



USFWS & NDDB COMPLIANCE

January 20, 2025

Compton Donohue, Development Engineer
East Point Energy, LLC
200 Garrett Street, Suite J
Charlottesville, VA 22902

Re: 337 Elm Street, West Haven, Connecticut
APT Job No: CT720130

On behalf of East Point Energy, LLC, All-Points Technology Corporation, P.C. ("APT") performed an evaluation with respect to possible Federally- and State-listed, threatened, endangered or special concern species in order to determine if the proposed Battery Energy Storage System ("BESS") facility (the "Facility" or "Project") would result in a potential adverse effect to listed species.

APT understands that East Point Energy proposes the construction of a BESS Facility that would occupy most of the property located at 337 Elm Street, West Haven, Connecticut ("Subject Property").

USFWS

The Federal consultation was completed in accordance with Section 10¹ of the Endangered Species Act ("ESA") through the U.S. Fish and Wildlife Service's ("USFWS") Information, Planning, and Conservation System ("IPaC"). Based on the results of the IPaC review, one Federally listed² proposed endangered species and one Federally listed proposed threatened species are known to occur on or in the vicinity of the Subject Property documented as the tricolored bat ("TCB"; *Perimyotis subflavus*) and monarch butterfly (*Danaus Plexippus*), respectively. Please refer to the enclosed official species list. As a result of this finding, APT performed an evaluation to determine if the proposed referenced Facility would result in a likely adverse effect to TCB and monarch butterfly.

Tricolored Bat

The proposed Facility will require minor tree clearing and trimming; trees potentially provide TCB habitat. A review of the Connecticut Department of Energy & Environmental Protection ("DEEP") Wildlife Division Natural Diversity Data Base ("NDDB") NLEB habitat map³ revealed that the proposed Facility is not within 0.25 mile of known NLEB hibernaculum or occurrences (TCB also use NLEB hibernaculum). The nearest NLEB habitat resource to the proposed Facility is located ±10.6 miles to the northeast in North Branford.

¹ APT understands the Facility is not considered a Federal action so Section 7 of the ESA would not apply.

² Listing under the federal Endangered Species Act

³ *Connecticut Northern Long-eared bat Observations by Town* map. July 24, 2023.

APT submitted applicable Project information using the NLEB/TCB Determination Key ("DKey") within the IPaC system and received a determination of "may affect, not likely to adversely affect" (NLAA) TCB. A time of year restriction ("TOYR") for tree clearing is required by USFWS as a condition of the NLAA determination resulting in tree clearing restricted to occur only during the inactive period for TCB pup season, August 16 – May 31; please refer to the enclosed USFWS January 20, 2025 letter for TCB generated by the NLEB/TCB DKey along with bat protection measures that will be incorporated into the project site plans. With this TOYR for tree clearing, no further consultation with USFWS is required.

Monarch Butterfly

USFWS has issued a proposed rule with public comments due by March 12, 2025 for listing the monarch butterfly as a threatened species with protective regulations under section 4(d) of the ESA (a "4(d) rule"). No critical habitat is proposed for designation in Connecticut. The purpose of the 4(d) rule is intended to improve future conditions so that the monarch migratory populations stabilize and grow. Monarch butterfly conservation measures include (1) achieve a significant increase in the availability of milkweed and nectar plants in monarch breeding and migratory areas; (2) protect and enhance overwintering habitat; (3) avoid and minimize impacts to monarchs and their habitat from insecticides and herbicides; and (4) maintain public support for the conservation of monarch butterflies.

The Subject Property consists of a commercially developed property within an urbanized area of West Haven adjacent to active railroad tracks. Limited vegetation is present on the Subject Property and no significant milkweed or nectar plants are present. Considering the urbanized setting of the Subject Property and proximity to active railroad tracks that include the application of herbicides, habitat supporting monarch butterfly is not present and the property would not be a suitable candidate for conservation measures such as planting milkweed or nectar plants. Therefore, the proposed Facility is not anticipated to result in a "may affect" determination associated with the 4(d) rule, if officially listed.

NDDB

No known areas of State-listed species are currently depicted on the most recent DEEP NDDB Maps⁴ (December 2024) in the location of the proposed Facility. Please refer to the enclosed NDDB Map which depicts the nearest NDDB buffer ± 0.78 -mile northeast of the Subject Property. Since the proposed Facility and Subject Property are not located within a NDDB buffer area, consultation with DEEP is not required in accordance with their review policy.

Therefore, the proposed Facility is not anticipated to adversely impact any Federal or State threatened, endangered or species of special concern.

