

Appendix D: CT DEEP Correspondence



8/25/2023

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Subject: 37 Hunters Lane Southington CT
Filing #: 99833
NDDB - Request Additional Info

We have received the materials that you submitted pursuant to a Natural Diversity Data Base review request for the project referenced above, however, additional information is required in order to make a determination. The following information is needed in order to complete your request:

Request for Additional Information: Survey Results and Protection plan that addresses **Nuttall's milkwort (*Polygala nuttallii*)**.

The Protection Plan should mitigate risks to species during construction as well as in site design and site management. The Surveys and Protection Plan should be prepared by a botanist with experience with the species listed below.

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

To prevent impacts to State Endangered, Threatened and Special Concern plant species, botanical field surveys of the site should be performed by a qualified botanist with the appropriate scientific collecting permits at a time when these target species are identifiable. Please contact The Native Plant Trust to find a qualified botanist, familiar with these plants to conduct surveys and provide protection plans for these species and communities.

A report summarizing the results of such surveys should include:

- Survey date(s) and duration.
- Site descriptions and photographs.
- List of component vascular plant and animal species within the survey area (including scientific binomials).
- Data regarding population numbers and/or area occupied by State-listed species. Include special plant and/or animal forms found at: https://www.ct.gov/deep/cwp/view.asp?a=2702&q=323460&deepNav_GID=1628
- Detailed maps of the area surveyed including the survey route and locations of State listed species.
- Conservation strategies or protection plans that indicate how impacts may be avoided for all state listed plant species present on the site.
- Statement/résumé indicating the botanist's qualifications. Please be sure when you hire a consulting qualified biologist to help conduct this site survey that they have the proper experience with target taxon.

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>

Please reference the filing number 99833 on all correspondence regarding this request.

The necessary materials should be sent to:

Shannon Kearney
CT DEEP Bureau of Natural Resources
Wildlife Division
Natural Diversity Database
79 Elm Street, 6th floor
Hartford, CT 06106-5127
or submitted via email to: Shannon.Kearney@ct.gov

Please note that if the necessary information is not received by 8/26/2024, we will be unable to provide a determination. Materials already submitted will not be retained or returned. You will need to initiate a new review request by submitting a new and complete *Request for Natural Diversity Database (NDDDB) State Listed Species Review* via [DEEP's ezFile Portal](#). For more information and guidance on submitting a request for a Natural Diversity Data Base review visit our [website](#). Feel free to contact me if you have further questions.

Shannon Kearney
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