



USFWS & NDDB COMPLIANCE

August 15, 2022

ReNew Developers LLC
103 South Main Street, Box 734
Colchester, Connecticut 06415

Re: Bristol Fuel Cell Power Plant: 234 Riverside Avenue, Bristol, CT
APT Job No: CT716120

On behalf of ReNew Developers LLC ("ReNew"), 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 fuel cell power plant ("Facility") would result in a potential adverse effect to listed species.

The proposed project would consist of construction of a ± 4.0 megawatt fuel cell electric generating facility on a privately owned and commercially developed ± 1.52 -acre property at 234 Riverside Avenue in Bristol, Connecticut (referred to herein as the "Site"). The Site, which formerly housed an auto sales and service business, is located at the intersection of Riverside Avenue (State Route 72) and East Street. The Facility would be sited within an existing paved parking area located east of an existing vacant commercial building.

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-listed¹ 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 Facility would result in a likely adverse effect to NLEB.

The proposed Facility would be located in a developed portion of the Site and will require no tree clearing and therefore would not impact habitat used by NLEB. Consultation with the Connecticut Department of Energy & Environmental Protection ("CTDEEP") Wildlife Division Natural Diversity Data Base ("NDDB") 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 ± 10.9 miles to the northwest in Morris.

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

¹ Listing under the federal Endangered Species Act

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 July 19, 2022, 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 (August 19, 2022), one may presume that the IPaC-assisted determination was correct and that the PBO satisfies and concludes ReNew's 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.

NDDB

No known areas of state-listed species are currently depicted on the most recent CTDEEP NDDB Maps in the location of the proposed ReNew Facility or on the Site. Please refer to the enclosed NDDB Map which depicts the nearest NDDB buffer ± 0.76 mile south of the Site. Since the proposed Facility and Site are not located within a NDDB buffer area, consultation with DEEP is not required in accordance with their review policy or the Connecticut Siting Council's review policy.

Therefore, the proposed Facility is not anticipated to adversely impact any federal or state threatened, endangered or special concern species.

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



Dean Gustafson
Senior Biologist

Enclosures

USFWS NLEB Letter



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

In Reply Refer To:
Project code: 2022-0063300
Project Name: Renew Developers Bristol Fuel Cell

July 19, 2022

Subject: Consistency letter for the 'Renew Developers Bristol 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 July 19, 2022 your effects determination for the 'Renew Developers Bristol 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

Renew Developers Bristol Fuel Cell

2. Description

The following description was provided for the project 'Renew Developers Bristol Fuel Cell':

Renew Developers intends to develop a portion of the ±1.6-acre Property with a ±4.0 (AC) megawatt fuel cell electric generating facility located at 234 Riverside Avenue, Bristol, Connecticut.

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@41.66975820000004,-72.93464493504212,14z>



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/media/nleb-roost-tree-and-hibernacula-state-specific-data-links-0.

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.

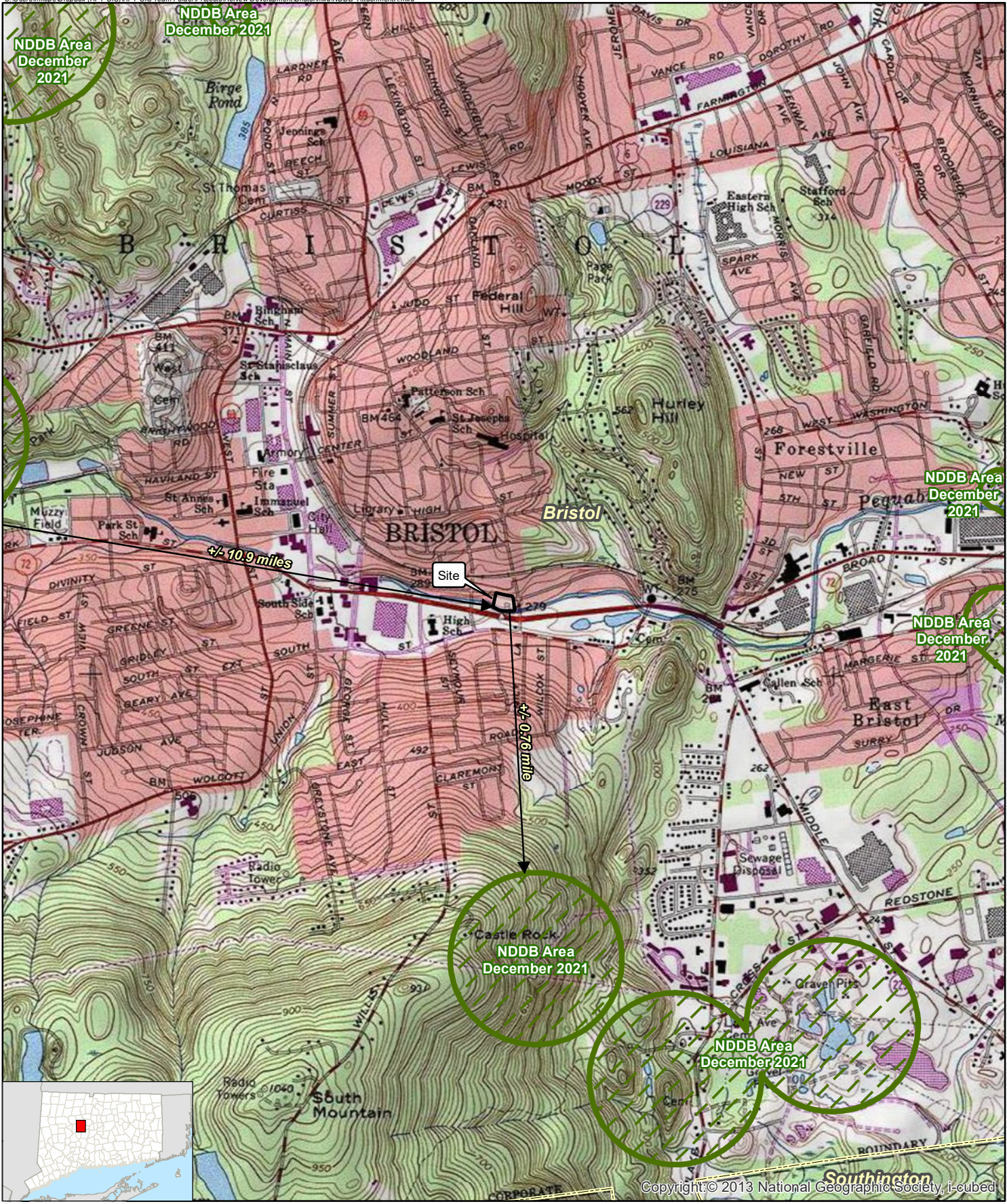
10. What is the estimated wind capacity (in megawatts) of the new turbine(s)?

0




IPaC User Contact Information

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State: CT
Zip: 06235
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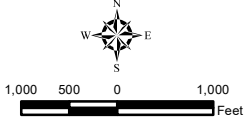
NDDDB Map



Legend

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

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



**NDDB Attachment A:
Overview Map**

Proposed Fuel Cell Facility
 234 Riverside Avenue
 Bristol, Connecticut

