



**US Army Corps  
of Engineers®**  
New England District

## Appendix E: Self-Verification Notification Form

This form is required for all inland projects in Connecticut, but it is not required if work is done within boundaries of Mashantucket Pequot or Mohegan Tribal Lands. At least two weeks before work commences, complete all fields (write “none” if applicable) below, send this form, Official Species List (see GC 12), documentation of THPO and SHPO notifications if applicable, site location map, project plans (not required for projects involving the installation of construction mats only) and any State or local approval(s) to:

Regulatory Division, Branch B  
U.S. Army Corps of Engineers  
696 Virginia Road  
Concord, MA 01742-2751  
or [cenae-r-ct@usace.army.mil](mailto:cenae-r-ct@usace.army.mil)

and

CT DEEP  
79 Elm Street  
Hartford, CT 06106-5127  
[DEEP.LWRDRegulatory@ct.gov](mailto:DEEP.LWRDRegulatory@ct.gov)

State Permit Number: \_\_\_\_\_ Date of State Permit: \_\_\_\_\_

Permittee: TRITEC Americas, LLC; David H. Trepeck, President/Managing Director  
Address, City, State & Zip: 888 Prospect Street, La Jolla, CA 92037  
Phone(s) and Email: (619) 363-3080; david@tritec-americas.com

Agent: William Kenny Associates  
Address, City, State & Zip: 1899 Bronson Road, Fairfield, CT 06824  
Phone(s) and Email: (203) 366-0588; wkenny@wkassociates.net; jsmith@wkassociates.net

Contractor: Horton Electrical Services, LLC/Squirrel Enterprises, Inc.; Warren Horton  
Address, City, State & Zip: 97 River Road, Canton, CT 06019  
Phone(s) and Email: (860) 693-6388 ext. 1309; Whorton@hortonelectric.com

Project Name: 37 Hunters Lane  
Project Location (provide detailed description & locus map):  
Address, City, State & Zip: 37 Hunters Lane, Southington, CT 06489  
Lat. ° N, Long ° (Decimal Degrees): 41.580799° N, -72.905380° W  
Waterway Name: Unnamed forested wetland, denoted as “Wetland 2” on attached plans

Proposed Work Dates: Start: Winter 2024/2025 Finish: Winter 2024/2025

Work will be done under the following GPs (circle all that apply):

2	5	6	9	10	11	12	13	14	15	17	18	19	21
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Area of Wetland Impacts (SF): Permanent: 0 Temporary: ~2,500

Area of Waterway Impacts (SF): Permanent: 0 Temporary: 0

TOTAL Project Impact (SF): Permanent: 0 Temporary: ~2,500

Describe the specific work that will be undertaken in waters and wetlands: The proposed subsurface electrical interconnection for a previously approved solar photovoltaic array will require temporary disturbance to approx. 2,500 square feet of a woodland wetland. During trenching, excavated material will be segregated into topsoil and subsoil piles in order to restore disturbed wetlands with original topsoil, which will be stabilized with a wetland seed mix. Work will take place with the use of construction mats.

Have the THPOs and the CT SHPO been notified of the proposed work per the procedures in GC 11? If so, attach any responses received to this form.

Yes ☒ date contacted 11/25/2024 No ☐

Are there Federally listed endangered/threatened species, other than the northern long-eared bat, present? (see GC 12) Yes ☐ No ☒

Confirm no SAVs are present or will be impacted: Yes ☒ No ☐ Confirmed no SAVs are present

Applicable to GPs:

2	5	6	9	10	11	12	13	14	15	17	18	19	21
---	---	---	---	----	----	----	----	----	----	----	----	----	----

Confirm no unconfined work with impact to diadromous fish (see App. H): Yes ☒ No ☐

Applicable to GPs:

2	5	6	9	10	19
---	---	---	---	----	----

Confirmed, no diadromous fish are present

Confirm work complies with Stream Crossing BMPs (see App. G): Yes ☒ No ☐

Applicable to GPs:

2	6	17	19
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N/A, no stream crossings are proposed

If GP 19 and work does not comply with Appendix G, identify date of Interagency Meeting where waiver was granted: Date of Meeting: \_\_\_\_\_

Identify interagency participants: CT DEEP: \_\_\_\_\_ USACE: \_\_\_\_\_

**Will your project include any secondary effects?** (Secondary effects include, but are not limited to, non-tidal waters or wetlands drained, flooded, fragmented, or mechanically cleared resulting from a single and complete project. See Appendix F - Definitions.) If YES, describe here:

This proposed project will not result in any secondary effects.

