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March 13, 2015

VIA ELECTRONIC MAIL AND HAND-DELIVERY

Mr. Robert Stein, Chairman
Connecticut Siting Council
Ten Franklin Square
New Britain, CT 06051

RE: Docket No. 192B—Towantic Energy, LLC Motion to Reopen and Modify the June 23, 1999 Certificate of Environmental Compatibility and Public Need Based on Changed Conditions Pursuant to Connecticut General Statutes §4-181a(b) for the Construction, Maintenance and Operation of a 785 MW Dual-Fuel Combined Cycle Electric Generating Facility Located North of the Prokop Road and Towantic Hill Road Intersection in the Town of Oxford, Connecticut—CPV Towantic, LLC's Submittal of Connecticut DEEP Letter

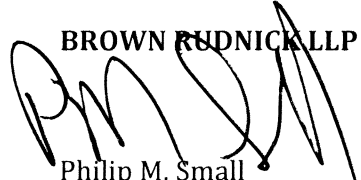
Dear Chairman Stein:

On behalf of CPV Towantic, LLC ("CPV"), enclosed are sixteen (16) copies of CT DEEP Category 2 Screening for Section 401 Water Quality Certification Letter, dated March 12, 2015.

Please contact Franca L. DeRosa, Esq. or me at (860) 509-6500 with any questions.

Very truly yours,

BROWN RUDNICK LLP



Philip M. Small
Counsel for CPV Towantic, LLC

PMS/jmb
Enclosures
cc: Service List

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CERTIFICATE OF SERVICE

This is to certify that on this 13th day of March, 2015, the foregoing document was sent via electronic mail, and/or first class mail, to the persons on the attached service list.

By: _____

Philip M. Small

A handwritten signature in black ink, appearing to be 'P. M. Small', is written over a horizontal line. The signature is stylized and cursive.



SERVICE LIST OF PARTIES AND INTERVENORS

Status Granted	Status Holder (name, address & phone number)	Representative (name, address & phone number)
Applicant	CPV Towantic, L.L.C.	Franca L. DeRosa, Esq. Philip M. Small, Esq. Brown Rudnick LLP 185 Asylum Street Hartford, CT 06103 (860) 509-6500 (860) 509-6501 — fax fderosa@brownrudnick.com psmall@brownrudnick.com
Party	Jay Halpern 58 Jackson Cove Road Oxford, CT 06478 h: (203) 888-4976 zoarmonster@sbcglobal.net Peter Thomas 72 Towantic Hill Road Oxford, CT 06478 (203) 720-1536	
Intervenor	Town of Middlebury	Attorney Dana A. D'Angelo Law Offices of Dana D'Angelo, LLC 20 Woodside Avenue Middlebury, CT 06762 (203) 598-3336 (203) 598-7283 - fax Dangelo.middlebury@snet.net Stephen L. Savarese, Esq. 103 South Main Street Newtown, CT 06470 203-270-0077 attystephensavarese@gmail.com



Intervenor	The Connecticut Light and Power Company (CL&P)	<p>Stephen Gibelli, Esq. Associate General Counsel The Connecticut Light and Power Company P.O. Box 270 Hartford, CT 06141-0270 (860) 665-5513 (860) 665-5504 -fax gibels@nu.com</p> <p>John R. Morissette Manager-Transmission Siting and Permitting The Connecticut Light and Power Company P.O. Box 270 Hartford, CT 06141-0270 (860) 665-2036 morisjr@nu.com</p> <p>Christopher R. Bernard Manager, Regulatory Policy (Transmission) The Connecticut Light and Power Company P.O. Box 270 Hartford, CT 06141-0270 (860) 665-5967 (860) 665-3314 - fax bernacr@nu.com</p> <p>Stella Pace, Senior Engineer The Connecticut Light and Power Company Transmission and Interconnection Dept. P.O. Box 270 Hartford, CT 06141-0270 (860) 665-3569 pacess@nu.com</p> <p>Jeffery D. Cochran Northeast Utilities Service Company 107 Selden Street Berlin, CT 06037 860-665-3548 cochrid@nu.com</p>
Party	Town of Oxford	<p>Kevin W. Condon, Esq. Condon & Savitt PC P.O. Box 570 Ansonia, CT 06401 203-734-2511 condonsavitt@comcast.net</p>
Party	Naugatuck Valley Chapter Trout Unlimited	<p>Robert M. Perrella, Vice President TU Naugatuck/Pomperaug Valley Chapter 278 W. Purchase Road Southbury, CT 06488-1004 johnnytroutseed@charter.net</p>



