

Appendix G – USFWS and NDDB Review



Connecticut
Department of Energy &
Environmental Protection

portal.ct.gov/DEEP

9/26/2024

Nicholas Granata
VCP Mansfield LF, LLC
124 LaSalle Road
West Hartford, CT 06107
granata.nicholas@wseinc.com

Subject: Town of Mansfield Landfill Solar PV Development

Filing #: 117896

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:

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<https://portal.ct.gov/deep/natural-resources/scientific-collector-permits>

Questions about permits should be directed to Laurie Fortin (laurie.fortin@ct.gov)

Include in your protection plan:

- Anticipated impacts to species
- Planned mitigation or management practices that will be employed
- Habitat descriptions
- Statement/resume giving the biologist's qualifications

Location: 221 Warrenville Rd, Mansfield, 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.

- **Frosted elfin (*Callophrys irus*)- State Threatened**
- **Wood turtle (*Glyptemys insculpta*)- State Special Concern**
- **Eastern hognose snake (*Heterodon platirhinos*)- State Special Concern**
- **Eastern pearlshell (*Thamnophis sauritus*)- State Special Concern**

Frosted elfin (*Callophrys irus*)- State Threatened

Populations of frosted elfin (*Callophrys irus*) are declining nationally. The frosted elfin holds the distinction of being the non-federally listed butterfly with the greatest number of state level listings. Its major threats are urban development or agricultural development, vegetation management that results in declines in hostplant populations, and pesticide use. This butterfly in Connecticut is primarily associated with the plant species wild indigo (*Baptisia tinctoria*), and secondarily, wild blue lupine (*Lupinus perennis*). The host plant, *Baptisia tinctoria*, prefers at least 6 hours of direct sun, and well-drained soil. The butterfly lays a single egg on the hostplant, and the caterpillars eat the leaves of the host plant. The butterfly hibernates in a loose cocoon in litter beneath the plant. It is important to retain areas of leaf litter around host plants for overwintering and provide other flowering plants to provide nectar nearby.

- Do not use pesticides directed at gypsy moth in your project area.
- Maintaining and creating connectivity of colonies is important and is likely to be critical for long term persistence of populations. If suitable habitat exists on your site, you should manage for host plants.
 - You can benefit this species by seeking help from an invertebrate biologist or plant ecologist to create a management plan to enhance habitat where opportunities exist.
- If supplementing habitat, do not supplement with nursery stocks. Instead, gather seed and spread on soil.

Mowing recommendations:

- Encourage conditions for local host plants
- Mow not more than once a year in early spring between February-early April.
- Mow vegetation down to 6inches.
- Monitor for invasive plants and spot treatment should be applied with the appropriate herbicide application should be applied to invasive species

Wood turtle (*Glyptemys insculpta*)- State Special Concern

Individuals of this species are riverine and riparian obligates, overwintering and mating in clear, cold, primarily sand-gravel and rock bottomed streams and foraging in riparian zones, fields and upland forests during the late spring and summer. They hibernate in the banks of the river in submerged tree roots between November 1 and March 31. Their summer habitat focuses within 90m (300ft of rivers) and they regularly travel 300m (0.2 mile) from rivers during this time. During summer they seek out early successional habitat: pastures, old fields, woodlands, powerline cuts and railroad beds bordering or adjacent to streams and rivers. Their habitat in Connecticut is already severely threatened by fragmentation of riverine, instream, riparian, and upland habitats, but is exacerbated by heavy adult mortality from machinery, cars, and collection. This is compounded by the species late maturity, low reproductive potential, and high nest and hatchling depredation rates.

Eastern hognose snake (*Heterodon platirhinos*)- State Special Concern

In Connecticut, these snakes are found in well-drained forest bottomlands and a matrix of open deciduous forests and early successional habitat, including powerlines. Within the early successional habitat, they preferentially use habitat that consists of sandy soils with medium to high vegetation cover and coarse woody debris. They tend to avoid dense forest, wetlands and developed areas. Paved roads may present a barrier to dispersal and connectivity within populations.

Snakes are dormant between November 1 and April 1. They will overwinter in a variety of habitats,

preferably at the edges of forest and within open habitats if available. They have been observed to overwinter under areas of tree roots, rodent burrows, rock crevices, or excavate their own dens in sandy soils.