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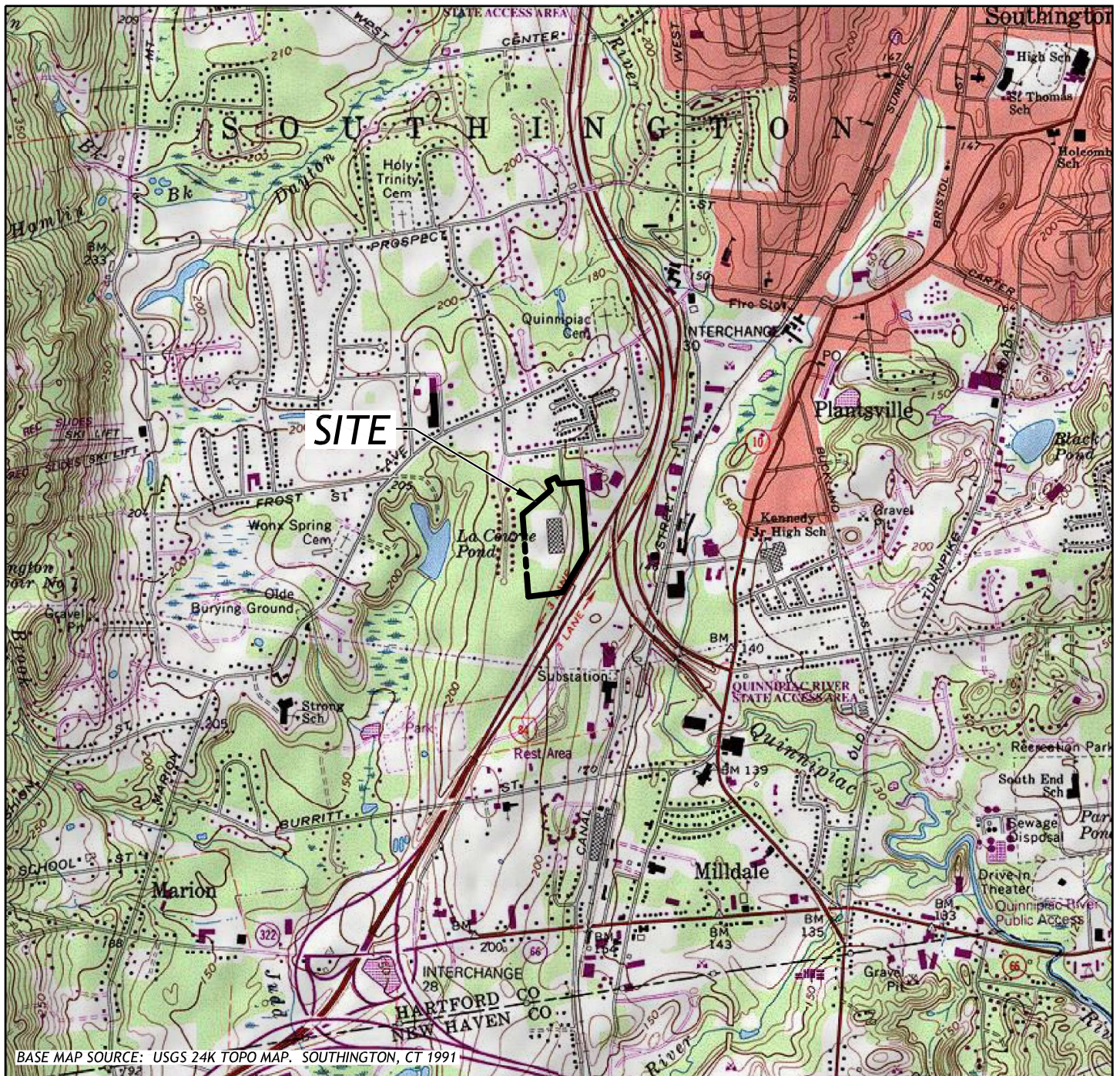
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Your signature below, as permittee, indicates that you accept and agree to comply with the terms, eligibility criteria, and general conditions for Self-Verification under the Connecticut GPs.