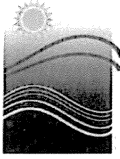
Intervenor	Town of Southbury	Ed Edelson First Selectman Town of Southbury 501 Main Street Southbury, CT 06488 (203) 262-0647 (203) 264-9762 - fax selectman@southbury-ct.gov
Party	The Pomperaug River Watershed Coalition	Len DeJong, Executive Director Pomperaug River Watershed Coalition 39 Sherman Hill Road, C103 Woodbury, CT 06798 203-263-0076 LDejong@pomperaug.org
Intervenor (approved 06/07/06)	Raymond Pietrorazio 764 Charcoal Avenue Middlebury, CT 06762-1311 (203) 758-2413 (203) 758-9519 - fax ray@ctcombustion.com	
Intervenor (approved 10/10/06)	GE Energy Financial Services, Inc.	Jay F. Malcynsky The Law Offices of Jay F. Malcynsky, P.C. One Liberty Square New Britain, CT 06051 (860) 229-0301 (860) 225-4627 - fax jmalcynsky@gaffneybennett.com
Intervenor (Approved 11/13/14)	Borough of Naugatuck and Borough of Naugatuck Water Pollution Control Authority	Edward G. Fitzpatrick, Esq. Alicia K. Perillo, Esq. Fitzpatrick, Mariano, Santos, Sousa, PC 203 Church Street Naugatuck, CT 06770 203-729-4555 Fitz@fmslaw.org Alicia@fmslaw.org Ronald Merancy, Chairman Water Pollution Control Authority 229 Church Street Naugatuck, CT 06770 203-720-7000 Rjm62159@aol.com
Intervenor (Approved 1/8/15)	Wayne McCormack 593 Putting Green Lane Oxford, CT 06478 wayne@waynemccormack.com	



Intervenor (Approved 1/8/15)	Naugatuck River Revival Group, Inc.	Kevin R. Zak, President Naugatuck River Revival Group, Inc. 132 Radnor Avenue Naugatuck, CT 06770 203-530-7850 kznrrg@sbcglobal.net
Intervenor (Approved 1/8/15)	Westover Hills Subdivision Homeowners	Chester Cornacchia Westover Hills Subdivision Homeowners 53 Graham Ridge Road Naugatuck, CT 06770 203-206-9927 cc@necsonline.com
Intervenor (Approved 1/8/15)	Westover School	Kate J. Truini Alice Hallaran Westover School 1237 Whittemore Road Middlebury, CT 06762 203-758-2423 ktruini@westoverschool.org ahallaran@westoverschool.org
Intervenor (Approved 1/8/15)	Greenfields, LLC and Marian Larkin	Edward S. Hill, Esq. Cappalli & Hill, LLC 325 Highland Avenue Cheshire, CT 06410 203-272-2607 ehill@cappalihill.com
Intervenor (Approved 1/8/15)	Lake Quassapaug Association, LLC	Ingrid Manning, Vice President Lake Quassapaug Association, LLC P.O. Box 285 Middlebury, CT 06762 203-758-1692 Ingridmanning2@gmail.com
Intervenor (Approved 1/8/15)	Middlebury Land Trust, Inc.	W. Scott Peterson, M.D., President Middlebury Land Trust, Inc. 317 Tranquility Road Middlebury, CT 06762 203-574-2020 wsp@aya.yale.edu
Intervenor (Approved 1/15/15)	Quassy Amusement Park	George Frantzis Quassy Amusement Park P.O. Box 1107 Middlebury, CT 06762 203-758-2913 x108 George@quassy.com