Many of these harmless snakes are killed by people who are convinced that they are venomous and dangerous. When confronted, the hognose snake will suck in air, spread the skin around its head and neck like a cobra, hiss, and lunge as if to strike. Take the time to learn about, understand, and respect this reptile, and share your knowledge with others. Being able to identify and educate others about the eastern hog-nosed snake can help conserve this species. The more people that are aware of the physical and behavioral identification of this unique snake, the more individuals that can be spared from unnecessary killing. If you encounter a hog-nosed snake, observe it from a distance and allow it to go on its way. All snakes will retreat from humans if given a chance.

Land disturbance activities need to consider local habitat features and apply fencing and/or time of year restrictions as appropriate. **You will need to 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.**

The forest edge of this area is known to be a hotspot for overwintering for Eastern hognose snake. Site design indicates fencing may extend into this important habitat. Additionally, both snakes and turtles may utilize the site during the active season. Your protection plan should incorporate protection measures that will avoid impacts during construction, including fencing installation. Your protection plan will also address protection measures that will be used onsite, after construction is finished, during operations including mowing and any relevant maintenance to minimize hazards for animals.

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 117896 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 9/26/2025, 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 (NDDB) 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
Wildlife Division- Natural Diversity Data Base
79 Elm Street
Hartford, CT 06106-5127
(860) 424-3170
Shannon.Kearney@ct.gov



Wetland Delineation • Wetland Assessment & Permitting • Wildlife & Botanical Surveys • Fisheries & Aquatics • GIS Mapping

October 22, 2024

James Cerkanowicz
Verogy
124 LaSalle Road, 2nd Floor
West Hartford, CT 06107

RE: *State-listed Species Protection Plan*
CTDEEP NDDB RAI #117896
Town of Mansfield Landfill Solar PV Development

Mr. Cerkanowicz,

I reviewed the plans (Proposed Site Plan, Sheet C101, 9/4/24) and conducted a site evaluation on November 7th for the proposed solar array field at 221 Warrenville Road in Mansfield. The purpose of my work was to evaluate the habitat suitability of the Project area for the State-listed wood turtle (*Glyptemys insculpta*) and eastern hog-nosed snake (*Heterodon platirhinos*) and develop a protection plan for these species. The following are my observations and recommendations for species protection during construction.

Habitat Requirements

Eastern hognosed snake Habitat: Eastern hog-nosed snakes are primarily found within early successional habitats and associated forest ecotones underlain by well-drained sandy and gravelly soils. Populations often occur within outwash plains in low-lying river valleys.

Wood turtle Habitat: Wood turtles have large home ranges centered around small rivers and larger-order streams and their riparian zones. Seasonally, they utilize mosaics of habitat including floodplain forests, agricultural lands, and early successional habitats.

Project Area Habitat Characteristics

The Site consists of a waste transfer station with a capped landfill, material stockpiles and associated buildings and infrastructure. The Project area is largely located atop the capped landfill, with a utility connection running from the array field south to Warrenville Road. The Project area is predominately cleared unvegetated ground used for storage, primarily of woody debris (see Photos 5-6). The perimeter of the Project area is vegetated, consisting of dense herbaceous meadow vegetation. This meadow area appears to be mowed somewhat regularly (annually) as it lacks woody vegetation. The dominant plant species are mugwort (*Artemisia vulgaris*),

goldenrods (*Solidago sp.*), milkweed (*Asclepias sp.*), switchgrass (*Panicum virgatum*) and other perennial herbs. Land bordering the Project limits consists of mixed deciduous-coniferous forest.

Suitability of Project Area Habitat for Target Species

Portions of the Project area represent suitable habitat for both species. Specifically, the outer perimeter that is dominated by meadow vegetation (see Photos 7-8). These areas represent suitable active season habitat, but not suitable wintering (hibernation) habitat. Regarding the wood turtle, the site is located near the Fenton River, a known population Site for the species (i.e., the species “core” habitat). The Project area lies approximately 1,000 feet from the River. This would be within, but at the outer limits of, the terrestrial travel distance of the species during seasonal movements. Regarding the hog-nosed snake, suitable habitat is largely present adjacent to the Project area (the forest/meadow ecotone) but extends into the meadow habitat. For both species, the Project area is unlikely to lie within a habitat movement or migration corridor.

Overall, while there is suitable habitat present, the likelihood of use is low due to the distance from core habitat, the lack of a likely movement corridor, and the degraded ground conditions (i.e., anthropogenic fill slope).

