



## 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: 2022-0069597  
 Project Name: 524 NLR, LLC: Colchester Salvage Yard

May 09, 2023

Federal Action Agency (if applicable):

**Subject:** Record of project representative's no effect determination for '524 NLR, LLC:  
 Colchester Salvage Yard'

Dear Deborah Gustafson:

This letter records your determination using the Information for Planning and Consultation (IPaC) system provided to the U.S. Fish and Wildlife Service (Service) on May 09, 2023, for '524 NLR, LLC: Colchester Salvage Yard' (here forward, Project). This project has been assigned Project Code 2022-0069597 and all future correspondence should clearly reference this number.

**Please carefully review this letter.**

### **Ensuring Accurate Determinations When Using IPaC**

The Service developed the IPaC system and associated species' determination keys in accordance with the Endangered Species Act of 1973 (ESA; 87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.) and based on a standing analysis. All information submitted by the Project proponent into the IPaC must accurately represent the full scope and details of the Project. Failure to accurately represent or implement the Project as detailed in IPaC or the Northern Long-eared Bat Rangewide Determination Key (Dkey), invalidates this letter.

### **Determination for the Northern Long-Eared Bat**

Based upon your IPaC submission and a standing analysis, your project has reached the determination of "No Effect" on the northern long-eared bat. To make a no effect determination, the full scope of the proposed project implementation (action) should not have any effects (either positive or negative), to a federally listed species or designated critical habitat. Effects of the action are all consequences to listed species or critical habitat that are caused by the proposed action, including the consequences of other activities that are caused by the proposed action. A consequence is caused by the proposed action if it would not occur but for the proposed action and it is reasonably certain to occur. Effects of the action may occur later in time and may

include consequences occurring outside the immediate area involved in the action. (See § 402.17).

Under Section 7 of the ESA, if a federal action agency makes a no effect determination, no consultation with the Service is required (ESA §7). If a proposed Federal action may affect a listed species or designated critical habitat, formal consultation is required except when the Service concurs, in writing, that a proposed action "is not likely to adversely affect" listed species or designated critical habitat [50 CFR §402.02, 50 CFR§402.13].

### **Other Species and Critical Habitat that May be Present in the Action Area**

The IPaC-assisted determination for the northern long-eared bat does not apply to the following ESA-protected species and/or critical habitat 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 affect the animal species listed above and, if so, how they may be affected.

### **Next Steps**

Based upon your IPaC submission, your project has reached the determination of “No Effect” on the northern long-eared bat. If there are no updates on listed species, no further consultation/coordination for this project is required with respect to the northern long-eared bat. However, the Service recommends that project proponents re-evaluate the Project in IPaC if: 1) the scope, timing, duration, or location of the Project changes (includes any project changes or amendments); 2) new information reveals the Project may impact (positively or negatively) federally listed species or designated critical habitat; or 3) a new species is listed, or critical habitat designated. If any of the above conditions occurs, additional coordination with the Service should take place to ensure compliance with the Act.

If you have any questions regarding this letter or need further assistance, please contact the New England Ecological Services Field Office and reference Project Code 2022-0069597 associated with this Project.

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**Action Description**

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

**1. Name**

524 NLR, LLC: Colchester Salvage Yard

**2. Description**

The following description was provided for the project '524 NLR, LLC: Colchester Salvage Yard':

524 NLR, LLC is proposing to lease a portion of the +/- 34.79-acre site located at 524 New London Road, Colchester, Connecticut for development of a +/-4.0 (AC) megawatt solar photovoltaic electric generating facility.

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@41.526981899999996,-72.30107410718469,14z>



## DETERMINATION KEY RESULT

Based on the information you provided, you have determined that the Proposed Action will have no effect on the Endangered northern long-eared bat (*Myotis septentrionalis*). Therefore, no consultation with the U.S. Fish and Wildlife Service pursuant to Section 7(a)(2) of the Endangered Species Act of 1973 (87 Stat. 884, as amended 16 U.S.C. 1531 *et seq.*) is required for those species.

## QUALIFICATION INTERVIEW

1. Does the proposed project include, or is it reasonably certain to cause, intentional take of the northern long-eared bat or any other listed species?

**Note:** Intentional take is defined as take that is the intended result of a project. Intentional take could refer to research, direct species management, surveys, and/or studies that include intentional handling/encountering, harassment, collection, or capturing of any individual of a federally listed threatened, endangered or proposed species?

*No*

2. The proposed action does not intersect an area where the northern long-eared bat is likely to occur, based on the information available to U.S. Fish and Wildlife Service as of the most recent update of this key. If you have data that indicates that northern long-eared bats are likely to be present in the action area, answer "NO" and continue through the key.

Do you want to make a no effect determination?

*Yes*

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# PROJECT QUESTIONNAIRE

**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: 8605522033

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