



## USFWS & NDDB COMPLIANCE

March 26, 2023

East Windsor Solar Two, LLC  
c/o Verogy  
124 LaSalle Road, 2nd Floor  
West Hartford, CT 06107

Re: East Hartford Solar Two: 31 Thrall Road, East Windsor, CT  
APT Job No: CT590340

On behalf East Windsor Solar Two, 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 East Windsor Solar Two, LLC proposes the construction of a solar energy generation facility to be located on property located at 31 Thrall Road, East Windsor, Connecticut ("Subject Property").

### USFWS

The federal consultation was completed in accordance with the Endangered Species Act consultation procedures 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> Endangered species is known to occur in the vicinity of the Subject Property 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 within a cultivated field and developed area with no tree clearing required. APT does not anticipate the Facility would impact NLEB habitat since trees potentially provide NLEB habitat. A review of 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 ±10.6 miles to the northwest in East Granby.

The NLEB has been reclassified as Endangered under the ESA effective March 31, 2023. The NLEB reclassification now eliminates use of the previous 4(d) rule for NLEB; 4(d) rules may only be applied to Threatened species. A NLEB Interim Consultation Framework has been developed by USFWS for

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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.

projects that are reasonably certain to occur before April 1, 2024 (date on which the NLEB Interim Consultation Framework expires) to facilitate transition from the 4(d) rule to typical ESA consultation procedures for Endangered species. APT submitted the effects determination using the new NLEB Determination Key ("Dkey") within the IPaC system for this Facility, which reached the determination of "no effect" on NLEB. Please refer to the enclosed USFWS March 21, 2023 letter confirming ESA compliance for NLEB; no further action is required.

### **NDDB**

No known areas of state-listed species are currently depicted on the most recent CTDEEP NDDB Maps in the location of the Facility or the Subject Property. Please refer to the enclosed NDDB Map which depicts the nearest NDDB buffer  $\pm 0.19$  mile southwest of the Subject Property. Since the Subject Property is not located within a NDDB buffer area, consultation with DEEP is not required in accordance with their review policy<sup>3</sup>.

Therefore, the proposed Facility is not anticipated to adversely impact any federal or state Threatened, Endangered or species of Special Concern.

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



Dean Gustafson  
Senior Biologist

Enclosures

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<sup>3</sup> DEEP Requests for NDDB State Listed Species Reviews.  
[http://www.ct.gov/deep/cwp/view.asp?a=2702&q=323466&deepNav\\_GID=1628%20](http://www.ct.gov/deep/cwp/view.asp?a=2702&q=323466&deepNav_GID=1628%20)

# USFWS NLEB Dkey 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

In Reply Refer To:  
Project code: 2023-0044570  
Project Name: Verogy East Windsor Solar Two  
IPaC Record Locator: 710-123915978

March 21, 2023

Federal Action Agency (if applicable):

**Subject:** Record of project representative's no effect determination for 'Verogy East Windsor Solar Two'

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 March 21, 2023, for 'Verogy East Windsor Solar Two' (here forward, Project). This project has been assigned Project Code 2023-0044570 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 2023-0044570 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**

Verogy East Windsor Solar Two

**2. Description**

The following description was provided for the project 'Verogy East Windsor Solar Two':

Verogy intends to lease a portion of the ±35.76-acre Property for development of a ±4.0 (AC) megawatt solar photovoltaic electric generating facility. Based on information from the Client, the Project would encompass approximately 17.7 acres.

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@41.894203950000005,-72.53150079124866,14z>



## 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 intersected an area where northern long-eared bat is not likely to occur.

Do you want to make a no effect determination?

