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April 3, 2023

FILED BY ELECTRONIC MAIL AND US MAIL

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

Re: **PETITION NO. 1487** – TRITEC Americas, LLC petition for a declaratory ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the proposed construction, maintenance and operation of a 1.97-megawatt AC solar photovoltaic electric generating facility located at 254 Putnam Road, Pomfret, Connecticut, and associated electrical interconnection.

Dear Attorney Bachman:

On behalf of TRITEC Americas, LLC (“Petitioner”), this letter to the Connecticut Siting Council (“Council”) is in response to Council’s Petition No. 1487 Decision dated June 10, 2022 (“Decision”), specifically Conditions #3 and #6.

Enclosed – and in response to Condition #3 of the Decision– please find a copy of the Final Connecticut Department of Environmental and Energy Protection Natural Diversity Database Final Determination letter.

Regarding Condition #6 of the Decision, Eversource, Petitioner, and Michaud Law Group met on February 2, 2023 to discuss the visual impact of the electrical interconnection and overall construction of the project. Eversource agreed to install Petitioner-owned equipment on utility-owned poles. This will reduce the number of utility poles from eighteen to ten poles.

Please feel free to contact me if you have any questions.

Very truly yours,

Paul R. Michaud



Connecticut Department of
**ENERGY &
ENVIRONMENTAL
PROTECTION**

July 26, 2022

Mr. Dean Gustafson
All-Points Technology Corporation, P.C.
567 Vauxhall Street Extension, Suite 311
Waterford, CT 06385
dgustafson@allpointstech.com

Project: Installation of Amaral Solar PV Solar Facility Located on 215 Acres at 254 Putnam Road in Pomfret, Connecticut
NDDDB Final Determination No.: 202103657
Expiration Date: July 26, 2024

Dear Dean Gustafson,

I have re-reviewed Natural Diversity Database maps and files regarding the area delineated on the map provided for Installation of Amaral Solar PV Solar Facility Located on 215 Acres at 254 Putnam Road in Pomfret, Connecticut.

NDDDB preliminary assessment, dated June 22, 2021, included the requirement to conduct survey work for multiple vertebrate species, including birds, bats, reptiles and amphibians, as well as multiple invertebrate species. Plant survey work was not required.

In response, we received a letter from All-Points Technology Corporation dated January 17, 2022 (updated April 22, 2022). The letter included three additional reports:

- *State-listed Invertebrate Host Plant Survey Results, Davison Environmental, LLC, October 13, 2021*
- *State-listed Bird Species Assessment, Davison Environmental, LLC*
- *State-listed Herpetological Habitat Assessment, Quinn Ecological, LLC, October 18, 2021*

I concur with the protection protocols measures listed in each report included in the All-Points Technology Corporation letter dated January 17, 2022, and these protection measures are detailed below, with additional clarifications and recommendations. Additionally, there will be a required restrictive conservation easement placed over the “forested wetland 2” that occurs on the eastern perimeter of the property to protect state listed owls. I have attached the promissory note to this determination.

Invertebrate Species

According to the Davison Environmental *State-listed Invertebrate Host Plant Survey* conducted on October 13, 2021, host plants observed for state-listed invertebrate species were observed on site along the upland slope to the east of the nearby wetland. However, this area is outside of the

project footprint and will not be impacted by the project activities. I concur with the report and no further conservation actions are required for the state-listed invertebrate species.

Grassland Birds

According to the Davison Environmental, LLC *State listed Bird Species Assessment* report, the project-specific recommendations will be implemented to prevent adverse impacts to state listed grassland birds during construction. In addition, post-construction vegetation management recommendations were developed to ensure long-term conservation of state-listed grassland bird species. These construction and post-construction recommendations are listed below.

Construction-phase Protection Measures

- Construction should be performed **outside** of the sensitive breeding season (April 1 through August 30).
- However, **if construction activities must be planned during the active peak breeding season** for grassland bird species (May 20 to August 20), these birds should be deterred from nesting within the Project limits by implementing the following measures:
 - The Project area should be mowed continuously twice per week starting on May 1st and continuing until construction begins;
 - Vegetation should not be allowed to exceed three inches in height during this period;
 - The twice per week mowing schedule should be maintained regardless of vegetation height (i.e., even if vegetation height remains below three inches), to serve as an additional deterrent to nest establishment; and,
 - Field surveys by qualified biologists should occur during this mowing period and through the month of May until construction begins to ensure that the measures are effectively deterring nest establishment. If this proves unsuccessful, remedial measures will be recommended.