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



Dean Gustafson
Senior Biologist

Enclosures

⁴ <https://portal.ct.gov/deep/nddb/natural-diversity-data-base-maps>

USFWS Letters

- Official Species List
- TCB NLAA Determination



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:

01/20/2025 16:44:43 UTC

Project Code: 2025-0008085

Project Name: East Point Energy: West Haven Energy Center LLC

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: 2025-0008085

Project Name: East Point Energy: West Haven Energy Center LLC

Project Type: Power Gen - Other

Project Description: The proposed project consists of the construction of a new battery energy storage system facility at the 337 Elm Street, West Haven, Connecticut. The project will be located within a project parcel measuring approximately 1.2 acres in area.

Project Location:

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@41.275449550000005,-72.95483230424925,14z>



Counties: New Haven 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> There is proposed critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/9743	Proposed Threatened

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.



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:

01/20/2025 17:20:52 UTC

Project code: 2025-0008085

Project Name: East Point Energy: West Haven Energy Center LLC

Federal Nexus: no

Federal Action Agency (if applicable):

Subject: Technical assistance for 'East Point Energy: West Haven Energy Center LLC'

Dear Deborah Gustafson:

This letter records your determination using the Information for Planning and Consultation (IPaC) system provided to the U.S. Fish and Wildlife Service (Service) on January 20, 2025, for 'East Point Energy: West Haven Energy Center LLC' (here forward, Project). This project has been assigned Project Code 2025-0008085 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* Proposed Threatened

You may coordinate with our Office to determine whether the Action may cause prohibited take of the animal species and/or critical habitat 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

Coordination with the Service is complete. This letter serves as technical assistance. All conservation measures should be implemented as proposed. Thank you for considering federally listed species during your project planning.

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 2025-0008085 associated with this Project.

Action Description

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

1. Name

East Point Energy: West Haven Energy Center LLC

2. Description

The following description was provided for the project 'East Point Energy: West Haven Energy Center LLC':

The proposed project consists of the construction of a new battery energy storage system facility at the 337 Elm Street, West Haven, Connecticut. The project will be located within a project parcel measuring approximately 1.2 acres in area.

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@41.275449550000005,-72.95483230424925,14z>



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?

No

6. [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

7. 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

8. 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

9. Will the action cause effects to a bridge?

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

No

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

No

11. 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

12. 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

13. 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

14. 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

15. 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

16. 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

17. 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

18. 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

19. Will the action include drilling or blasting?

No

20. 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

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

No

22. 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

23. 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

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

Yes

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

No

26. 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

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

Automatically answered

No

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

Automatically answered

Yes

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

Automatically answered

No

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

Automatically answered

No

31. Will the action cause trees to be cut, knocked down, or otherwise brought down across an area greater than 5 acres in total extent?

No

32. 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

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

Automatically answered

Yes

34. [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

35. 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

36. 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

37. 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

38. 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

39. 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.

0.15

Bat Protection Measures

ENVIRONMENTAL NOTES - RESOURCES PROTECTION MEASURES

BAT PROTECTION PROGRAM

The proposed facility is located within sensitive habitat known to be used by tricolored bat ("TCB"; *Perimyotis subflavus*), a Federally Proposed Endangered and State Endangered Species. In order to protect this bat species and prevent incidental take, protection measures are proposed during construction and operation of the facility.

It is of the utmost importance that the Contractor complies with the requirement for implementation of these protective measures and the education of its employees and subcontractors performing work on the project site.

All-Points Technology Corporation, P.C. ("APT") will serve as the Environmental Monitor for this project to ensure that these protection measures are implemented properly. APT will provide an education session for the Contractor prior to the start of construction activities on the potential presence of TCB. The Contractor shall contact Dean Gustafson, Senior Biologist at APT, at least 5 business days prior to the start of any construction activities to schedule a pre-construction meeting. Mr. Gustafson can be reached by phone at (860) 552-2033 or via email at dgustafson@allpointstech.com.

This protection program consists of several components: education of all contractors and sub-contractors prior to initiation of work on the site; protective measures; periodic inspection of the construction project; and, reporting. Details of the TCB protection measures to be implemented in association with construction and operation of the facility are provided below.

1. Contractor Education

- a. Prior to work on site, the Contractor shall attend an educational session at the pre-construction meeting with APT. This orientation and educational session will consist of an introductory meeting with APT to emphasize the environmentally sensitive nature of the project, the rare species resources, and the requirement to diligently follow the Protective Measures as described in sections below.
- b. The Contractor will be provided with cell phone and email contacts for APT personnel to immediately report any encounters with any rare species. Educational poster materials will be provided by APT and displayed on the job site to maintain worker awareness as the project progresses.
- c. If any rare species are encountered, the Contractor shall immediately cease all work, avoid any disturbance to the species, and contact APT.