Permittee Signature:  Date: 12/2/2024





## NDDB REVIEW REQUEST - ATTACHMENT A USGS SITE LOCATION MAP

PREPARED FOR:  
SOLLI ENGINEERING, LLC

LOCATION:  
37 HUNTERS LANE  
SOUTHINGTON, CONNECTICUT

DATE: AUGUST 2, 2023

SCALE: | 0' | 1000' | 2000'



REF. NO. 5535

**WILLIAM KENNY ASSOCIATES**  
LANDSCAPE ARCHITECTURE ■ ECOLOGICAL SERVICES

1899 Bronson Road Fairfield CT 06824  
203 366 0588 [www.wkassociates.net](http://www.wkassociates.net)





## NDDB REVIEW REQUEST - ATTACHMENT B DETAILED SITE MAP

PREPARED FOR:  
SOLLI ENGINEERING, LLC

LOCATION:  
37 HUNTERS LANE  
SOUTHINGTON, CONNECTICUT

DATE: AUGUST 2, 2023

SCALE: | 0' | 150' | 300'



**WILLIAM KENNY ASSOCIATES**  
LANDSCAPE ARCHITECTURE ■ ECOLOGICAL SERVICES

1899 Bronson Road Fairfield CT 06824  
203 366 0588 [www.wkassociates.net](http://www.wkassociates.net)

REF. NO. 5535



**37 Hunters Lane  
Southington, CT  
Parcel ID 062142**

**USACE / DEEP Joint Application for Permits  
Photovoltaic Array Electrical Conduit Project Narrative**

The previously approved photovoltaic array project located at 37 Hunters Lane in Southington, CT (CT Siting Council Petition No. 1612) is proposing an additional related project that amends where its electrical conduit makes connection to the grid. Under the proposed plan, the approved solar array will connect to existing electrical infrastructure along Metals Drive which extends along the eastern property boundary. The subsurface electrical conduit is proposed to impact approximately 170 linear feet of a broad-leaved deciduous woodland wetland (i.e., approximately 2,500 square feet). Wetland disturbances are primarily relegated to the excavation of a trench, approximately 3 to 4 feet deep. The attached Solar drawing set, prepared by Solli Engineering, depicts the location of this disturbance as well as a cross section detail of the anticipated utility trench and subsurface electrical line. During construction, excavated wetland soils will be stored adjacent to the trench for immediate filling following the installation of the conduit. The excavated material will be separated into topsoil and subsoil stockpiles for the subsequent restoration of the disturbed soil profile. When possible, machinery will be located on Metals Drive and will reach into the onsite wetland areas, minimizing soil compaction and impacts to wetland vegetation. If machinery is to be placed in wetland areas, timber mats will be used to minimize those wetland impacts mentioned above. Tree removal within the wetland system will be limited to trees that obstruct the ability of machinery to construct the proposed trench. Mature trees will be preserved to the maximum extent possible. Please refer to the attached plan set, prepared by Solli Engineering for additional information regarding the proposed activities such as the proposed resource protection guidelines and proposed sediment and erosion controls. Additionally, the drawing within the plan set entitled *Permit Approvals, Notes, Legends & Abbreviations* contains the above-mentioned approval of the Photovoltaic Array from the CT Siting Council, dated June 21, 2024.

Additionally included in this application are determinations of the projects effect on listed flora and fauna species from the US Fish and Wildlife Service (USFWS) as well as the CT DEEP Natural Diversity Database (NDDB). The attached CT DEEP NDDB determination, dated August 19, 2024, was obtained during the application process for the photovoltaic array. As this determination applies to the entirety of the approximate 6-acre photovoltaic array site, including the 2,500 square foot area of land this permit application discusses, we find that this determination is relevant and applicable to the proposed project and thus a separate determination has not been sought. The USFWS Information for Planning and Consultation (IPaC) tool was consulted during the original permitting process for the photovoltaic array. However, due to the agencies release of the final NLEB and Tri-colored Bat Determination Key, and the significant reduction in the scope of activities currently proposed, a new official species list and determination key were obtained. All above-mentioned documents are included in this application.

Lastly, included in this submission is a receipt of relevant project materials to the appropriate contacts and/or online systems of both the CT State Historic Preservation Office (SHPO) and the Tribal Historic Preservation Office (THPO).



## CONSTRUCTION SEQUENCE (PHASE II)

1000

Project:

Sheet Title:	Sheet #:
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## SOIL EROSION & SEDIMENT CONTROL PLAN PHASE II



[illegible]







8/19/2024

Alexander Wojtkowiak  
WILLIAM KENNY ASSOCIATES LLC  
1899 Bronson Rd  
Fairfield, CT 06824  
awojtkowiak@wkassociates.net

Subject: 37 Hunters Lane Southington CT  
Filing #: 99833  
NDDB - New Determination Number: 202305833

Expiration Date: 8/19/2026

- **Location:** 37 Hunters Land, Southington, 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.

