

USFWS IPaC Review



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>

In Reply Refer To:
Project Code: 2022-0025149
Project Name: Old Amston Road Fuel Cell

March 29, 2022

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

Please review this letter each time you request an Official Species List, we will continue to update it with additional information and links to websites may change.

About Official Species Lists

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Federal and non-Federal project proponents have responsibilities under the Act to consider effects on listed species.

The enclosed species list identifies threatened, endangered, proposed, and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 et seq.).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested by returning to an existing project's page in IPaC.

Endangered Species Act Project Review

Please visit the “**New England Field Office Endangered Species Project Review and Consultation**” website for step-by-step instructions on how to consider effects on listed

species and prepare and submit a project review package if necessary:

<https://www.fws.gov/newengland/endangeredspecies/project-review/index.html>

NOTE Please do not use the **Consultation Package Builder** tool in IPaC except in specific situations following coordination with our office. Please follow the project review guidance on our website instead and reference your **Project Code** in all correspondence.

Additional Info About Section 7 of the Act

Under section 7(a)(2) of the Act and its implementing regulations (50 CFR 402 et seq.), Federal agencies are required to determine whether projects may affect threatened and endangered species and/or designated critical habitat. If a Federal agency, or its non-Federal representative, determines that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Federal agency also may need to consider proposed species and proposed critical habitat in the consultation. 50 CFR 402.14(c)(1) specifies the information required for consultation under the Act regardless of the format of the evaluation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

In addition to consultation requirements under Section 7(a)(2) of the ESA, please note that under sections 7(a)(1) of the Act and its implementing regulations (50 CFR 402 et seq.), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species. Please contact NEFO if you would like more information.

Candidate species that appear on the enclosed species list have no current protections under the ESA. The species' occurrence on an official species list does not convey a requirement to consider impacts to this species as you would a proposed, threatened, or endangered species. The ESA does not provide for interagency consultations on candidate species under section 7, however, the Service recommends that all project proponents incorporate measures into projects to benefit candidate species and their habitats wherever possible.

Migratory Birds

In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts see:

<https://www.fws.gov/birds/policies-and-regulations.php>

Please feel free to contact us at **newengland@fws.gov** with your **Project Code** in the subject line if you need more information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat.

Attachment(s): Official Species List

Attachment(s):

- Official Species List
-

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

New England Ecological Services Field Office

70 Commercial Street, Suite 300

Concord, NH 03301-5094

(603) 223-2541

Project Summary

Project Code: 2022-0025149

Event Code: None

Project Name: Old Amston Road Fuel Cell

Project Type: Power Gen - Other

Project Description: ReNew Developers, LLC intends to develop a portion of a +/- 17.77-acre Property with a +/-5.0 (AC) megawatt fuel cell electric generating facility, incorporating technology provided by Bloom Energy Corporation.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@41.59407435,-72.33424477538969,14z>



Counties: New London County, Connecticut

Endangered Species Act Species

There is a total of 2 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

-
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Mammals

NAME	STATUS
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9045	Threatened

Insects

NAME	STATUS
Monarch Butterfly <i>Danaus plexippus</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9743	Candidate

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

IPaC User Contact Information

Agency: All-Points Technology Corporation, P.C.
Name: Deborah Gustafson
Address: 567 Vauxhall Street Extension
Address Line 2: Suite 311
City: Waterford
State: CT
Zip: 06235
Email: dleonardo@allpointstech.com
Phone: 8609849514



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>

In Reply Refer To:
Project code: 2022-0025149
Project Name: Old Amston Road Fuel Cell

March 29, 2022

Subject: Consistency letter for the 'Old Amston Road Fuel Cell' 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 March 29, 2022 your effects determination for the 'Old Amston Road Fuel Cell' (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”^[1] 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.

The IPaC-assisted determination for the northern long-eared bat **does not** apply to the following ESA-protected species that also may occur in your Action area:

- Monarch Butterfly *Danaus plexippus* Candidate

You may coordinate with our Office to determine whether the Action may cause prohibited take of the animal species listed above.

[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

Old Amston Road Fuel Cell

2. Description

The following description was provided for the project 'Old Amston Road Fuel Cell':

ReNew Developers, LLC intends to develop a portion of a +/- 17.77-acre Property with a +/-5.0 (AC) megawatt fuel cell electric generating facility, incorporating technology provided by Bloom Energy Corporation.

