

**Exhibit L**

USFWS Compliance Statement



## USFWS & NDDB COMPLIANCE STATUS

July 15, 2021

Mr. David Trepeck  
TRITEC Americas, LLC  
888 Prospect Street, Suite 200  
La Jolla, California 92037

Re: Amaran Solar Facility, 254 Putnam Road, Pomfret Center, Connecticut  
APT Job No: CT657100

On behalf of TRITEC Americas, LLC, All-Points Technology Corporation, P.C. ("APT") performed an evaluation with respect to possible federally- and state-listed, threatened, endangered or special concern species in order to determine if the proposed referenced solar energy generation facility ("Facility") would result in a potential adverse effect to listed species.

APT understands that TRITEC Americas, LLC proposes the construction of a solar energy generation facility on the southern portion of the ±215-acre Amaran farm property with access provided from Wrights Crossing Road and utility interconnection from Putnam Road (State Route 44) in Pomfret Center, Connecticut (the "Site").

### USFWS

The federal consultation was completed in accordance with Section 7 of the Endangered Species Act through the U.S. Fish and Wildlife Service's ("USFWS") Information, Planning, and Conservation System ("IPaC"). Based on the results of the IPaC review, one federally-listed<sup>1</sup> threatened species is known to occur in the vicinity of the Site documented as the northern long-eared bat ("NLEB"; *Myotis septentrionalis*). As a result of this preliminary finding, APT performed an evaluation to determine if the proposed referenced Facility would result in a likely adverse effect to NLEB.

The proposed Facility would be located in an open agricultural hay field and would require limited tree clearing; trees potentially provide NLEB habitat. Consultation with the Connecticut Department of Energy & Environmental Protection ("CTDEEP") Wildlife Division Natural Diversity Data Base ("NDDB") NLEB habitat map<sup>2</sup> revealed that the proposed Facility is not within 150 feet of a known occupied NLEB maternity roost tree and is not within 0.25 mile of a known NLEB hibernaculum. The nearest NLEB habitat resource to the proposed Facility is located ±40.4 miles to the west in East Granby.

APT submitted the effects determination using the NLEB key within the IPaC system for the proposed Facility (the "Action"). This IPaC key assists users in determining whether a Federal action is consistent

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<sup>1</sup> Listing under the federal Endangered Species Act

<sup>2</sup> *Northern long-eared bat areas of concern in Connecticut to assist with Federal Endangered Species Act Compliance map*. February 1, 2016.

with the activities analyzed in the USFWS's January 5, 2016, intra-Service Programmatic Biological Opinion ("PBO") on the Final 4(d) Rule for the NLEB for Section 7(a)(2) compliance.

Based upon the IPaC submission, the Action is consistent with activities analyzed in the PBO; please refer to the enclosed April 30, 2021 USFWS letter. The Action may affect NLEB; however, any take that may occur as a result of the Action is not prohibited under the ESA Section 4(d) rule adopted for this species at 50 CFR §17.40(o). If the USFWS does not respond within 30 days from the date of the letter (May 30, 2021), one may presume that the IPaC-assisted determination was correct and that the PBO satisfies and concludes TRITEC Americas' responsibilities for this Action under ESA Section 7(a)(2) with respect to NLEB. No response was received from USFWS; therefore, the Action complies with ESA Section 7(a)(2) with respect to NLEB for this Facility.

In addition, TRITEC Americas, LLC would consider the following USFWS voluntary conservation measures, where appropriate and as the project schedule allows, to reduce the potential for impact to NLEB.

- Conduct tree removal activities outside of the NLEB pup season (June 1-July 31) and active season (April 1-October 31) to minimize impacts to pups at roosts not yet identified.
- Avoid clearing suitable spring staging and fall swarming habitat within a five-mile radius of known or assumed NLEB hibernacula during the staging and swarming seasons (April 1-May 15 and August 15-November 14, respectively). *Not applicable: site is located > 5 miles from the nearest hibernacula.*
- Maintain dead trees (snags) and large trees when possible.
- Use herbicides and pesticides only if unavoidable. If necessary, spot treatment is preferred over aerial application.
- Minimize exterior lighting, opting for down-shielded, motion-sensor security lights instead of constant illumination.