With respect to the utility connection from the Project area to Warrenville Road, I do not see any conflict with this work. This is a small-scale ground disturbance proposed within the paved road or road shoulder, which does not offer habitat for wildlife.

Proposed Protection Measures

The following protection measures are recommended for the area of the solar arrays only. Due to the lack of wintering habitat, no protection measures are recommended if work is conducted between November 1st and April 1st, which is outside of the active season for both species.

Initial Site Preparation

1. Prior to the start of work, Project area vegetation should be mowed at a height (minimum 6 inches) to protect animals on the ground surface. Mowing should be done starting from the interior of the Project area and mowing outward, towards the bordering undeveloped land. This will allow any animals located within the Project limits to escape outward.

Isolation Measures

2. The proposed sediment barrier shall act as a wildlife exclusion barrier to prevent migrating/dispersing herpetofauna from accessing the construction area. A qualified herpetologist will review and approve the final installation of the exclusion barrier. During installation, species sweeps will occur to ensure wildlife are not impacted.

3. All compromised areas of the sediment exclusion barrier must immediately be repaired.
The contractor is expected to conduct daily inspections of the barrier.

Species Sweeps

4. After the exclusion barrier is installed, and prior to the start of work, species sweeps by a qualified herpetologist should be conducted within the limits of disturbance.

Contractor Education

5. Prior to working on site, the Contractor shall attend an educational session at the preconstruction meeting with a qualified herpetologist. This orientation and educational session should consist of an introductory meeting providing photos of herpetofauna that may be encountered during construction activities, and what to do if an animal is encountered.
6. The Contractor will be provided with cell phone and email contacts for the herpetologist to immediately report any encounters with listed species, or other herpetofauna species.

Reporting

7. Any observations of state listed species must be reported to CTDEEP by a qualified herpetologist with specific information on the location and disposition of the animal at the time of observation.

If you have any questions regarding these findings, please feel free to contact me.

Respectfully submitted,



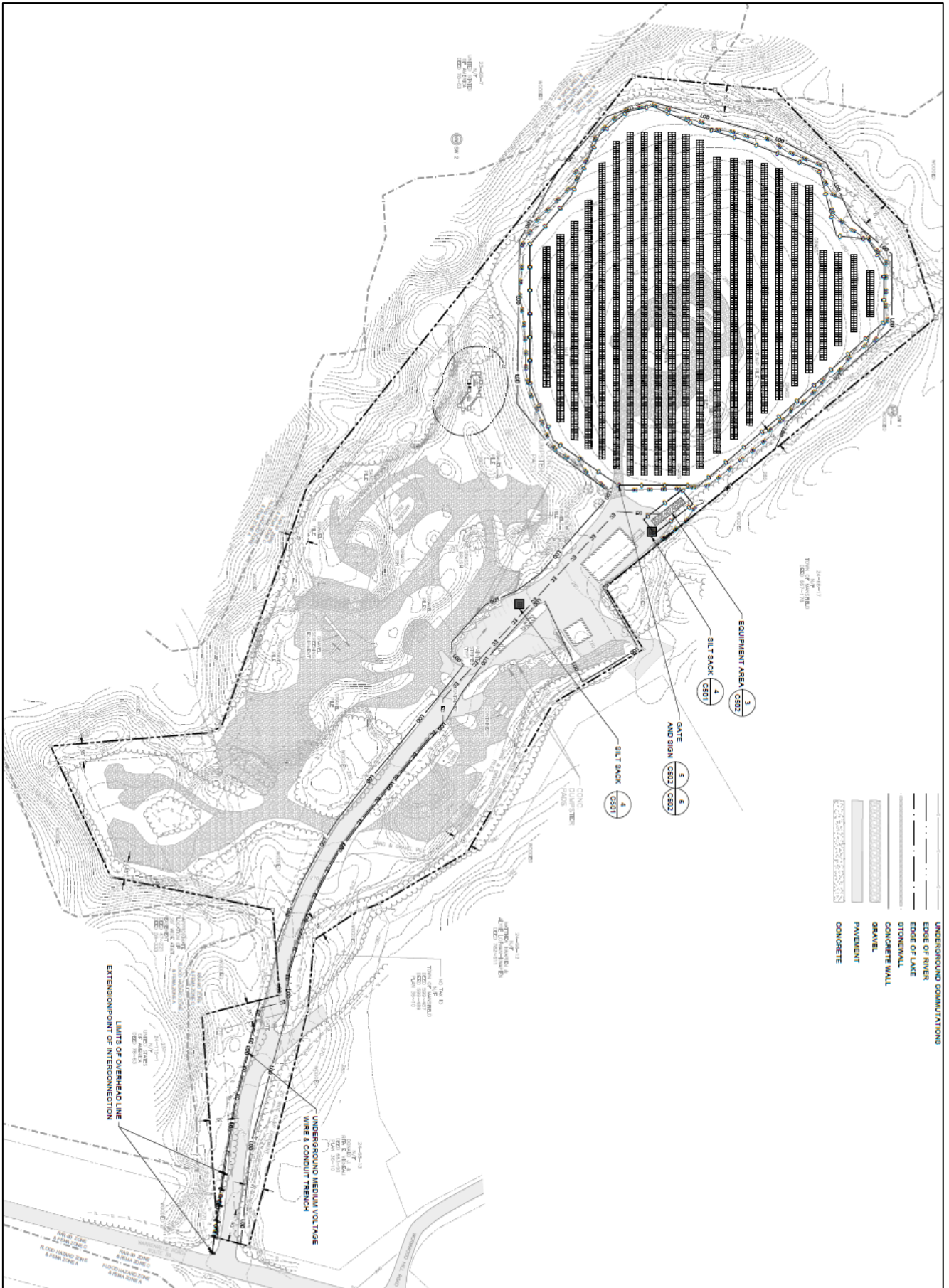
Eric Davison
Wildlife Biologist
eric@davisonenvironmental.com