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@41.59407435,-72.33424477538969,14z>



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.

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.

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?

No

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

0

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

0

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

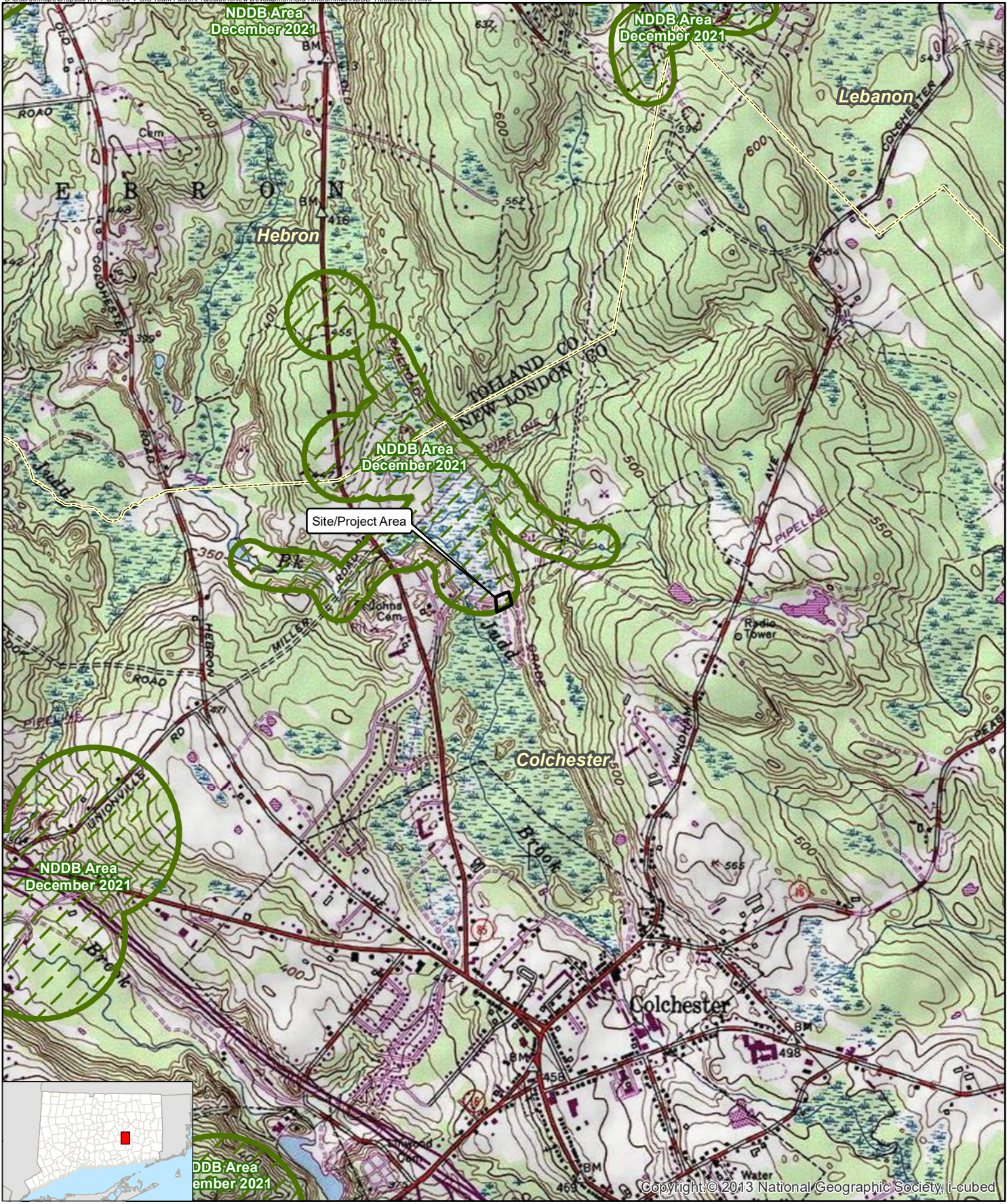
If the project includes new wind turbines, report the megawatts of wind capacity below. Otherwise, type '0' in question 10.

