STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL
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Petition No. 1415
Greenskies Clean Energy LLC
North Stonington, Connecticut
Draft Staff Report
October 2, 2020

Introduction

On June 23, 2020, the Connecticut Siting Council (Council) received a petition (Petition) from Greenskies Clean Energy LLC (Petitioner) for a declaratory ruling pursuant to Connecticut General Statutes (CGS) §4-176 and §16-50k for the construction, operation and maintenance of a 5 megawatt (MW) alternating current (AC) solar photovoltaic electric generating facility on approximately 27 acres located at 227 Boom Bridge Road, North Stonington, Connecticut.

Pursuant to Regulations of Connecticut State Agencies (RCSA) §16-50j-40, on or about June 18, 2020, the Petitioner notified Town of North Stonington officials, state officials and agencies, and the Petitioner notified the property owner and abutting property owners of the proposed project on or about June 17, 2020.

Pursuant to CGS §4-176(e) of the Uniform Administrative Procedure Act, an administrative agency is required to take action on a petition within 60 days of receipt. August 22, 2020 was the deadline for this petition under CGS §4-176(e). In response to the Coronavirus pandemic, on March 25, 2020, Governor Lamont issued Executive Order No. 7M that provides for a 90-day extension of statutory and regulatory deadlines for administrative agencies thus extending the deadline to November 20, 2020.

The Council issued interrogatories to the Petitioner on August 3, 2020. On August 17, 2020, the Petitioner submitted responses to the Council's interrogatories of which one interrogatory included photographic documentation of site-specific features intended to serve as a "virtual" field review of the project. On August 21, 2020, the Petitioner submitted a revised response to Council interrogatory #4. On August 31, 2020 Council staff member, Michael Perrone, visited the site.

Municipal Consultation

The Petitioner has been in communications with local officials regarding the design and development of the project. The Petitioner met with Michael Urgo, First Selectman, Town of North Stonington (Town) and Juliet Hodge, Town Planner on January 23, 2020 to introduce the project. On May 7, 2020, the Petitioner and its environmental consultant, VHB, Inc. met with Ms. Hodge to go over the latest site plans, answer questions, and incorporate feedback into the final plans.

On June 26, 2020, the Council sent correspondence to the Town stating that the Council has received the Petition and invited the Town to contact the Council with any questions or comments by July 23, 2020. No comments were received from the Town.

State Agency Comments

On June 26, 2020, the Council sent correspondence requesting comments on the proposed project from the following state agencies by July 23, 2020: DEEP; DOAg; Department of Public Health (DPH); Council on Environmental Quality (CEQ); Public Utilities Regulatory Authority (PURA); Office of Policy and Management (OPM); Department of Economic and Community Development (DECD); Department of Emergency Services and Public Protection (DESPP); Department of Consumer Protection (DCP); Department of Labor (DOL); Department of Administrative Services (DAS); Department of Transportation (DOT); the Connecticut Airport Authority (CAA); and the State Historic Preservation Office (SHPO). CEQ submitted comments on July 23, 2020. These comments are attached. No other state agencies provided written comments on the project.

While the Council is obligated to consult with and solicit comments from state agencies by statute, the Council is not required to abide by the comments from state agencies. [1]

Public Act 17-218

Public Act (PA) 17-218 requires "for a solar photovoltaic facility with a capacity of two or more megawatts, to be located on prime farmland or forestland, excluding any such facility that was selected by DEEP in any solicitation issued prior to July 1, 2017, pursuant to section 16a-3f, 16a-3g or 16a-3j, the DOAg represents, in writing, to the Council that such project will not materially affect the status of such land as prime farmland or DEEP represents, in writing, to the Council that such project will not materially affect the status of land as core forest." PA 17-218 requires a project developer to obtain a letter from DOAg **OR** DEEP. The Petitioner has secured written confirmation from both DOAg and DEEP.

Pursuant to CGS §16-50x, the Council has exclusive jurisdiction over the construction, maintenance and operation of solar photovoltaic electric generating facilities throughout the state. PA 17-218 requires developers of solar facilities with a generating capacity of more than 2 MW to obtain a written determination from DOAg or DEEP that the project would not materially affect the status of land as prime farmland or core forest prior to submission of a petition for a declaratory ruling to the Council. PA 17-218 does not confer the Council's exclusive jurisdiction over the construction, maintenance and operation of solar photovoltaic electric generating facilities throughout the state upon DOAg or DEEP. PA 17-218 also does not permit DOAg or DEEP to impose any enforceable conditions on the construction, maintenance and operation of solar photovoltaic electric generating facilities under the exclusive jurisdiction of the Council.