### **NDDB**

APT reviewed the most recent DEEP NDDB mapping (June 2021), which revealed that a NDDB polygon encompasses the entire Site; please refer to the attached NDDB map. Because state-listed species or communities are documented on the Site, consultation with NDDB is required and a preliminary assessment review request was submitted on March 9, 2021. A NDDB preliminary assessment letter was received on June 22, 2021 (NDDB Preliminary Assessment No. 202103657; please see attached), which identified several State-listed species either on or proximate to the Site.

TRITEC Americas, LLC is currently in the process of scheduling required surveys and will be consulting with NDDB on the results of such surveys. Recommendations for possible protection/conservation measures associated with these species, as necessary, will be included with this consultation to address potential impacts associated with the Project. The findings of these surveys and NDDB consultation will be provided to the Council under separate cover upon completion of the surveys and consultation.

Therefore, the proposed TRITEC Americas, LLC Facility is not anticipated to adversely impact any federal threatened or endangered species. Consultation with NDDDB with respect to the Facility's potential impact to State-listed threatened, endangered, or species of special concern and what protection/conservation measures will be necessary to avoid impacts to State-listed species is currently ongoing.

Sincerely,  
All-Points Technology Corporation, P.C.



Dean Gustafson  
Senior Biologist

Enclosures

# USFWS NLEB Letter

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## United States Department of the Interior



FISH AND WILDLIFE SERVICE  
New England Ecological Services Field Office  
70 Commercial Street, Suite 300  
Concord, NH 03301-5094  
Phone: (603) 223-2541 Fax: (603) 223-0104  
<http://www.fws.gov/newengland>

IPaC Record Locator: 772-101697291

April 30, 2021

Subject: Consistency letter for the 'TRITEC Amaral' project indicating that any take of the northern long-eared bat that may occur as a result of the Action is not prohibited under the ESA Section 4(d) rule adopted for this species at 50 CFR §17.40(o).

Dear Deborah Gustafson:

The U.S. Fish and Wildlife Service (Service) received on April 30, 2021 your effects determination for the 'TRITEC Amaral' (the Action) using the northern long-eared bat (*Myotis septentrionalis*) key within the Information for Planning and Consultation (IPaC) system. You indicated that no Federal agencies are involved in funding or authorizing this Action. This IPaC key assists users in determining whether a non-Federal action may cause “take”<sup>[1]</sup> of the northern long-eared bat that is prohibited under the Endangered Species Act of 1973 (ESA) (87 Stat.884, as amended; 16 U.S.C. 1531 et seq.).

Based upon your IPaC submission, any take of the northern long-eared bat that may occur as a result of the Action is not prohibited under the ESA Section 4(d) rule adopted for this species at 50 CFR §17.40(o). Unless the Service advises you within 30 days of the date of this letter that your IPaC-assisted determination was incorrect, this letter verifies that the Action is not likely to result in unauthorized take of the northern long-eared bat.

Please report to our office any changes to the information about the Action that you entered into IPaC, the results of any bat surveys conducted in the Action area, and any dead, injured, or sick northern long-eared bats that are found during Action implementation.

If your Action proceeds as described and no additional information about the Action’s effects on species protected under the ESA becomes available, no further coordination with the Service is required with respect to the northern long-eared bat.

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[1]Take means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct [ESA Section 3(19)].

## Action Description

You provided to IPaC the following name and description for the subject Action.

### 1. Name

TRITEC Amaral

### 2. Description

The following description was provided for the project 'TRITEC Amaral':

TRITEC Americas, LLC intends to lease a portion of the +/-215.32-acre property located at 254 Putnam Road, Pomfret Center, Connecticut for development of a +/- 1.9 (AC) megawatt solar photovoltaic electric generating facility.

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@41.8917642,-71.93684431841533,14z>



### Determination Key Result

This non-Federal Action may affect the northern long-eared bat; however, any take of this species that may occur incidental to this Action is not prohibited under the final 4(d) rule at 50 CFR §17.40(o).