- **Nuttall's milkwort (*Polygala nuttallii*)- State Threatened**
- **Eastern box turtle (*Terrapene carolina carolina*)- State Special Concern**

**Nuttall's milkwort (*Polygala nuttallii*)**

Habitat: dry open, usually sandy soils (D&C); open rocky outcrops. Blooming time: Jul, Aug, Sep

- We have received your site report for this species prepared by Bryan Connolly (August 1, 2024) and concur that there are no anticipated impacts to this species from this project.

**Eastern box turtle (*Terrapene carolina carolina*)**

In Connecticut, Eastern box 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.

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.

Do not conduct initial land clearing/ground disturbance during dormant period, between November 1- March 31.

To prevent turtle access and entry into your work zone between April 1- October 31:

- Exclusionary practices will be used 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, 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.

### ***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.
- 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.
- More specific management suggestions can be found here: <https://ag.umass.edu/clean-energy/services/pollinator-friendly-solar-pv-for-massachusetts>

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 NDDB - 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 37 Hunters Lane Southington CT as described in the submitted information and summarized at the end of this document is valid until 8/19/2026. 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 8/19/2026.

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

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

Please reference the Determination Number 202305833 when you e-mail or write. Thank you for consulting the Natural Diversity Data Base.

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

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:	
Project Sub-type:	Solar Energy
Project Name:	37 Hunters Lane Southington CT
Project Description:	





## 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:

11/19/2024 19:21:45 UTC

Project Code: 2023-0045969

Project Name: Southington CT Solar Photovoltaic Array Electrical Conduit

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:

*Updated 4/12/2023 - 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 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/office/new-england-ecological-services/endangered-species-project-review>

**\*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.

**Northern Long-eared Bat - (Updated 4/12/2023)** The Service published a final rule to reclassify the northern long-eared bat (NLEB) as endangered on November 30, 2022. The final rule went into effect on March 31, 2023. You may utilize the **Northern Long-eared Bat Rangewide Determination Key** available in IPaC. More information about this Determination Key and the Interim Consultation Framework are available on the northern long-eared bat species page:

<https://www.fws.gov/species/northern-long-eared-bat-myotis-septentrionalis>

For projects that previously utilized the 4(d) Determination Key, the change in the species' status may trigger the need to re-initiate consultation for any actions that are not completed and for which the Federal action agency retains discretion once the new listing determination becomes effective. If your project was not completed by March 31, 2023, and may result in incidental take of NLEB, please reach out to our office at [newengland@fws.gov](mailto:newengland@fws.gov) to see if reinitiation is necessary.

#### *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:

<https://www.fws.gov/service/section-7-consultations>

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/program/migratory-bird-permit>

<https://www.fws.gov/library/collections/bald-and-golden-eagle-management>

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: 2023-0045969

Project Name: Southington CT Solar Photovoltaic Array Electrical Conduit

Project Type: Power Gen - Solar

Project Description: The formerly approved solar photovoltaic array project will produce 0.999 MW AC within 6.60 acres of the eastern-central portion of the approximate 24.25 acre property at 37 Hunters Lane, Southington, Connecticut. This project will require electrical connection to the grid to offload energy. The proposed project area within this application is associated with the trenching and burying of that electrical conduit which passes through a wetland. This area makes up a small portion of the entire property, which was investigated for existing environmental conditions (i.e. wetlands and watercourses surveys, wildlife and vegetation surveys, etc.). Existing improvements at the property include a multi-family residential development, asphalt drives and parking areas and other associated improvements. Soils throughout the investigation area are formed from logement glacial till deposits and human-altered deposits. The deposits are from red arkosic sandstones native to the Connecticut Rift Valley. The vegetative cover throughout the investigation area is primarily maintained as a meadow with forested land along the eastern boundary.

This element of the project proposes to run an electric conduit from a concrete pad in an upland area adjacent to the solar array, through wetland buffer and through roughly 170' of an edge of wetland 2, along Metals Drive. The development will require the excavation of topsoil and subsoil, for operational specifications please see the engineering plans cross section. This proposed project will result in a temporary impact on the wetland as the soil is removed and stored in segregated topsoil and subsoil piles. This segregation is to ensure restoration of the wetland upon installation of the conduit by filling the trench with the same topsoil and subsoil. See engineering plans for stormwater measures during operation. The timing of the project is unknown at this time because the construction schedule for the solar field isn't finalized, however, the scope of the work proposed here is narrow and specific, resulting in at most a week of work from breaking ground to removing construction mats.