Public Benefit

The project would be a distributed energy resource facility as defined in CGS § 16-1(a)(49). CGS § 16a-35k establishes the State's energy policy, including the goal to "develop and utilize renewable energy resources, such as solar and wind energy, to the maximum practicable extent." The 2018 Comprehensive Energy Strategy (2018 CES) highlights eight key strategies to guide administrative and legislative action over the next several years. Specifically, Strategy No. 3 is "Grow and sustain renewable and zero-carbon generation in the state and region." Furthermore, on September 3, 2019, Governor Lamont issued Executive Order No. 3, which calls for the complete decarbonization of the electric sector by 2040. The proposed facility will contribute to fulfilling the State's Renewable Portfolio Standard and Global Warming Solutions Act as a zero emission Class I renewable energy source.

[1] *Corcoran v. Connecticut Siting Council*, 284 Conn. 455 (2007)

The Petitioner was awarded a contract with The Connecticut Light and Power Company d/b/a Eversource Energy (Eversource) under the state's Low and Zero Emissions Renewable Energy Credit Programs (LREC/ZREC Program) to sell the renewable energy credits from the facility. The LREC/ZREC Program was developed as part of Public Act 11-80, "An Act Concerning the Establishment of the [DEEP] and Planning for Connecticut's Energy Future." The LREC/ZREC Program is not among the competitive energy procurement programs that are exempt from Public Act 17-218.

The Petitioner also has virtual net metering[2] (VNM) agreements with Connecticut State Colleges and Universities (CSCU). All 5 MW AC would be used for VNM for CSCU. Thus, the proposed project would assist CSCU in achieving its goal of energy conservation and sustainability.

The Petitioner does not intend on participating in the ISO-New England, Inc. Forward Capacity Auction.

Proposed Site

Pursuant to a lease agreement with the property owner, the Petitioner proposes to construct the solar facility on a site[3] located on an approximately 133-acre parcel owned by Lewis Brothers Partnership and Lewis David Babcock LLC. Rental income generated by the proposed solar facility would support the property owners' business, Beriah Lewis Farm. The subject property is bounded by Interstate 95 to the north; forest to the south and west; and undeveloped commercial land to the east. The subject property is located within the R-60 Zone – Medium Density Residential. The site is currently vacant land. The property owners clear cut the area in 2015 and 2016 with the intention of starting a gravel pit; however, the property owners later decided to utilize the property for solar. The site has remained unused since it was cleared.

Considerations in Petitioner's site selection process include, but are not limited to, the following:

a) Size of parcel(s);
b) Forest land;
c) Agricultural land;
d) Locations in proximity to possible electrical interconnection location(s);
e) Cost considerations to address wetland, wildlife, or electrical interconnection issues; and
f) Willing landowner(s).

Pursuant to CGS §16-50p(g), the Council has no authority to compel a parcel owner to sell or lease property, or portions thereof, for the purpose of siting a facility.[4]

Proposed Project

The proposed solar field is made up of two arrays separated by the proposed access drives and totaling 5 MW AC. The solar facility would include a total of 16,432 solar photovoltaic modules at 395 Watts direct current (DC) each and arrayed in linear rows approximately 15 feet apart. The modules would be mounted to the racking system in a portrait orientation with approximately 10 to 12 panels per rack.

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[2] Pursuant to CGS §16-244u, the state's VNM program incentivizes the use of renewable energy by allowing municipalities and other end use customers to assign surplus energy production to other metered accounts.
[3] RCSA §16-50j-2a(29), "Site" means a contiguous parcel of property with specified boundaries, including, but not limited to, the leased area, right-of-way, access and easements on which a facility and associated equipment is located, shall be located or is proposed to be located.
[4] *Corcoran v. Connecticut Siting Council*, 284 Conn. 455 (2007); CGS §16-50p(g) (2019).

The panels would be installed on posts driven into the ground via a track-mounted pile driver. Ground screws or concrete ballasts would be used in the event that ledge is encountered.