Intervenor (Approved 1/15/15)	Middlebury Bridle Land Association	Nancy Vaughan Middlebury Bridle Land Association 64 Sandy Hill Road Middlebury, CT 06762 203-598-0697 ndzjavaughan@gmail.com
Intervenor (Approved 1/15/15)	Dennis Kocyla 28 Benz Street Ansonia, CT 06401 203-736-7182 Dennis3141@yahoo.com	
Intervenor (Approved 1/15/15)	Naugatuck Valley Audubon Society	Sophie Zyla Jeff Ruhloff Carl Almonte Naugatuck Valley Audubon Society 17 Stoddard Place Beacon Falls, CT 06403 203-888-7945 NVASeditor@mail.com
Intervenor (Approved 1/15/15)	Oxford Flying Club	Burton L. Stevens Oxford Flying Club P.O. Box 371 Woodbury, CT 06798 203-236-5158 bstevens@snet.net



Robert DeSista, Chief
Regulatory and Enforcement Branch
U.S. Army Corps of Engineers
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robert.j.desista@usace.army.mil

CPV Towantic, LLC
50 Braintree Hill Office Park, Suite 300
Braintree, MA 02184

Attn: Andrew Bazinet
abazinet@cpv.com

Re: Application for Department of the Army General Permit - State of Connecticut
Category 2 Screening for Section 401 Water Quality Certification (**Corrected**)

Dear Messrs. Desista & Bazinet:

The following application submitted for screening under the above referenced General Permit has been reviewed by staff of the Connecticut Department of Energy and Environmental Protection (DEEP), Inland Water Resources Division (the "Division").

Category 2 Eligible

The Division has determined that the activities are eligible for section 401 water quality certification under Category 2 of the General Permit subject to any conditions specified herein, and that an individual application to the DEEP is not required, provided that the project receives approval from the U.S. Army Corps of Engineers under Category 2 of the General Permit and that the authorized activities proceed as described in the application documentation.

PGP-201409826 (NAE-2014-2062) – CPV Towantic, LLC – 10,500 square feet of permanent inland water/wetland fill.

PROJECT DESCRIPTION: Construction of a new gas-fired electric generating facility on Woodruff Hill Road in Oxford, Connecticut.

Conditions:

1. All activities shall be constructed in accordance with the application documentation and plans entitled, "CPV Towantic Energy Center / Site Development / Oxford, Connecticut / ACOE Permit Submission Set," dated September 26, 2014, revised to February 24, 2015, by Civil 1.
2. **Monitoring of Wet Detention Basin Plantings.** The permittee shall monitor the wetland plantings within Stormwater Renovation Area "A" and Stormwater Renovation Area "B" in compliance with US Army Corps of Engineers' *New England District Compensatory Mitigation Guidance* (2010). All monitoring reports pursuant to said guidance shall, in addition to the US Army Corps of Engineers, be submitted to the Connecticut Department of Energy and Environmental Protection, Inland Water Resources Division, 79 Elm Street, Hartford, CT 06106.
3. **Turtle Conservation.** To limit the potential for impacts to Eastern Box Turtles (a Connecticut species of special concern) resulting from the construction of the CPV Towantic project, the permittee shall adhere to the following precautionary measures at any time that work is done during the turtle's active period of April 1 to November 1:

Prior to Construction:

- a. silt fencing shall be installed around the work area prior to construction and prior to the beginning or after the conclusion of the turtle hibernation period November 1 to April 1.
- b. the area within the perimeter of the silt fence shall be canvassed daily for a period of 2 weeks for the presence of turtles and any turtles found within the bounds of the silt fence shall be relocated outside of the bounds of the silt fence,

