

Appendix D: CT DEEP Correspondence



8/31/2023

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Subject: Chamberlain Highway Berlin CT
Filing #: 99843
NDDB - New Determination Number: 202305841

Expiration Date: 8/31/2025

Location: 0 Chamberlain Hwy, Berlin, CT

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.

Eastern box turtle (*Terrapene carolina carolina*)- State Special Concern

In Connecticut, these turtles are found in well-drained forest bottomlands and a matrix of open deciduous forests, early successional habitat, fields, gravel pits, and or powerlines. Turtles are dormant between November 1 and April 1 and hibernate in only a few inches from the surface in forested habitat. The greatest threat to this species is habitat loss, fragmentation, and degradation due to development.

Jefferson salamander “complex” (*Ambystoma jeffersonianum*)- State Special Concern

Jefferson salamander “complex” results in the hybridization of the Jefferson salamander with the blue-spotted salamander. The hybrids can only be reliably distinguished by karyological and biochemical analyses. Jefferson salamanders prefer steep, rocky areas in or near undisturbed second growth forest with rotten logs and a heavy duff layer. They spend most of the year underground, but congregate during breeding cycles. Their breeding pools may be in hemlock groves or grassy pasture ponds. They actively breed from February – April. They are highly sensitive to pollution and habitat destruction. Populations are susceptible to high numbers of roadkills during spring breeding season when large numbers of animals migrate to temporary breeding pools.

General Site Design Recommendations:

If planned properly, you can increase the value of the habitat for wildlife and state listed species with your development.

- **Create a site management plan to promote native vegetation growth in the area under the solar panels.** Restoring native vegetation will attract pollinators and avoid the need for constant mowing.

Reduced need for mowing will reduce the risk for reptiles and amphibians.

- More specific management suggestions can be found here: <https://ag.umass.edu/clean-energy/services/pollinator-friendly-solar-pv-for-massachusetts>
- Provide habitat for wildlife and allow for connectivity for wildlife movement. Use wildlife-friendly fencing to allow movement through the solar development.
- Manage areas of the property where development is not occurring, or develop a management plan for when panels will be decommissioned to help support state listed species.

Construction protection measures:

Land disturbance activities need to consider local habitat features and apply fencing and/or time of year restrictions as appropriate. We recommend you consult with a herpetologist familiar with preferred habitats to assist you with proper techniques to ensure the best protection strategies are employed for your site and the scope of your project.

Your project indicates that work ground disturbance work will occur in an area that is currently a hayfield. This is not suitable dormant habitat for these species, and to minimize collision with these species during their breeding season, I recommend you:

- Conduct initial ground disturbance work between November 1- March 31.

For construction work conducted between March 16- October 31:

- Exclusionary practices will be used to prevent any herp access into disturbance areas. These measures will need to be installed at the limits of disturbance as shown on the plans, or specifically designated by a herpetologist who can assess the conditions at your site.
- 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 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.
- The Contractor search the work area each morning prior to any work being done.
- 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. This animal is protected by law and should not be relocated off-site.
- In areas where silt fence is used for exclusion, it shall be removed as soon as the area is stable and disturbance is finished to allow for reptile and amphibian passage to resume.

Site Management protection measures:

Mowing is major source of human induced adult turtle mortality.

- Avoid mowing or vehicular traffic during peak use by this species (May 15-Sept 15)

Your submission information indicates that your project requires a state permit, license, registration, or authorization, or utilizes state funding or involves state agency action. This NDDDB - New determination may be utilized to fulfill the Endangered and Threatened Species requirements for state-issued permit applications, licenses, registration submissions, and authorizations.

Please be aware of the following limitations and conditions:

Natural Diversity Database information includes all information regarding listed species 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 and cooperating units of DEEP, land owners, private conservation groups and the scientific community. This information is not necessarily the result of comprehensive or site-specific field investigations. 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 into the Database and accessed through the ezFile portal as it becomes available. New information may result in additional review, and new or modified restrictions or conditions may be necessary to remain in compliance with certain state permits.

- During your work listed species may be encountered on site. A report must be submitted by the observer to the Natural Diversity Database promptly and additional review and restrictions or conditions may be necessary to remain in compliance with certain state permits. Please fill out the [appropriate survey form](#) and follow the instructions for submittal.
- Your project involves the state permit application process or other state involvement, including state funding or state agency actions; please note that consultations with your permit analyst or the agency may result in additional requirements. In this situation, additional evaluation of the proposal by the DEEP Wildlife Division may be necessary and additional information, including but not limited to species-specific site surveys, may be required. Any additional review may result in specific restrictions or conditions relating to listed species that may be found at or in the vicinity of the site.
- If your project involves preparing an Environmental Impact Assessment, this NDDDB consultation and determination should not be substituted for biological field surveys assessing on-site habitat and species presence.
- The NDDDB - New determination for the Chamberlain Highway Berlin CT as described in the submitted information and summarized at the end of this document is valid until 8/31/2025. This determination applies only to the project as described in the submission and summarized at the end of this letter. Please re-submit an updated Request for Review if the project's scope of work and/or timeframe changes, including if work has not begun by 8/31/2025.

If you have further questions, please contact me at the following:

Shannon Kearney
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Wildlife Division
Natural Diversity Database
79 Elm Street
Hartford, CT 06106-5127
(860) 424-3170
Shannon.Kearney@ct.gov

Please reference the Determination Number 202305841 when you e-mail or write. Thank you for consulting the Natural Diversity Data Base.

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Application Details:

Project involves federal funds or federal permit:	Yes
Project involves state funds, state agency action, or relates to CEPA request:	Yes
Project requires state permit, license, registration, or authorization:	Yes
DEEP enforcement action related to project:	
Project Type:	Energy and Utility Production Facilities and Distribution Infrastructure
Project Sub-type:	Solar Energy
Project Name:	Chamberlain Highway Berlin CT
Project Description:	Parcel abutting Chamberlain Highway to the west and Cathole Mountain to the east.