The solar panels would be installed on a fixed-tilt ground-mounted racking system and oriented to the south at a 30 degree angle. The modules would be installed with a ground clearance of approximately two feet. The maximum height to the tops of the solar panels would be approximately 8-feet 7-inches. A seven-foot tall chain link fence with a six-inch wildlife gap at the bottom would be used to enclose the facility.

There is an existing farm access drive originating off of Boom Bridge Road and continuing east/northeast towards the site for a total distance of about 3,100 feet. The Petitioner would improve/repair the existing access with gravel as necessary to accommodate construction traffic. A total of about 1,900 feet of new 15-foot wide gravel access would be constructed within the project footprint to allow for access and maintenance of the project.

The efficiency of the proposed solar panels would be about 17.7 percent. The annual power degradation (as the panels age) would be approximately 0.5 percent per year.

The Petitioner would install forty 125-kilowatt (kW) string inverters. The power output from each inverter would feed into a step-up transformer to increase the collected 600 Volt three-phase AC output to the distribution level voltage of 13.8-kV.

The output of the facility would be about 4.9 MW AC at the point of interconnection, taking into account losses.

The electrical interconnection would run underground from an equipment pad within the facility footprint to Boom Bridge Road following the existing farm access drive. From Boom Bridge Road, the feeder would interconnect with distribution from the Shunock Substation located on Pendleton Hill Road, approximately 3.85 miles from the site. A dedicated feeder would not be required. A Facility Study is currently underway and is expected to be complete in the late October to early November 2020 time frame. The Impact Study from Eversource is complete and indicates that interconnection of the proposed project is feasible. Eversource will provide the Petitioner with the interconnection agreements upon completion of the Facility Study.

No trees six inches diameter or greater would be removed to construct the proposed project, except for one single dead, snag tree along the stonewall property boundary.

The areas within the limits of work would be seeded with solar farm seed mix which is a turf-forming grass.

Existing topography slopes downwards from south to north. The site would be graded in the location of the proposed stormwater basins, swales and other portions of the development area that currently have slopes in excess of 15 percent. No net cut would be expected to result from grading as cut and fill volumes would be approximately equal. Approximately 1,030 cubic yards of soil cut would be replaced with road material for the access drive. In total, about 7,800 cubic yards (primarily from stormwater basins) would result from the proposed project. This excess material would be stockpiled for reuse in other non-project areas of the subject property.

If approved, construction of the project would commence in March 2021 and expected to be completed November 2021. Final commissioning and commercial operation are targeted for December 2021. Work hours would typically be 7:00 a.m. to 5:00 p.m., Monday through Saturday.

Public Safety

The proposed project would comply with the National Electrical Code, National Electrical Safety Code and National Fire Protection Association codes and standards, as applicable.

The nearest federally-obligated airport is Westerly State Airport located approximately 5.7 miles south of the proposed site. A glare analysis is not required by the Federal Aviation Administration (FAA) for this project. The solar modules are designed to absorb light, rather than reflect light. The Petitioner utilized the FAA Notice Criteria Tool which indicated that submittal of a Notice of Proposed Construction or Alteration to FAA is not required for the project.

The facility can be shut down via its main switch, and such information would be provided to emergency responders. Emergency responders would also be provided keys or the code to the access gates of the facility.

The Petitioner is willing to offer training related to emergency response at the site. The Petitioner is also willing to host a site walk with North Stonington officials (e.g. fire marshal) to inspect signage, emergency site access, emergency shutoff, disconnect locations, and other features related to emergency response.

Any noise associated with the construction of this project would be temporary in nature and exempt per DEEP Noise Control Regulations. The proposed project is expected to meet the DEEP noise standards at the property boundaries.

Environmental Effects and Mitigation Measures

Historic and Recreational Resources

Heritage Consultants (Heritage) prepared a Phase 1A Cultural Resources Assessment Survey Report (Phase 1A Report) dated June 2019. According to the Phase 1A Report, there is one historic property (Pious Hill House) listed on the State Register of Historic Places and four archaeological sites all located within one-mile of the proposed project area. Heritage notes that these resources would not be impacted by the proposed solar facility. Heritage also notes that an approximately 2.4-acre portion of a corn field located along the western portion of the site retains a moderate/high sensitivity for intact archaeological deposits and recommended that the Petitioner conduct a Phase 1B Survey.

By letter dated March 18, 2020, SHPO concurs that the Phase 1B Survey would be warranted if development is performed in this location. However, the Petitioner has no plans to develop the project within this area.