### Determination Key Description: Northern Long-eared Bat 4(d) Rule

This key was last updated in IPaC on **May 15, 2017**. Keys are subject to periodic revision.

This key is intended for actions that may affect the threatened northern long-eared bat.

The purpose of the key for non-Federal actions is to assist determinations as to whether proposed actions are excepted from take prohibitions under the northern long-eared bat 4(d) rule.

If a non-Federal action may cause prohibited take of northern long-eared bats or other ESA-listed animal species, we recommend that you coordinate with the Service.

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## Determination Key Result

Based upon your IPaC submission, any take of the northern long-eared bat that may occur as a result of the Action is not prohibited under the ESA Section 4(d) rule adopted for this species at 50 CFR §17.40(o).

## Qualification Interview

1. Is the action authorized, funded, or being carried out by a Federal agency?

*No*

2. Will your activity purposefully **Take** northern long-eared bats?

*No*

3. [Semantic] Is the project action area located wholly outside the White-nose Syndrome Zone?

**Automatically answered**

*No*

4. Have you contacted the appropriate agency to determine if your project is near a known hibernaculum or maternity roost tree?

Location information for northern long-eared bat hibernacula is generally kept in state Natural Heritage Inventory databases – the availability of this data varies state-by-state. Many states provide online access to their data, either directly by providing maps or by providing the opportunity to make a data request. In some cases, to protect those resources, access to the information may be limited. A web page with links to state Natural Heritage Inventory databases and other sources of information on the locations of northern long-eared bat roost trees and hibernacula is available at [www.fws.gov/midwest/endangered/mammals/nleb/nhisites.html](http://www.fws.gov/midwest/endangered/mammals/nleb/nhisites.html).

*Yes*

5. Will the action affect a cave or mine where northern long-eared bats are known to hibernate (i.e., hibernaculum) or could it alter the entrance or the environment (physical or other alteration) of a hibernaculum?

*No*

6. Will the action involve Tree Removal?

*Yes*

7. Will the action only remove hazardous trees for the protection of human life or property?

*No*

8. Will the action remove trees within 0.25 miles of a known northern long-eared bat hibernaculum at any time of year?

*No*

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9. Will the action remove a known occupied northern long-eared bat maternity roost tree or any trees within 150 feet of a known occupied maternity roost tree from June 1 through July 31?

*No*

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## Project Questionnaire

**If the project includes forest conversion, report the appropriate acreages below. Otherwise, type '0' in questions 1-3.**

1. Estimated total acres of forest conversion:

0.2

2. If known, estimated acres of forest conversion from April 1 to October 31

0.2

3. If known, estimated acres of forest conversion from June 1 to July 31

0.2

**If the project includes timber harvest, report the appropriate acreages below. Otherwise, type '0' in questions 4-6.**

4. Estimated total acres of timber harvest

0

5. If known, estimated acres of timber harvest from April 1 to October 31

0

6. If known, estimated acres of timber harvest from June 1 to July 31

0

**If the project includes prescribed fire, report the appropriate acreages below. Otherwise, type '0' in questions 7-9.**

7. Estimated total acres of prescribed fire

0

8. If known, estimated acres of prescribed fire from April 1 to October 31

0

9. If known, estimated acres of prescribed fire from June 1 to July 31

0

**If the project includes new wind turbines, report the megawatts of wind capacity below. Otherwise, type '0' in question 10.**