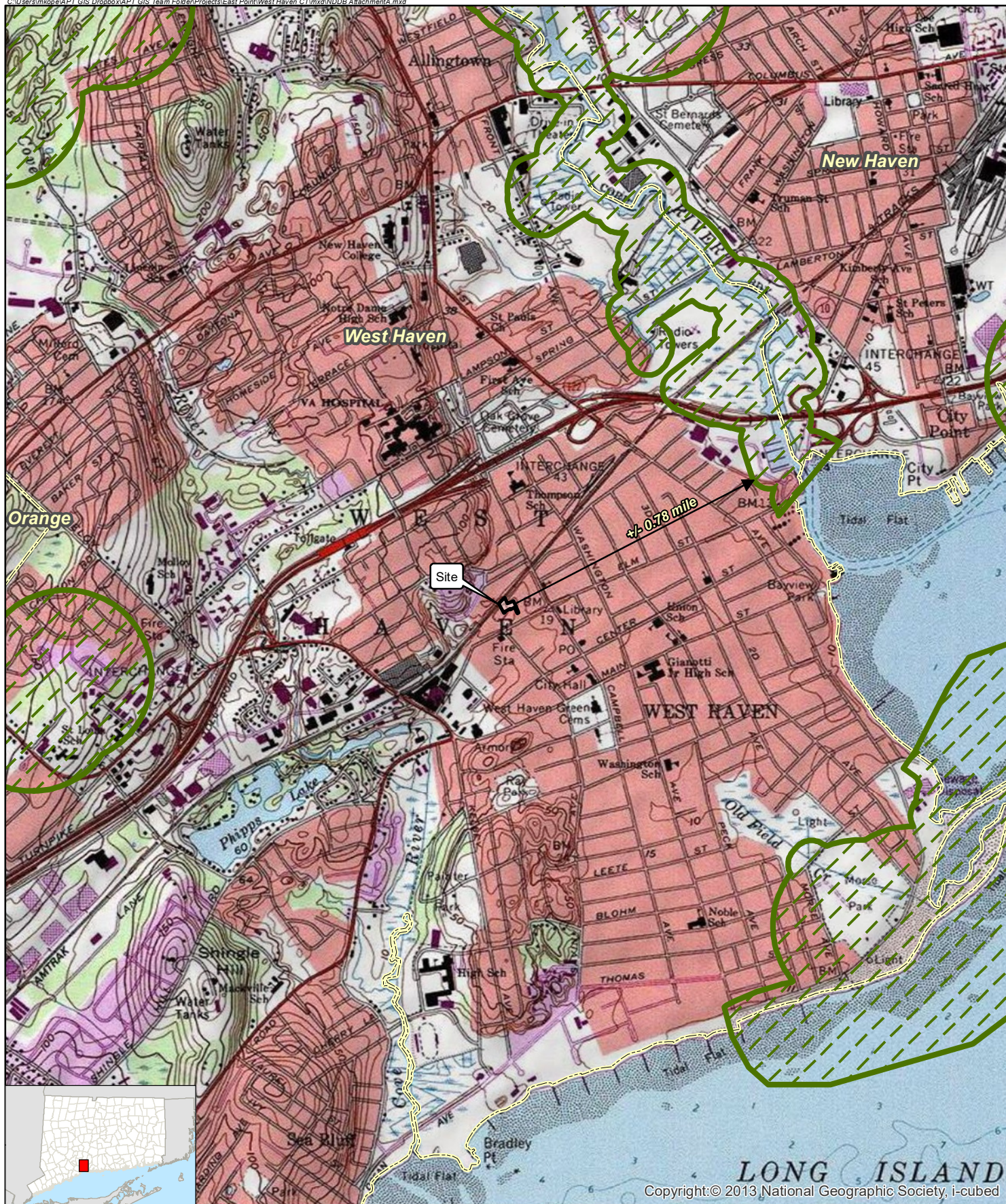
2. Bat Habitat - Tree Clearing Restriction

- a. A time of year restriction ("TOYR") for tree clearing restricts tree removal to occur only between August 16th through May 31st, during the bat's inactive pup season, when TCB would likely not be present in forested habitat on the subject property. Do not remove trees between June 1st through August 15th.

3. Reporting

- a. A Compliance Monitoring Report (brief narrative and applicable photos) documenting APT inspection verifying TOYR for tree removal was adhered to will be submitted by APT to the permittee for compliance verification. Any observations of bats will be included in the reports.
- b. Following completion of the construction project, APT will provide a Final Compliance Monitoring Report to the permittee documenting implementation of this TCB protection program and any species observations. The permittee shall provide a copy of the Final Compliance Monitoring Report to the Connecticut Siting Council for compliance verification.
- c. Any observations of rare species will be reported to DEEP by APT on the appropriate special animal reporting form, with photo-documentation (if possible) and specific information on the location and disposition of the animal.

NDDB Map



Legend

- Site
- CTDEEP Natural Diversity Database (December 2024)
- Municipal Boundary

Map Notes:
Base Map Source: USGS 7.5 Minute
Topographic Quadrangle Map: New Haven, CT (1984)
Map Scale: 1:24,000
Map Date: September 2024

NDDB Map

Proposed Battery Storage Facility
West Haven Energy Center
337 Elm Street
West Haven, Connecticut