The nearest public recreational resource area is the Avalonia Land Conservancy/Yannatos Preserve which contains hiking trails and is located approximately 1.63 miles north of the proposed site. The proposed project would not be visible from this recreational resource.

Visibility

The proposed project would not be visible from nearby residences and surrounding public roads. The only area from which the project may be visible is a roughly 300-foot long stretch of Interstate 95 North, and such views would be during leaf-off conditions.

Agriculture

No portion of the proposed project area is currently used for agricultural purposes. The temporary staging area is located on land that is currently being farmed. This area will continue to be farmed post-construction.

The subject property does not contain prime farmland soils according to mapping maintained by the United States Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS). Under PA 17-218, "prime farmland" means land that meets the criteria for prime farmland as described in 7 Code of Federal Regulations (C.F.R.) 657, as amended from time to time. 7 C.F.R. 657 defines prime farmland in relevant part as "land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops, and is also available for these uses."

By letter dated July 8, 2020, pursuant to PA 17-218, DOAg indicated that the proposed project would not materially impact the status of prime farmland.

Wetlands and Watercourses

The Petitioner performed a wetland delineation at the site during the summer of 2019. A total of five wetlands were identified at the site.

There would be no direct wetland impacts. The project is designed based on a 100-foot typical wetland buffer; however, the limits of work would be located closer than 100 feet from Wetlands 1, 3 and 4. The proposed buffer distances for Wetlands 1, 3 and 4 are approximately 62 feet, 33 feet and 57 feet, respectively. Wetland 1 is located west of the proposed project and is driven by the discharge of groundwater or a perched water table. It contains tree tie-ups that interrupt the forest canopy, and it drains to the north via an intermittent watercourse. Wetland 3 is located southwest of the proposed project. It contains an area supporting shrub and emergent vegetation. Wetland 4 is located west of the project area and consists of a small area of compacted soil beneath a haul road; no live vegetation was observed within this wetland during a spring 2020 vernal pool investigation.

The proposed contractor parking/staging area located southwest of Wetland 1 was originally partially located within the 100-foot buffer of Wetland 1. However, the Petitioner will relocate such parking/staging area to ensure a wetland buffer of not less than 100 feet.

No clearing within wetland areas is proposed. Temporary impacts to wetland resources would be minimized by installing and maintain erosion and sedimentation controls (E&S controls) in accordance with the *2002 Connecticut Guidelines for Soil Erosion and Sediment Control* (2002 Connecticut Guidelines).

During the wetland delineation performed in summer 2019, Wetland 1 was identified as potentially containing cryptic vernal pool breeding habitat. A vernal pool survey was conducted on April 1, 2020. A total of 13 vernal pools were identified at the site within Wetland 1. No evidence of vernal pool breeding was observed in Wetlands 2 through 5. See attached Wetland/Watercourse and Vernal Pool Map. The number of indicator species observed, egg masses, and other amphibians observed within the vernal pools are quantified in the table below.

Cryptic VP ID	Wood Frog Egg Masses	Spotted Salamander Egg Masses	Total Egg Mass Count	Other amphibians
VP 1	5	15	20	-
VP 2	2	13	15	-
VP 3	0	4	4	-
VP 4	1	5	6	-
VP 5	1	6	7	-
VP 6	0	1	1	-
VP 7	0	3	3	-
VP 8	0	2	2	-
VP 9	0	2	2	-
VP 10	0	3	3	-
VP 11	0	4	4	-
VP 12	0	1	1	-
VP 13	0	83	83	Green/bullfrog larvae

The proposed project would be consistent with the 2015 U.S. Army Corps of Engineers Vernal Pool Best Management Practices (ACOE BMPs). There would be no impacts to the 100-foot Vernal Pool Envelope[5]. The percent development of the 100-foot to 750-foot Critical Terrestrial Habitat (CTH) area is currently 71 percent and would remain the same post-construction. Additionally, the CTH area that occurs at the proposed site is not suitable forested habitat for amphibian species and thus is not considered suitable habitat per ACOE BMPs.