10. What is the estimated wind capacity (in megawatts) of the new turbine(s)?

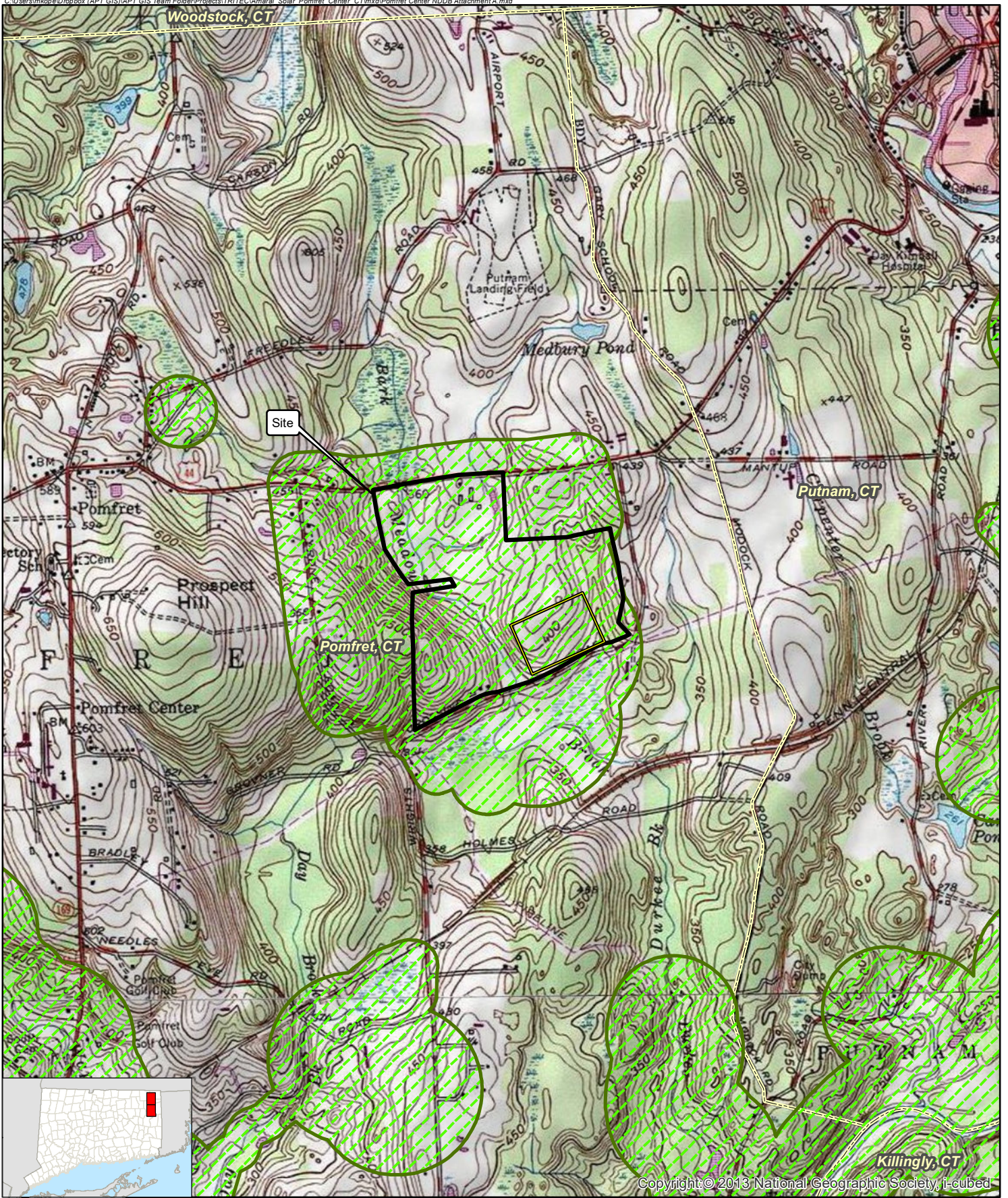
0

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
# NDDDB Map

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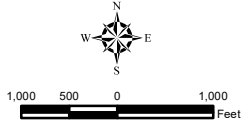




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- Legend**
-  Site
  -  Approximate Project Area
  -  Natural Diversity Database (updated June 2021)
  -  Municipal Boundary

**Map Notes:**  
 Base Map Source: USGS 7.5 Minute Topographic  
 Quadrangle Maps, Danielson, CT (1970) and Putnam, CT (1970)  
 Map Scale: 1:24,000  
 Map Date: February 2021



**Attachment A:  
 Overview Map**

Proposed Solar Energy Facility  
 254 Putnam Road  
 Pomfret Center, Connecticut





# NDDDB Preliminary Assessment Letter

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Connecticut Department of  
**ENERGY &  
ENVIRONMENTAL  
PROTECTION**

June 22, 2021

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

Project: Preliminary Assessment for Installation of Amaral Solar PV Solar Facility Located on 215 Acres at 254 Putnam Road in Pomfret, Connecticut  
NDDDB Preliminary Assessment No.: 202103657

Dear Dean Gustafson,

I have 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. 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 have attached a list of species known from this area.