Project Location:

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@41.579987849999995,-72.90300845060386,14z>



Counties: Hartford 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 Fisheries<sup>1</sup>, 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
Tricolored Bat <i>Perimyotis subflavus</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/10515">https://ecos.fws.gov/ecp/species/10515</a>	Proposed Endangered

## INSECTS

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

## CRITICAL HABITATS

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

YOU ARE STILL REQUIRED TO DETERMINE IF YOUR PROJECT(S) MAY HAVE EFFECTS ON ALL ABOVE LISTED SPECIES.

## **IPAC USER CONTACT INFORMATION**

Agency: Private Entity  
Name: Benjamin Girgenti  
Address: 1899 Bronson Road  
City: Fairfield  
State: CT  
Zip: 06824  
Email: bgirgenti@wkassociates.net  
Phone: 8476303627





## 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:

11/21/2024 16:30:22 UTC

Project code: 2023-0045969

Project Name: Southington CT Solar Photovoltaic Array Electrical Conduit

Federal Nexus: yes

Federal Action Agency (if applicable):

**Subject:** Technical assistance for 'Southington CT Solar Photovoltaic Array Electrical Conduit'

Dear Benjamin Girgenti:

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 November 21, 2024, for 'Southington CT Solar Photovoltaic Array Electrical Conduit' (here forward, Project). This project has been assigned Project Code 2023-0045969 and all future correspondence should clearly reference this number. **Please carefully review this letter. Your Endangered Species Act (Act) requirements may not be complete.**

### 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 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 and Tricolored Bat Range-wide Determination Key (Dkey), invalidates this letter. ***Answers to certain questions in the DKey commit the project proponent to implementation of conservation measures that must be followed for the ESA determination to remain valid. Note that conservation measures for northern long-eared bat and tricolored bat may differ. If both bat species are present in the action area and the key suggests more conservative measures for one of the species for your project, the Project may need to apply the most conservative measures in order to avoid adverse effects. If unsure which conservation measures should be applied, please contact the appropriate Ecological Services Field Office***

**Determination for the Northern Long-Eared Bat and Tricolored Bat**

Based upon your IPaC submission and a standing analysis completed by the Service, your project has reached the following effect determination(s):

Species	Listing Status	Determination
Tricolored Bat ( <i>Perimyotis subflavus</i> )	Proposed Endangered	NLAA

Federal agencies must consult with U.S. Fish and Wildlife Service under section 7(a)(2) of the Endangered Species Act (ESA) when an action *may affect* a listed species. Tricolored bat is proposed for listing as endangered under the ESA, but not yet listed. For actions that may affect a proposed species, agencies cannot consult, but they can *confer* under the authority of section 7(a)(4) of the ESA. Such conferences can follow the procedures for a consultation and be adopted as such if and when the proposed species is listed. Should the tricolored bat be listed, agencies must review projects that are not yet complete, or projects with ongoing effects within the tricolored bat range that previously received a NE or NLAA determination from the key to confirm that the determination is still accurate.

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

The IPaC-assisted determination key for the northern long-eared bat and tricolored 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 cause prohibited take of the animal species listed above. Note that if a new species is listed that may be affected by the identified action before it is complete, additional review is recommended to ensure compliance with the Endangered Species Act.

### Next Steps

Consultation with the Service is necessary. The project has a federal nexus (e.g., Federal funds, permit, etc.), but you are not the federal action agency or its designated (in writing) non-federal representative. Therefore, the ESA consultation status is incomplete and no project activities should occur until consultation between the Service and the Federal action agency (or designated non-federal representative), is completed.

As the federal agency or designated non-federal representative deems appropriate, they should submit their determination of effects to the Service by doing the following.

1. Log into IPaC using an agency email account and click on My Projects, click "Search by record locator" to find this Project using **539-153075003**. (Alternatively, the originator of the project in IPaC can add the agency representative to the project by using the Add Member button on the project home page.)
2. Review the answers to the Northern Long-eared Bat and Tricolored Bat Range-wide Determination Key to ensure that they are accurate.