Post-Construction/Project-phase Protection Measures (Mowing)

The following measures are intended for implementation within the fenced Facility. The likelihood of nesting occurring within the fenced compound and amongst the arrays is low. However, these birds may breed in the contiguous grassland habitat adjacent to the Facility and therefore would be subject to secondary impacts such as noise or visual disturbance that may affect nesting. Additionally, there is the potential for adults and fledglings to feed within the fenced compound.

- Mowing should be avoided from May 15th through August 15th, during the bird's nesting and fledgling period. Mowing conducted once per season is optimal, and should be done after October 15th when most species have entered fall/winter dormancy.
- Mower Speed: Mowing at slow speeds will allow animals to react and move out of the field.
- Mowing style: Avoid flail mower heads with guide bars that ride along the ground. Sickle bar mowers will have the least impact if mowing every 1-5 years.
- Mowing height: If mowing during the breeding season, retention of mowing stubble at a minimum height of 7 inches will reduce mortality and will leave important cover for wildlife.
- Directionality: If mowing during the breeding season is necessary, start mowing closest to the arrays and move outward toward the edge of the array field.
- Pre-Mowing Nest Surveys: If mowing outside of the nesting season is not possible, a pre-mowing inspection by an ornithologist is required to confirm that no nests are present within the mowing limits. That survey should occur no more than one week prior to the start of

mowing. Any activity by target species should be field flagged and/or conveyed to the contractor. If a nest site is observed within the mowing limits, no mowing should occur within 100 feet of the nest site until it is in-active, and the fledglings are fully mobile.

Amphibians and Reptiles

The State-listed Herpetological Habitat Assessment conducted by Quinn Ecological, LLC, and dated October 18, 2021, concluded that there is no suitable habitat for the Eastern spadefoot at the project site. I concur with the report and no additional surveys or mitigation measures are required for the Eastern spadefoot.

Although no state-listed turtles were observed during the survey period, the following protection protocols must be implemented to protect state listed turtles that may be utilizing the site:

- Install isolation measures (exclusionary fencing) and ensure that no equipment, vehicles or construction materials are stored outside of the exclusionary fencing;
- Conduct a pre-construction Contractor educational session with a qualified herpetologist and provide educational poster materials that will be displayed at all times throughout the duration of construction activities; and,
- Report any observations of the species directly to NDDB and provide a final report to the agency upon completion of construction.

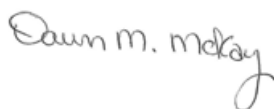
Bat Species

According to the All-Points Technology Corporation letter dated January 17, 2022, only limited tree removal will occur along Wrights Crossing Road. These trees are not considered valuable tree roosting bat habitat. I concur with the report and no time of year tree clearing restriction is required.

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
Thank you for consulting the Natural Diversity Data Base.

Sincerely,



Dawn M. McKay
Environmental Analyst 3

Promissory Note

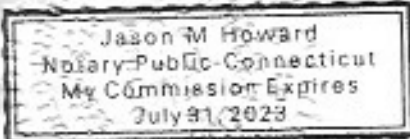
I, Mary L. Amaral, owner of the property located at 254 Putnam Road, in the Town of Pomfret, in Windham County, Connecticut, with a Map-Block-Lot ID of 10/ E/ 001.00/ / ("Property"), hereby acknowledge and approve the enclosed "Draft Restrictive Covenant and Dedication for Conservation" and "Proposed Conservation Easement Area," both pertaining to the Property.

Signed this 19 day of July, 2022.

Mary L. Amaral
Mary L. Amaral

Sworn to and subscribed before me this 19th day of July 2022.

Jason M Howard
Notary Public
Commission expires: July 31, 2023



Please return to:

VOLUME:

PAGE:

DRAFT

**RESTRICTIVE COVENANT AND DEDICATION
FOR CONSERVATION**

This Restrictive Covenant and Dedication is entered into by _____ (“Owner”). The terms, conditions, and restrictions set forth in this Restrictive Covenant and Dedication shall bind and apply to those certain pieces or parcels of land owned by Owner and more particularly described in Schedule A, attached hereto and made a part hereof (hereinafter “Conservation Area”). The purpose of this Restrictive Covenant and Dedication is to preserve the critical habitat (sand barren) by retaining forever predominantly in its natural, scenic, forested, and/or open space condition, the Conservation Area, while preventing any use of the Conservation Area that will significantly impair or interfere with the conservation values or interests of the Conservation Area in accordance with the goals and policies set forth in the Connecticut Endangered Species Act (Connecticut General Statutes sections 26-303 through 26-313).