Please be advised that this is a preliminary review and not a final determination. A more detailed review will be necessary to move forward with any environmental permit applications submitted to DEEP for the proposed project. **This preliminary assessment letter cannot be used or submitted with registrations permit applications at DEEP.** This letter is valid for one year.

To prevent impacts to State-listed species, field surveys of the site should be performed by a qualified biologist with the appropriate scientific collecting permits at a time when these target species are identifiable. A report summarizing the results of such surveys should include:

1. Survey date(s) and duration.
2. Site descriptions and photographs.
3. List of component vascular plant and animal species within the survey area (including scientific binomials).
4. Data regarding population numbers and/or area occupied by State-listed species. Include special plant and/or animal forms found at:  
[https://www.ct.gov/deep/cwp/view.asp?a=2702&q=323460&deepNav\\_GID=1628](https://www.ct.gov/deep/cwp/view.asp?a=2702&q=323460&deepNav_GID=1628)
5. Detailed maps of the area surveyed including the survey route and locations of State listed species.
6. Conservation strategies or protection plans that indicate how impacts may be avoided for all state listed species present on the site.
7. Statement/résumé indicating the biologist's qualifications. Please be sure when you hire a consulting qualified biologist to help conduct this site survey that they have the

proper experience with target taxon and have a CT scientific collectors permit to work with state listed species for this specific project.

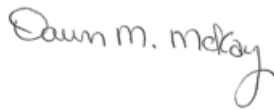
The site surveys report should be sent to our CT DEEP-NDDDB Program ([deep.nddbrequest@ct.gov](mailto:deep.nddbrequest@ct.gov)) for further review by our program biologists **along with an updated request** for another NDDDB review. Incomplete reports may not be accepted.

If you do not intend to do site surveys to determine the presence or absence of state-listed species, then you should presume species are present and let us know how you will protect the state-listed species from being impacted by this project. You may submit these best management practices or protection plans with your new request for an NDDDB review. Please be sure these protection plans are developed by taxonomic experts (biologists) familiar with Connecticut plants, birds, invertebrates, reptiles and amphibians. After reviewing your new NDDDB request form and the documents describing how you will protect these species from project impacts we will make a final determination and provide you with a letter from our program to use with DEEP-Permits.

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 NDDDB 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

# Species List for NDDB Request

Scientific Name	Common Name	State Status
<b>Animal Assemblage</b>		
Owl Roost		
<b>Invertebrate Animal</b>		
Acronicta falcata	Corylus dagger moth	SC
Hemaris gracilis	Slender clearwing	T
Hemileuca maia maia	Barrens buck moth	E
Metarranthis apiciaria	Barrens metarranthis moth	SC
<b>Vertebrate Animal</b>		
Asio flammeus	Short-eared owl	T
Asio otus	Long-eared owl	E
Botaurus lentiginosus	American bittern	E
Cistothorus platensis	Sedge wren	E
Clemmys guttata	Spotted turtle	SC
Dolichonyx oryzivorus	Bobolink	SC
Falco sparverius	American kestrel	SC
Glyptemys insculpta	Wood turtle	SC
Lasionycteris noctivagans	Silver-haired bat	SC
Lasiurus borealis	Red bat	SC
Passerculus sandwichensis	Savannah sparrow	SC
Podilymbus podiceps	Pied-billed grebe	E
Progne subis	Purple martin	SC
Scaphiopus holbrookii	Eastern spadefoot	E

E = Endangered, T = Threatened, SC = Special Concern, \* Extirpated