*Yes*

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# PROJECT QUESTIONNAIRE



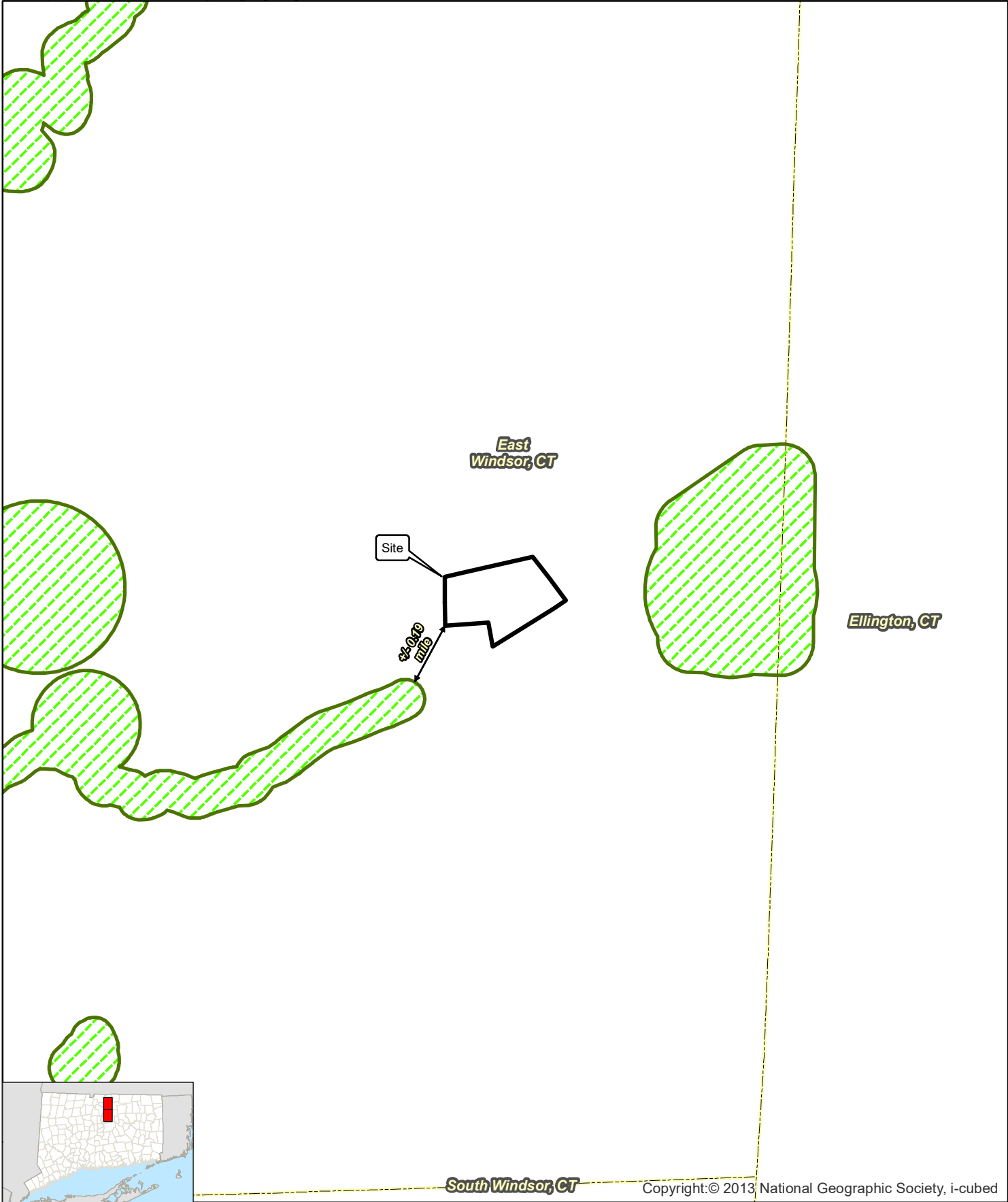
**IPAC USER CONTACT INFORMATION**

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: 8609849514




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# NDDDB Map

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**Legend**

-  Site
-  Natural Diversity Database (updated Dec 2022)
-  Municipal Boundary

**Map Notes:**  
 Base Map Source: USGS 7.5 Minute Topographic  
 Quadrangle Maps, Broad Brook, CT (1992) and  
 Manchester, CT (1984)  
 Map Scale: 1:24,000  
 Map Date: February 2023



**NDDB Map**

Proposed Solar Energy Facility  
 East Windsor Solar Two  
 31 Thrall Road  
 East Windsor, Connecticut