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

0




IPaC User Contact Information

Agency: All-Points Technology Corporation, P.C.
Name: Deborah Gustafson
Address: 567 Vauxhall Street Extension
Address Line 2: Suite 311
City: Waterford
State: CT
Zip: 06235
Email: dleonardo@allpointstech.com
Phone: 8609849514



Copyright © 2013 National Geographic Society; i-cubed

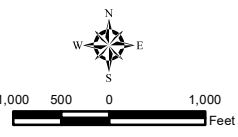
Legend

-  Site/Project Area
-  CTDEEP Natural Diversity Database (updated Dec 2021)
-  Municipal Boundary

NDDB Map

Proposed Fuel Cell Facility
 Old Amston Road
 Colchester, Connecticut

Map Notes:
 Base Map Source: USGS 7.5 Minute
 Topographic Quadrangle Map: Colchester, CT (1984)
 Map Scale: 1:24,000
 Map Date: March 2022



May 12, 2022

Dean Gustafson
All-Points Technology Corporation, PC
567 Vauxhall Street Ext, Wuite 311
Waterford, CT 06385
dgustafson@allpointstech.com

NDDB DETERMINATION NUMBER: 202205835

Project: Construction of a megawatt fuel cell electric generating facility, Old Amston Rd, Colchester

Expiration Date: May 12, 2024

I have reviewed Natural Diversity Data Base (NDDB) maps and files regarding this project. According to our records, there are State-listed species (RCSA Sec. 26-306) documented nearby the proposed project area.

Wood turtle (*Glyptemys insculpta*)- State Special Concern

Spotted turtle (*Clemmys guttata*)- State Special Concern

Wood turtle: Individuals of this species are riverine and riparian obligates, overwintering and mating in clear, cold, primarily sand-gravel and rock bottomed streams and foraging in riparian zones, fields and upland forests during the late spring and summer. They hibernate in the banks of the river in submerged tree roots between November 1 and March 31. Their summer habitat focuses within 90m (300ft of rivers) and they regularly travel 300m (0.2 mile) from rivers during this time. During summer they seek out early successional habitat: pastures, old fields, woodlands, powerline cuts and railroad beds bordering or adjacent to streams and rivers. Their habitat in Connecticut is already severely threatened by fragmentation of riverine, instream, riparian, and upland habitats, but is exacerbated by heavy adult mortality from machinery, cars, and collection. This is compounded by the species late maturity, low reproductive potential, and high nest and hatchling depredation rates.

Spotted turtle: Individuals of this species are associated with wetlands and vernal pools. Over the course of a season and lifetime, individuals will travel large distances (up to 1km) over upland forest and fields between multiple wetlands. They overwinter burrowed into the mud in wetlands between Nov 1- March 15. They do not begin to reproduce until 7-10 years old and adults can live at least 30 years. This species is threatened most by any activities that reduce adult survivorship including road kills, commercial and casual collection, increased predation in areas around commercial and residential development, mortality and injury from agricultural equipment or other mechanical equipment.

- I do not anticipate impacts from work that occurs during the dormant season (November 1- March 15).

For all work conducted during the active season (March 16- Oct 31):

- **Install exclusionary practices to prevent any turtle access into disturbance areas.** These measures will need to be installed at the limits of disturbance as shown on the plans, and also include areas of staging and storage.

- Exclusionary fencing be at least 20 in tall and must be secured to and remain in contact with the ground and be regularly maintained (at least bi-weekly and after major weather events) to secure any gaps or openings at ground level that may let animal pass through.
- All work areas including staging and storage areas, outside of previously paved locations, regardless of the duration of time they will be utilized, must be reviewed to remove individuals and exclude them from re-entry.
- All construction personnel working within the turtle habitat must be apprised of the species description and the possible presence of a listed species.
- Any turtles encountered within the immediate work area shall be carefully moved to an adjacent area outside of the excluded area and fencing should be inspected to identify and remove access point. These animals are protected by law and no turtles should be relocated from the site.

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 Bureau of Natural Resources and cooperating units of DEEP, independent 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 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 in the NDDB as it becomes available.

Please contact me if you have any questions (shannon.kearney@ct.gov). Thank you for consulting with the Natural Diversity Data Base and continuing to work with us to protect State-listed species.

Sincerely,

/s/ Shannon B. Kearney
Wildlife Biologist