.**

Bald eagles are known to nest in this area. You have indicated on your NDDB request application that to avoid disturbing nesting bald eagles you will leave natural buffers around nest and that visual and auditory activities during the nesting season will be avoided. Our regulatory guidance recommends a minimum of 1/8 mile (660 feet) buffer. And you concur that for the proposed development, that the minimum separation distance, including maintenance of an undisturbed vegetative buffer, be employed and posted throughout the construction period.

Thank you for including with your NDDB application the ways you will protect these species from project impacts. I concur that by utilizing these protocols that the proposed activities will not have a long-term adverse impact on the state-listed species that may occur in the vicinity of this project.

This determination is good for two years. Please re-submit an NDDB Request for Review if the scope of work changes or if work has not begun on this project by March 13, 2019.

Natural Diversity Data Base 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 and cooperating units of DEEP, private conservation groups and the scientific community. This information is not necessarily the result of comprehensive or site-specific field investigations. Consultations with the Data Base should not be substitutes for on-site surveys required for environmental assessments. 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 Data Base as it becomes available.

Please contact me if you have further questions at (860) 424-3592, or dawn.mckay@ct.gov . Thank you for consulting the Natural Diversity Data Base. Also be advised that this is a preliminary review and not a final determination. A more detailed review may be conducted as part of any subsequent environmental permit applications submitted to DEEP for the proposed site.

Sincerely,

Dawn M. McKay

Dawn M. McKay
Environmental Analyst 3

Connecticut Department of
ENERGY &
ENVIRONMENTAL
PROTECTION

79 Elm Street • Hartford, CT 06106-5127 www.ct.gov/deep Affirmative Action/Equal Opportunity Employer

Connecticut Department Housing
505 Hudson Street
Hartford, CT 06106
Attention: Nick Lundgren nick.lundgren@ct.gov

Connecticut Department Economic & Community Development
505 Hudson Street
Hartford, CT 06106
Attention: Tim Sullivan tim.sullivan@ct.gov

| | |
|---|---|
| Application No.: | **FM-201615808** |
| Town: | Windsor Locks |
| Waters: | Connecticut River |
| Permit type: | Flood Management Certification |
| Project: | Redevelopment of the Montgomery Mills - residential. |

Dear Mr. Lundgren and Sullivan:

The Commissioner of Energy and Environmental Protection has approved your application to conduct certain regulated activities. Your attention is directed to the conditions of the enclosed permit. You should read your permit carefully. Construction and other work must conform to that which is authorized.

If you have not already done so, you should contact your local Planning and Zoning Office and the U. S. Army Corps of Engineers to determine local and federal permit requirements on your project, if any. Write the Corps' New England District, Regulatory Branch, 696 Virginia Road, Concord, MA 01742-2751; http://www.nae.usace.army.mil/ or call 1-800-343-4789.

If you have any questions concerning your permit, please contact Land Water Resources Division at 860-860-418-5942.

4/27/17
DATE

Krystyna M. Krudysz
Krystyna M. Krudysz

Connecticut Department of
ENERGY &
ENVIRONMENTAL
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# FLOOD MANAGEMENT CERTIFICATION

Connecticut Department Housing
505 Hudson Street
Hartford, CT 06106
Attn: Nik Lundgren

Connecticut Department Economic & Community Development
505 Hudson Street
Hartford, CT 06106
Attn: Tim Sullivan

Re: **Approval of Certification**
**FM-201615808**
Redevelopment of the Montgomery Mills-residential
Windsor Locks, CT

Dear Mr. Lundgren and Sullivan:

The Land & Water Resources Division of the Department of Energy & Environmental Protection has reviewed the flood management certification application prepared by Joseph E. Lenahan, III, of Fuss & O'Neill, Inc., and signed by Nick Lundgren of the Connecticut Department Housing and by Tim Sullivan Connecticut Department Economic & Community Development ("Certifying Agency").

The certification document dated December 23, 2016 and submitted December 28, 2016 states that the proposed activity has been designed in compliance with the requirements of Section 25-68d(b) of the Connecticut General Statutes (CGS) and Section 25-68h-1 through 25-68h-3 of the Regulations of Connecticut State Agencies (RCSA).

The project consists of Redevelopment of the Montgomery Mills into residential use in the Town of Winsor Locks, as shown on plans entitled, "*Montgomery Mills, 25 Canal Bank Road, Windsor Locks,*" signed by Craig Lapinski P.E., last revised March 3, 2017. The project is located within the AE of Connecticut River.

The above referenced certification is hereby approved with the following conditions:

**Special Conditions**:

1. The Certifying Agency shall cause to be constructed a dry access pathway leading from the Montgomery Mills Site to a location outside of the Connecticut River floodplain to serve as an egress pathway during flood events. The pathway shall be kept free of obstructions and adequately maintained.

**Operating Conditions:**

1. This approval shall expire ten years after issuance or if the construction of any structures or facilities authorized herein has not commenced within three years of issuance of this approval.

2. The Certifying Agency may not make any alterations, except de minimis alterations, to any structure, facility, or activity authorized by this certification unless the Certifying Agency applies for and receives a modification of this certification. A de minimis alteration means a change in the design or operation of the authorized permit that does not increase its adverse environmental or other regulatory impacts.

3. In constructing or maintaining any structure or facility or conducting any activity authorized herein, or in removing any such structure or facility, the Certifying Agency shall employ best management practices to control storm water discharges, to prevent erosion and sedimentation, and to otherwise prevent pollution of wetlands and other waters of the State. The Certifying Agency shall immediately inform the Commissioner of any adverse impact or hazard to the environment which occurs or is likely to occur as the direct result of the construction, maintenance, or operation of structures, facilities, or activities authorized herein. Best Management Practices include, but are not limited, to practices identified in the *Connecticut Guidelines for Soil Erosion and Sediment Control* as revised, *2004 Connecticut Stormwater Quality Manual*, Department of Transportation's *ConnDOT Drainage Manual* as revised, and the Department of Transportation Standard Specifications as revised.

4. All temporary structures, cofferdams, and fill shall not impede the movement of flood flows and shall be removed at the completion of their use. The design of such temporary structure, cofferdams and fill shall be based on the DOT Drainage Manual, where applicable. All temporary and permanent fill shall be clean and free of stumps, rubbish, and hazardous or toxic material.

5. The Certifying Agency shall cause to be removed equipment and materials from the floodplain during periods when flood warnings have been issued or are anticipated by a responsible federal, state or local agency. It shall be the Certifying Agency's responsibility to obtain such warnings when flooding is anticipated.

This authorization is subject to and does not derogate any present or future property rights or other rights or powers of the State of Connecticut, conveys no property rights in real estate or material nor any exclusive privileges, and is further subject to any and all public and private rights and to any federal, state, or local laws or regulations pertinent to the property or activity affected thereby. No revisions or alterations to the approved plans are allowed without first obtaining written approval from this Division.

If there are any questions, contact Krystyna M. Krudysz of the Land & Water Resources Division at 860-418-5942.

4/20/17
Date

Brian P. Thompson, Director
Land & Water Resources Division

BPT/KK

cc: Thacher Tiffany, BC Montgomery Mill, LLC, 2 Center Plaza, Suite 700, Boston, MA 02108
Joseph E. Lenahan, III, Fuss & O'Neill, Inc., 146 Hartford Road, Manchester, CT 06040