The following specific terms, conditions, and restrictions shall be applicable to the Conservation Area:

There will be no development of any kind within the delineated portions of land on the Conservation Area denoted on the map attached hereto as Schedule B and more particularly described in Schedule A. "Development" is defined as the construction of any building, residential dwelling, structure, parking lot, driveway, road, or other temporary or permanent structure or improvement requiring construction. Notwithstanding the preceding sentence, the following activities shall be permitted in connection with the maintenance of the Conservation Area: The operation and maintenance of existing unpaved driveways, footpaths, hayfields and other minor surface alterations; excavation and fill as necessary to accomplish permitted building and silvicultural activities; and the construction, maintenance, and reconstruction of unpaved footpaths or unpaved parking areas as necessary to assure safe passage, to prevent erosion, or to enhance or protect the natural habitat the Conservation Area. In no circumstances shall any portion of the Conservation Area be used for recreational purposes, including but not limited to public walking paths or trails, and no public access shall be provided to or through the Conservation Area.

Any activity on, or use of, the Conservation Area which is inconsistent with or detrimental to the purposes of this Restrictive Covenant and Dedication is expressly prohibited unless authorized by the Department of Energy and Environmental Protection (hereinafter "CTDEEP"). Any uncertainty in the interpretation of this Restrictive Covenant and Dedication should be resolved in favor of conserving taxa protected under the Connecticut Endangered Species Act and their required habitat. Access to the Conservation Areas by CTDEEP or their authorized delegate for inspection, survey, investigation, or land use activities that benefit the listed taxa and/or habitat is permitted without authorization by Owner or its successors and assigns. CTDEEP agree to notify Owner or its successors and assigns 48 hours in advance of any such activity when practicable.

This Restrictive Covenant and Dedication will run with the land in favor of the State of Connecticut, will be binding upon Owner and its successors and assigns and shall inure to the benefit of the general public and the inhabitants of the State of Connecticut (excluding any rights of public access for recreational or other purposes) in perpetuity. Owner agrees that the term, conditions, and restrictions set forth in this Restrictive Covenant and Dedication may not be modified or terminated without the prior written consent of CTDEEP or its successors. Owner further agrees that the terms, conditions, restrictions and purposes of this Restrictive Covenant and Dedication or reference hereto will be inserted by Owner into any subsequent deed or other legal instrument by which Owner divests either the fee simple title or other possessory interest in the Conservation Area.

[Signature page follows]

IN WITNESS WHEREOF, Owner has set its hand.

OWNER

By: _____

Name: _____

Title: _____

Date Signed: _____

STATE OF _____)

_____)

COUNTY OF _____)

I certify that I know or have satisfactory evidence that _____ is the person who appeared before me, and s/he acknowledged that s/he signed this instrument, on oath stated that s/he was authorized to execute the instrument and acknowledged it as the _____ of **OWNER**, to be the free and voluntary act of such corporation for the uses and purposes mentioned in the instrument.

WITNESS by hand and official seal, this _____ day of _____, 2022.

[Signature of Notary]

[Print Name of Notary]

Notary Public in and for the State of Washington, residing at _____

[NOTARIAL SEAL]

My commission expires: _____

SCHEDULE A
to Restrictive Covenant

Legal description

[See attached]