Wildlife

The closest buffered area of the DEEP Natural Diversity Database is located approximately 0.15-mile to the northwest of the proposed project development area. By letter dated August 12, 2019, DEEP indicated that the following state-listed species may occur within or close to the boundaries of the subject property:

Common Name	Category	State-listed Status
Red bat	Vertebrate animal	Special Concern
Eastern spadefoot	Vertebrate animal	Endangered
Sparkling jewelwing	Invertebrate animal	Threatened
Eastern pearlshell	Invertebrate animal	Special Concern
Low frostweed	Vascular plant	Special Concern
Hoary plaintain	Vascular plant	Special Concern
Sand blackberry	Vascular plant	Special Concern

The primary habitat of the two state-listed invertebrate animal species is not present on the site. The investigations for the vertebrates and the plant species have been completed, except for the eastern spadefoot. Nighttime surveys for the eastern spadefoot are ongoing due to the requirement to perform the surveys following rainfall events and a very dry summer. Once the eastern spadefoot surveys are completed, a final report of the state-listed species results will be submitted to DEEP.

The northern long-eared bat (NLEB), a state-listed Endangered Species and federally-listed Threatened Species, is known to occur in Connecticut. However, the nearest known NLEB habitat resource in Connecticut is located in North Branford, which is about 47 miles from the proposed project. There are no known NLEB maternity roost trees in Connecticut.

The prairie warbler is listed on the U.S. Fish and Wildlife Service Information for Planning and Consultation (IPaC) as a Bird of Conservation Concern (BCC); however, it is not listed as federally endangered or threatened. This species was observed at the site predominantly within the scrub-shrub

[5] Given 13 vernal pools in close proximity, the Petitioner used a single combined VPE and a single combined CTH.

habitat. To be protective of this BCC species, the Petitioner proposes a seasonal restriction that includes no clearing of the scrub-shrub habitat at the site between May 1st through July 31st.

Forest

Under PA 17-218, "core forest" means unfragmented forest land that is three hundred feet or greater from the boundary between forest land and nonforest land, as determined by the Commissioner of DEEP. UCONN's Center for Land Use Education and Research (CLEAR) defines "core forest" as forested areas that are essentially surrounded by more forested areas and fall into three classes – small core forest, medium core forest and large core forest. Small core forest is comprised of core forest patches that are less than 250 acres. Medium core forest is comprised of core forest patches that are between 250-500 acres. Large core forest is comprised of core forest patches that are greater than 500 acres.

UCONN CLEAR utilizes the concept of "edge width" to capture the influence of a non-forest feature as it extends into the forest. Research found that the "edge influence" of a clearing will typically extend about 300 feet into the forest.

No tree clearing is proposed, and thus no core (or edge) forest acreage would be impacted by the proposed project. By letter dated August 20, 2020, pursuant to PA 17-218, DEEP indicated that the proposed project will not materially affect the status of core forest.

Air Quality

The project would not produce air or water emissions as a result of operation. The solar project would not produce air emissions of regulated air pollutants or greenhouse gases during operation.

The proposed project would generate about 236,252 MWh of electrical energy over its approximately 30-year service life. Taking into the account the carbon dioxide emissions that would result from an equivalent-sized natural gas-fueled generating facility (in lieu of the proposed facility), the proposed solar facility would take about nine months to reach a net improvement (i.e. reduction) with respect to greenhouse gas emissions.

Water Quality

The site is not located within a Federal Emergency Management Agency designated 100-year or 500-year flood zones. The site parcel is not within a DEEP-designated Aquifer Protection Area. There are no wells located on or proximate to the proposed site.

Stormwater

Pursuant to CGS Section 22a-430b, DEEP retains final jurisdiction over stormwater management and administers permit programs to regulate stormwater pollution. DEEP regulations and guidelines set forth standards for erosion and sedimentation control, stormwater pollution control and best engineering practices. The DEEP Individual and General Permits for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities (Stormwater Permit) requires implementation of a Stormwater Pollution Control Plan to prevent the movement of sediments off construction sites into nearby water bodies and to address the impacts of stormwater discharges from a project after construction is complete. A DEEP-issued Stormwater Permit is required prior to commencement of construction. The Petitioner will file an application with DEEP for such permit.

Decommissioning

A Decommissioning Plan was submitted to the Council and has provisions for project removal and component recycling when operation of the facility is discontinued. Following the removal of project related equipment, the site would be restored. The Petitioner would stabilize and re-vegetate the site as necessary to minimize erosion.

Conclusion

The project is a distributed energy resource with a capacity of not more than sixty-five megawatts, meets air and water quality standards of the DEEP, would not materially affect the status of prime farmland or core forest, and would not have a substantial adverse environmental effect. The proposed project will not produce air emissions, will not utilize water to produce electricity, was designed to minimize environmental impacts, and furthers the State's energy policy by developing and utilizing renewable energy resources and distributed energy resources.