Attachments:

1. Project Plan Sheet C101 (excerpted)
2. Site Photographs
3. CTDEEP NDDB RAI

ATTACHMENT 1

PROJECT PLANS



ATTACHMENT 2

SITE PHOTOGRAPHS



Photo 1: View of access road into Project area, looking north.



Photo 2: View of access road into Project area, looking south.



Photo 3: View of access road immediately south of the array field.



Photo 4: View of southern end of array, looking north.



Photo 5: View of center of Project area.



Photo 6: View of center of Project area.



Photo 7: View of northeastern edge of Project area.



Photo 8: View of northwestern Project area.

ATTACHMENT 3

CTDEEP NDDB RAI



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



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:

09/18/2024 19:05:39 UTC

Project Code: 2024-0146108

Project Name: Town of Mansfield Landfill Solar PV Development

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 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: 2024-0146108

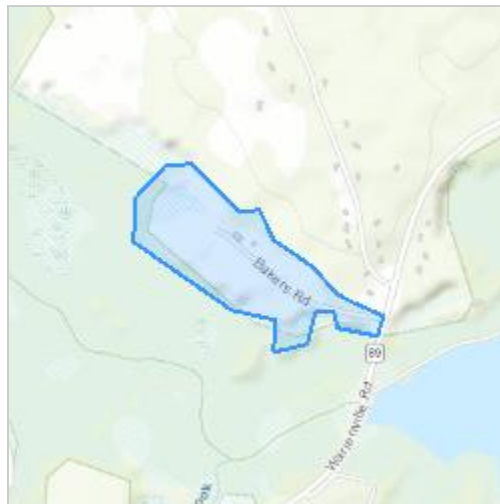
Project Name: Town of Mansfield Landfill Solar PV Development

Project Type: Power Gen - Solar

Project Description: The proposed solar PV array and associated improvements are located on the Mansfield municipal solid waste (MSW) Landfill located at 221 Warrenville Road, Mansfield, CT. The proposed project includes the construction of a ground-mounted solar PV array and an equipment pad on the top of the closed landfill cap. The solar PV array will be mounted on pre-cast concrete ballasted foundations. The solar modules would be connected using above ground cable trays or conduits that would lead to a transformer pad located off the landfill cap. Electrical conduit will run east from the transformer and ultimately connect, via new utility poles (by others), to the existing electrical infrastructure located on Warrenville Road. Ballasted chain link fence will encompass the project as required by the National Electric Code (NEC). The total area within the fence limits is approximately 7.8 acres. The schedule is contingent upon permit approvals through CTDEEP, Eversource construction schedule, weather, and the availability of materials. Pending permit approvals, construction is anticipated to begin in Spring of 2025 and be completed by the fall/winter of 2025.

Project Location:

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@41.78021915,-72.19391332284152,14z>



Counties: Tolland 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 Fisheries¹, 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: https://ecos.fws.gov/ecp/species/10515	Proposed Endangered

INSECTS

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

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