3. Click on Review/ Finalize to convert the ‘not likely to adversely affect’ technical assistance letter to a concurrence letter. Download the concurrence letter for your files if needed.

If no changes occur with the Project or there are no updates on listed species, no further consultation/coordination for this project is required for 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 before project implements any changes which are final or commits additional resources.

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 2023-0045969 associated with this Project.



**Action Description**

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

**1. Name**

Southington CT Solar Photovoltaic Array Electrical Conduit

**2. Description**

The following description was provided for the project 'Southington CT Solar Photovoltaic Array Electrical Conduit':

The formerly approved solar photovoltaic array project will produce 0.999 MW AC within 6.60 acres of the eastern-central portion of the approximate 24.25 acre property at 37 Hunters Lane, Southington, Connecticut. This project will require electrical connection to the grid to offload energy. The proposed project area within this application is associated with the trenching and burying of that electrical conduit which passes through a wetland. This area makes up a small portion of the entire property, which was investigated for existing environmental conditions (i.e. wetlands and watercourses surveys, wildlife and vegetation surveys, etc.). Existing improvements at the property include a multi-family residential development, asphalt drives and parking areas and other associated improvements. Soils throughout the investigation area are formed from logement glacial till deposits and human-altered deposits. The deposits are from red arkosic sandstones native to the Connecticut Rift Valley. The vegetative cover throughout the investigation area is primarily maintained as a meadow with forested land along the eastern boundary.

This element of the project proposes to run an electric conduit from a concrete pad in an upland area adjacent to the solar array, through wetland buffer and through roughly 170' of an edge of wetland 2, along Metals Drive. The development will require the excavation of topsoil and subsoil, for operational specifications please see the engineering plans cross section. This proposed project will result in a temporary impact on the wetland as the soil is removed and stored in segregated topsoil and subsoil piles. This segregation is to ensure restoration of the wetland upon installation of the conduit by filling the trench with the same topsoil and subsoil. See engineering plans for stormwater measures during operation. The timing of the project is unknown at this time because the construction schedule for the solar field isn't finalized, however, the scope of the work proposed here is narrow and specific, resulting in at most a week of work from breaking ground to removing construction mats.

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@41.579987849999995,-72.90300845060386,14z>



## DETERMINATION KEY RESULT

Based on the answers provided, the proposed Action is consistent with a determination of “may affect, but not likely to adversely affect” for a least one species covered by this determination key.

## QUALIFICATION INTERVIEW

1. Does the proposed project include, or is it reasonably certain to cause, intentional take of listed bats 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. Is the action area wholly within Zone 2 of the year-round active area for northern long-eared bat and/or tricolored bat?

**Automatically answered**

*No*

3. Does the action area intersect Zone 1 of the year-round active area for northern long-eared bat and/or tricolored bat?

**Automatically answered**

*No*

4. Does any component of the action involve leasing, construction or operation of wind turbines? Answer 'yes' if the activities considered are conducted with the intention of gathering survey information to inform the leasing, construction, or operation of wind turbines.

**Note:** For federal actions, answer ‘yes’ if the construction or operation of wind power facilities is either (1) part of the federal action or (2) would not occur but for a federal agency action (federal permit, funding, etc.).

*No*

5. Is the proposed action authorized, permitted, licensed, funded, or being carried out by a Federal agency in whole or in part?

*Yes*

6. Is the Federal Highway Administration (FHWA), Federal Railroad Administration (FRA), or Federal Transit Administration (FTA) funding or authorizing the proposed action, in whole or in part?

*No*



7. Are you an employee of the federal action agency or have you been officially designated in writing by the agency as its designated non-federal representative for the purposes of Endangered Species Act Section 7 informal consultation per 50 CFR § 402.08?

**Note:** This key may be used for federal actions and for non-federal actions to facilitate section 7 consultation and to help determine whether an incidental take permit may be needed, respectively. This question is for information purposes only.

No

8. Is the lead federal action agency the Environmental Protection Agency (EPA) or Federal Communications Commission (FCC)? Is the Environmental Protection Agency (EPA) or Federal Communications Commission (FCC) funding or authorizing the proposed action, in whole or in part?

No

9. Is the lead federal action agency the Federal Energy Regulatory Commission (FERC)?

No

10. [Semantic] Is the action area located within 0.5 miles of a known bat hibernaculum?

**Note:** The map queried for this question contains proprietary information and cannot be displayed. If you need additional information, please contact your State wildlife agency.