Recommendations

If approved, staff recommends the following conditions:

1. Approval of any project changes be delegated to Council staff;

2. Submit a copy of the DEEP Stormwater Permit prior to the commencement of construction;

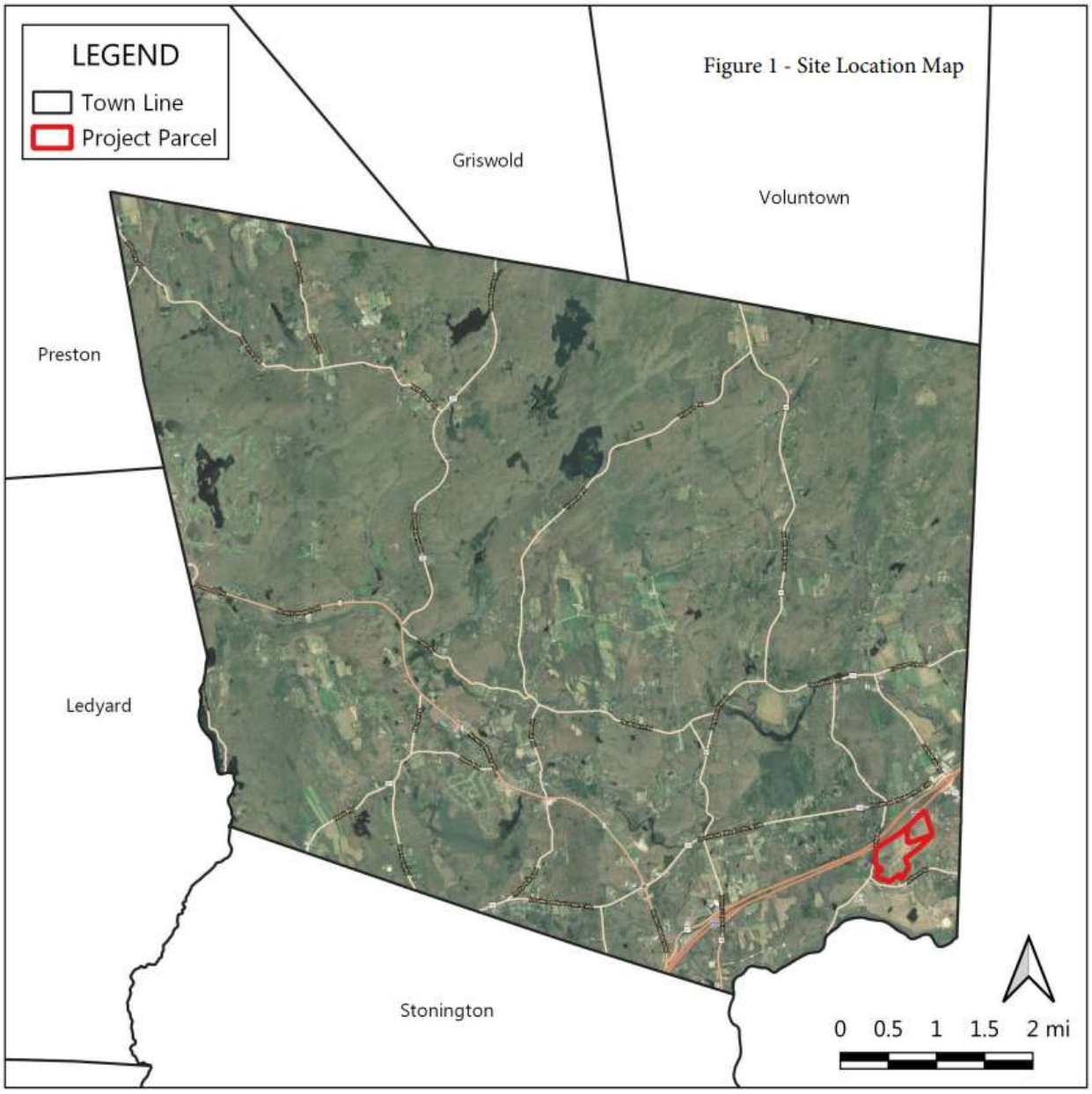
3. Submit a copy of the final habitat report for state-listed vertebrate and plant species and any applicable DEEP-recommended protective/mitigation measures for state-listed species prior to commencement of construction;

4. Submit a revised Drawing C-3.0 that includes the final parking/staging area located not less than 100 feet from any wetlands prior to commencement of construction;

5. Submit the final electrical design plans and interconnection route on the subject property prior to the commencement of construction; and

6. Submit the final structural design (for the racking system) stamped by a Professional Engineer duly licensed in the State of Connecticut prior to commencement of construction.