During Construction:

- c. work crews shall be appraised of the species description and possible presence prior to construction,
- d. work crews shall search the work area for eastern box turtles prior to the start of each construction day,
- e. any eastern box turtles encountered during the work shall be moved unharmed to an area immediately outside of the fenced work area and oriented in the same direction it was walking when found,
- f. all precautionary measures should be taken to avoid degradation to wetland habitats including any wet meadows and seasonal pools,
- g. work conducted in these habitats during the early morning and evening hours should occur with special care not to harm basking or foraging individuals,

- h. no heavy machinery or vehicles shall be parked in any turtle habitat and precautions shall be taken when the machinery is traveling to the work area to avoid turtles,
- i. all silt fencing shall be removed after work is completed when soils are stable so that reptile and amphibian movement between uplands and wetlands is not restricted.

Refer to the attached fact sheets for species and habitat description.

If you have any questions or need additional information, please contact Doug Hoskins at 860-424-4192, douglas.hoskins@ct.gov. Any correspondence submitted regarding this project should be directed to Doug Hoskins at the Inland Water Resources Division and should reference the application number.

March 12, 2015

Date

Cheryl A. Chase

Cheryl A. Chase, Director
Inland Water Resources Division
Bureau of Water Protection and Land Reuse

CC:DH

cc:

Bob Gilmore, DEEP IWRD (email)
Jeff Caiola, DEEP IWRD (email)
Susan Lee, ACOE, Susan.K.Lee@usace.army.mil
D. Gustafson, All-Points Technology Corporation, dgustafson@allpointstech.com

Connecticut Department of Energy & Environmental Protection

Eastern Box Turtle

Terrapene carolina carolina

State Species of Special Concern



Description

The eastern box turtle is probably the most familiar of the 8 species of turtles found in Connecticut's landscape. It is known for its high-domed carapace (top shell). The carapace has irregular yellow or orange blotches on a brown to black background that mimic sunlight dappling on the forest floor. The plastron (under shell) may be brown or black and may have an irregular pattern of cream or yellow. The length of the carapace usually ranges from 4.5 to 6.5 inches, but can measure up to 8 inches long. The shell is made up of a combination of scales and bones, and it includes the ribs and much of the backbone.

Each individual turtle has distinctive head markings. Males usually have red eyes and a concave plastron, while females have brown eyes and a flat plastron. Box turtles also have a horny beak, stout limbs, and feet that are webbed at the base. This turtle gets its name from its ability to completely withdraw into its shell, closing itself in with a hinged plastron. Box turtles are the only Connecticut turtle with this ability.

Range

Eastern box turtles are found throughout Connecticut, except at the highest elevations. They range from southeastern Maine to southeastern New York, west to central Illinois, and south to northern Florida.

Habitat and Diet

In Connecticut, this terrestrial turtle inhabits a variety of habitats, including woodlands, field edges, thickets, marshes, bogs, and stream banks. Typically, however, box turtles are found in well-drained forest bottomlands and open deciduous forests. They will use wetland areas at various times during the season. During the hottest part of a summer day, they will wander to find springs and seepages where they can burrow into the moist soil. Activity is restricted to mornings and evenings during summer, with little to no nighttime activity, except for egg-laying females. Box turtles have a limited home range where they spend their entire life, ranging from 0.5 to 10 acres (usually less than 2 acres).

Box turtles are omnivorous and will feed on a variety of food items, including earthworms, slugs, snails, insects, frogs, toads, small snakes, carrion, leaves, grass, berries, fruits, and fungi.

Life History

From October to April, box turtles hibernate by burrowing into loose soil, decaying vegetation, and mud. They tend to hibernate in woodlands, on the edge of woodlands, and sometimes near closed canopy wetlands in the forest. Box turtles may return to the same place to hibernate year after year. As soon as they come out of hibernation, box turtles begin feeding and searching for mates.