**Automatically answered**

No

11. Does the action area contain any winter roosts or caves (or associated sinkholes, fissures, or other karst features), mines, rocky outcroppings, or tunnels that could provide habitat for hibernating bats?

No

12. Does the action area contain (1) talus or (2) anthropogenic or naturally formed rock shelters or crevices in rocky outcrops, rock faces or cliffs?

No

13. Will the action cause effects to a bridge?

**Note:** Covered bridges should be considered as bridges in this question.

No

14. Will the action result in effects to a culvert or tunnel at any time of year?

No

15. Are trees present within 1000 feet of the action area?

**Note:** If there are trees within the action area that are of a sufficient size to be potential roosts for bats answer "Yes". If unsure, additional information defining suitable summer habitat for the northern long-eared bat and tricolored bat can be found in Appendix A of the USFWS' Range-wide Indiana Bat and Northern long-eared bat Survey Guidelines at: <https://www.fws.gov/media/range-wide-indiana-bat-and-northern-long-eared-bat-survey-guidelines>.

*Yes*

16. Does the action include the intentional exclusion of bats from a building or structure?

**Note:** Exclusion is conducted to deny bats' entry or reentry into a building. To be effective and to avoid harming bats, it should be done according to established standards. If your action includes bat exclusion and you are unsure whether northern long-eared bats or tricolored bats are present, answer "Yes." Answer "No" if there are no signs of bat use in the building/structure. If unsure, contact your local Ecological Services Field Office to help assess whether northern long-eared bats or tricolored bats may be present. Contact a Nuisance Wildlife Control Operator (NWCO) for help in how to exclude bats from a structure safely without causing harm to the bats (to find a NWCO certified in bat standards, search the Internet using the search term "National Wildlife Control Operators Association bats"). Also see the White-Nose Syndrome Response Team's guide for bat control in structures.

*No*

17. Does the action involve removal, modification, or maintenance of a human-made structure (barn, house, or other building) **known or suspected to contain roosting bats**?

*No*

18. Will the action cause construction of one or more new roads open to the public?

For federal actions, answer 'yes' when the construction or operation of these facilities is either (1) part of the federal action or (2) would not occur but for an action taken by a federal agency (federal permit, funding, etc.).

*No*

19. Will the action include or cause any construction or other activity that is reasonably certain to increase average daily traffic permanently or temporarily on one or more existing roads?

**Note:** For federal actions, answer 'yes' when the construction or operation of these facilities is either (1) part of the federal action or (2) would not occur but for an action taken by a federal agency (federal permit, funding, etc.).

*No*

20. Will the action include or cause any construction or other activity that is reasonably certain to increase the number of travel lanes on an existing thoroughfare?

For federal actions, answer 'yes' when the construction or operation of these facilities is either (1) part of the federal action or (2) would not occur but for an action taken by a federal agency (federal permit, funding, etc.).

No

21. Will the proposed Action involve the creation of a new water-borne contaminant source (e.g., leachate pond, pits containing chemicals that are not NSF/ANSI 60 compliant)?

**Note:** For information regarding NSF/ANSI 60 please visit <https://www.nsf.org/knowledge-library/nsf-ansi-standard-60-drinking-water-treatment-chemicals-health-effects>

No

22. Will the proposed action involve the creation of a new point source discharge from a facility other than a water treatment plant or storm water system?

No

23. Will the action include drilling or blasting?

No

24. Will the action involve military training (e.g., smoke operations, obscurant operations, exploding munitions, artillery fire, range use, helicopter or fixed wing aircraft use)?

No

25. Will the proposed action involve the use of herbicides or other pesticides other than herbicides (e.g., fungicides, insecticides, or rodenticides)?

No

26. Will the action include or cause activities that are reasonably certain to cause chronic or intense nighttime noise (above current levels of ambient noise in the area) in suitable summer habitat for the northern long-eared bat or tricolored bat during the active season?

Chronic noise is noise that is continuous or occurs repeatedly again and again for a long time. Sources of chronic or intense noise that could cause adverse effects to bats may include, but are not limited to: road traffic; trains; aircraft; industrial activities; gas compressor stations; loud music; crowds; oil and gas extraction; construction; and mining.

**Note:** Additional information defining suitable summer habitat for the northern long-eared bat and tricolored bat can be found in Appendix A of the USFWS' Range-wide Indiana Bat and Northern long-eared bat Survey Guidelines at: <https://www.fws.gov/media/range-wide-indiana-bat-and-northern-long-eared-bat-survey-guidelines>.