To be attached with final, executed copy

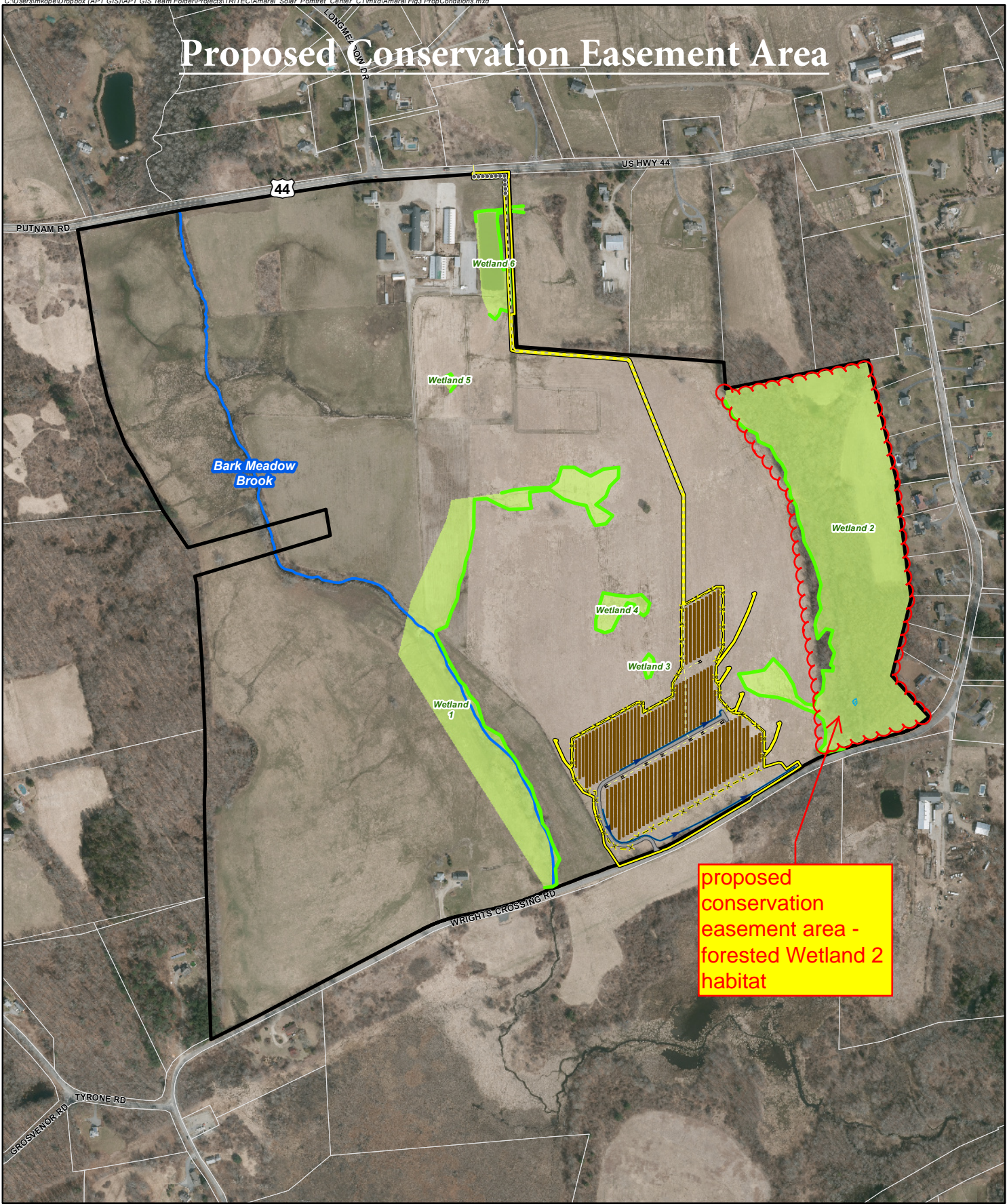
SCHEDULE B
to Restrictive Covenant

Survey

[see attached]

To be attached with final, executed copy

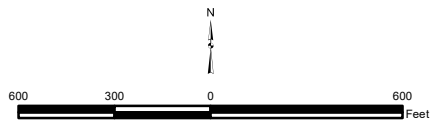
Proposed Conservation Easement Area



proposed
conservation
easement area -
forested Wetland 2
habitat

- Legend**
- Site
 - Approximate Parcel Boundary
 - Approximate Watercourse
 - Delineated Wetland Boundary
 - Approximate Wetland Area
 - Vernal Pool
 - Utility Pole
 - Stormwater Swale
 - Interconnection Path (UD)
 - Interconnection Path (OVH)
 - Perimeter Fence
 - Solar Modules
 - Conc. Equip. Pad
 - Gravel Access Road
 - Limit of Disturbance

Map Notes:
 Base Map Source: 2019 Aerial Photograph (CTECO)
 Map Scale: 1 inch = 600 feet
 Map Date: July 2021



Proposed Conditions Map
 Amara Solar Facility
 254 Putnam Road
 Pomfret Center, Connecticut