The breeding season begins in April and may continue through fall. Box turtles usually do not breed until they are about 10 years old. This late maturity is a result of their long lifespan, which can range up to 50 to even over 100 years of age. The females do not have to mate every year to lay eggs as they can store sperm for up to 4 years. In mid-May to late June, the females will travel from a few feet to more than a mile within their home range to find a location to dig a nest and lay their eggs. The 3 to 8 eggs are covered with dirt and left to be warmed by the sun. During this vulnerable time, skunks, foxes, snakes, crows, and raccoons often raid nests. Sometimes, entire nests are destroyed. If the eggs survive, they will hatch in late summer to early fall (about 2 months after being laid). If they hatch in the fall, the young turtles may spend the winter in the nest and come out the following spring.

As soon as the young turtles hatch, they are on their own and receive no care from the adults. This is a dangerous time for young box turtles because they do not develop the hinge for closing into their shell until they are about 4 to 5 years old. Until then, they cannot entirely retreat into their shells. Raccoons, skunks, foxes, dogs, and some birds will prey on young turtles.

Conservation Concerns

The eastern box turtle was once common throughout the state, mostly in the central Connecticut lowlands. However, its distribution is now spotty, although where found, turtles may be locally abundant. Because of the population decline in Connecticut, the box turtle was added to the state's List of Endangered, Threatened, and Special Concern Species when it was revised in 1998. It is currently listed as a species of special concern. The box turtle also is protected from international trade by the 1994 CITES treaty. It is of conservation concern in all the states where it occurs at its northeastern range limit, which includes southern New England and southeastern New York.

Many states have laws that protect box turtles and prohibit their collection. In Connecticut, eastern box turtles cannot be collected from the wild (DEP regulations 26-66-14A). Another regulation (DEP regulations 26-55-3D) "grandfathers" those who have a box turtle collected before 1998. This regulation limits possession to a single turtle collected before 1998. These regulations provide some protection for the turtles, but not enough to combat some of the even bigger threats these animals face. The main threats in Connecticut (and other states) are loss and fragmentation of habitat due to deforestation and spreading suburban development; vehicle strikes on the busy roads that bisect the landscape; and indiscriminate (and now illegal) collection of individuals for pets.

Loss of habitat is probably the greatest threat to turtles. Some turtles may be killed directly by construction activities, but many more are lost when important habitat areas for shelter, feeding, hibernation, or nesting are destroyed. As remaining habitat is fragmented into smaller pieces, turtle populations can become small and isolated.

Adult box turtles are relatively free from predators due to their unique shells. The shell of a box turtle is extremely hard. However, the shell is not hard enough to survive being run over by a vehicle. Roads bisecting turtle habitat can seriously deplete the local population. Most vehicle fatalities are pregnant females searching for a nest site.

How You Can Help

- Leave turtles in the wild. They should never be kept as pets. Whether collected singly or for the pet trade, turtles that are removed from the wild are no longer able to be a reproducing member of a population. Every turtle removed reduces the ability of the population to maintain itself.
- Never release a captive turtle into the wild. It probably would not survive, may not be native to the area, and could introduce diseases to wild populations.
- Do not disturb turtles nesting in yards or gardens.
- As you drive, watch out for turtles crossing the road. Turtles found crossing roads in June and July are often pregnant females and they should be helped on their way and not collected. Without creating a traffic hazard or compromising safety, drivers are encouraged to avoid running over

turtles that are crossing roads. Also, still keeping safety precautions in mind, you may elect to pick up turtles from the road and move them onto the side they are headed. Never relocate a turtle to another area that is far from where you found it.

- Learn more about turtles and their conservation concerns. Spread the word to others on how they can help Connecticut's box turtle population.



*The production of this Endangered and Threatened Species Fact Sheet Series is made possible by donations to the Endangered Species-Wildlife Income Tax Checkoff Fund.
(5/08)*