No

27. Does the action include, or is it reasonably certain to cause, the use of permanent or temporary artificial lighting within 1000 feet of suitable northern long-eared bat or tricolored bat roosting habitat?

**Note:** Additional information defining suitable summer habitat for the northern long-eared bat and tricolored bat can be found in Appendix A of the USFWS' Range-wide Indiana Bat and Northern long-eared bat Survey Guidelines at: <https://www.fws.gov/media/range-wide-indiana-bat-and-northern-long-eared-bat-survey-guidelines>.

No

28. Will the action include tree cutting or other means of knocking down or bringing down trees, tree topping, or tree trimming?

Yes

29. Will the proposed action occur exclusively in an already established and currently maintained utility right-of-way?

No

30. Does the action include emergency cutting or trimming of hazard trees in order to remove an imminent threat to human safety or property? See hazard tree note at the bottom of the key for text that will be added to response letters

**Note:** A "hazard tree" is a tree that is an immediate threat to lives, public health and safety, or improved property.

No

31. Does the project intersect with the 0- 9.9% forest density category?

**Automatically answered**

No

32. Does the project intersect with the 10.0- 19.9% forest density category map?

**Automatically answered**

No

33. Does the project intersect with the 20.0- 29.9% forest density category map?

**Automatically answered**

No

34. Does the project intersect with the 30.0- 100% forest density category map?

**Automatically answered**

Yes

35. Will the action cause trees to be cut, knocked down, or otherwise brought down across an area greater than 100 acres in total extent?

No



36. Will the proposed action result in the use of prescribed fire?

**Note:** If the prescribed fire action includes other activities than application of fire (e.g., tree cutting, fire line preparation) please consider impacts from those activities within the previous representative questions in the key. This set of questions only considers impacts from flame and smoke.

No

37. Does the action area intersect the tricolored bat species list area?

**Automatically answered**

Yes

38. [Semantic] Is the action area located within 0.25 miles of a culvert that is known to be occupied by northern long-eared or tricolored bats?

**Note:** The map queried for this question contains proprietary information and cannot be displayed. If you need additional information, please contact your State wildlife agency.

**Automatically answered**

No

39. Has a presence/probable absence bat survey targeting the [tricolored bat and following the Service's Range-wide Indiana Bat and Northern Long-Eared Bat Survey Guidelines](#) been conducted within the project area?

No

40. Is suitable summer habitat for the tricolored bat present within 1000 feet of project activities?

(If unsure, answer ""Yes."" )

**Note:** If there are trees within the action area that may provide potential roosts for tricolored bats (e.g., clusters of leaves in live and dead deciduous trees, Spanish moss (*Tillandsia usneoides*), clusters of dead pine needles of large live pines) answer ""Yes."" For a complete definition of suitable summer habitat for the tricolored bat, please see Appendix A in the [Service's Range-wide Indiana Bat and Northern long-eared Bat Survey Guidelines](#).

Yes

41. Do any of the trees proposed for cutting or other means of knocking down, bringing down, topping, or trimming provide potential roosts for tricolored bats (e.g., clusters of leaves in live and dead deciduous trees, Spanish moss (*Tillandsia usneoides*), clusters of dead pine needles of large live pine trees)?

**Note:** Additional information defining suitable summer habitat for the northern long-eared bat and tricolored bat can be found in Appendix A of the USFWS' Range-wide Indiana Bat and Northern long-eared bat Survey Guidelines at: <https://www.fws.gov/media/range-wide-indiana-bat-and-northern-long-eared-bat-survey-guidelines>.

Yes

42. Will any tree cutting/trimming or other knocking or bringing down of trees be conducted during the Pup Season for tricolored bat?

**Note:** Bat activity periods for your state can be found in Appendix L of the [Service's Range-wide Indiana Bat and Northern long-eared Bat Survey Guidelines](#).

*No*

43. Do you have any documents that you want to include with this submission?

*No*

## PROJECT QUESTIONNAIRE

Enter the extent of the action area (in acres) from which trees will be removed - round up to the nearest tenth of an acre. For this question, include the entire area where tree removal will take place, even if some live or dead trees will be left standing.

0.1

## IPAC USER CONTACT INFORMATION

Agency: Private Entity

Name: Benjamin Girgenti

Address: 1899 Bronson Road

City: Fairfield

State: CT

Zip: 06824

Email: bgirgenti@wkassociates.net

Phone: 8476303627