Site Property Map



Existing Conditions Map

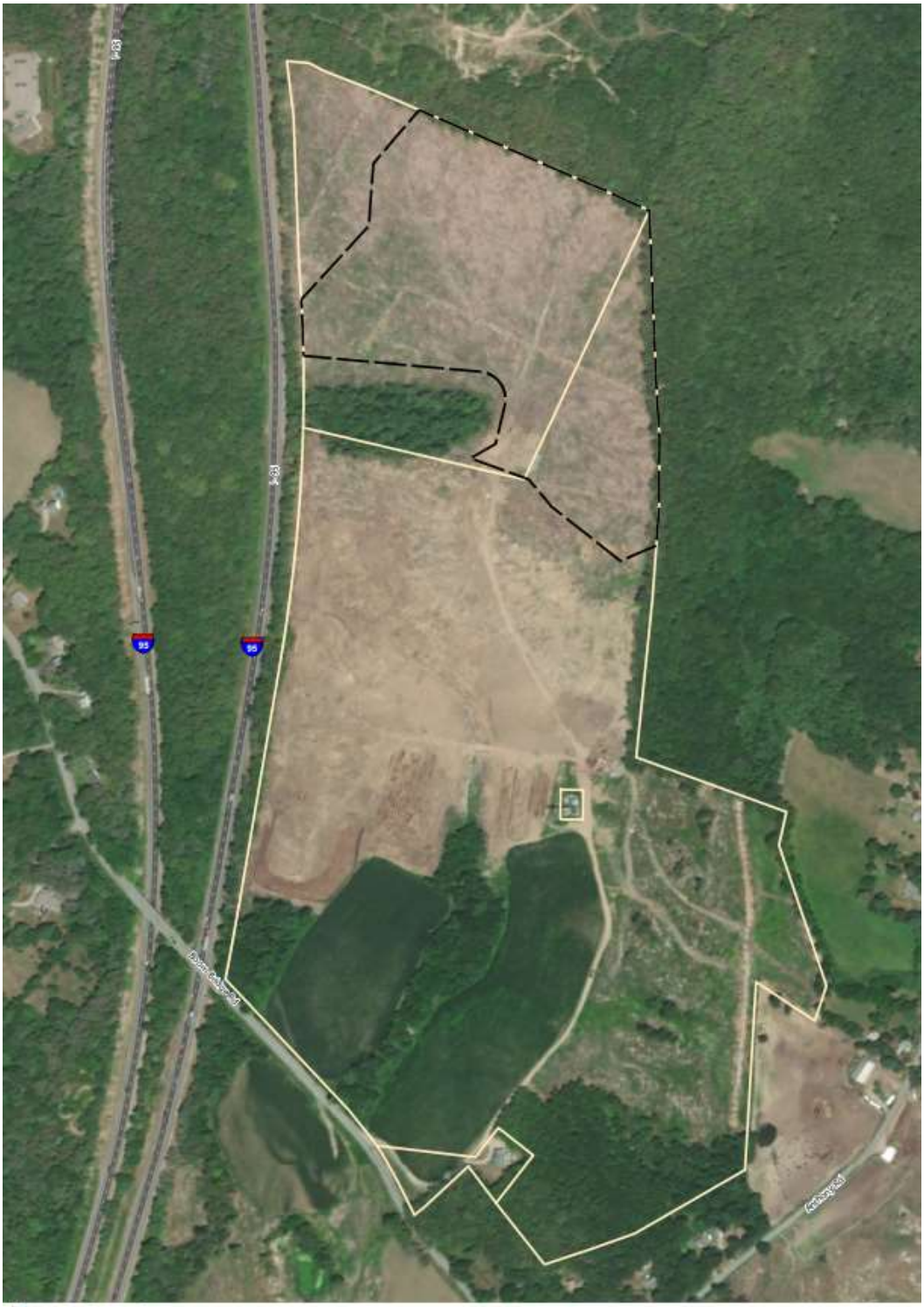
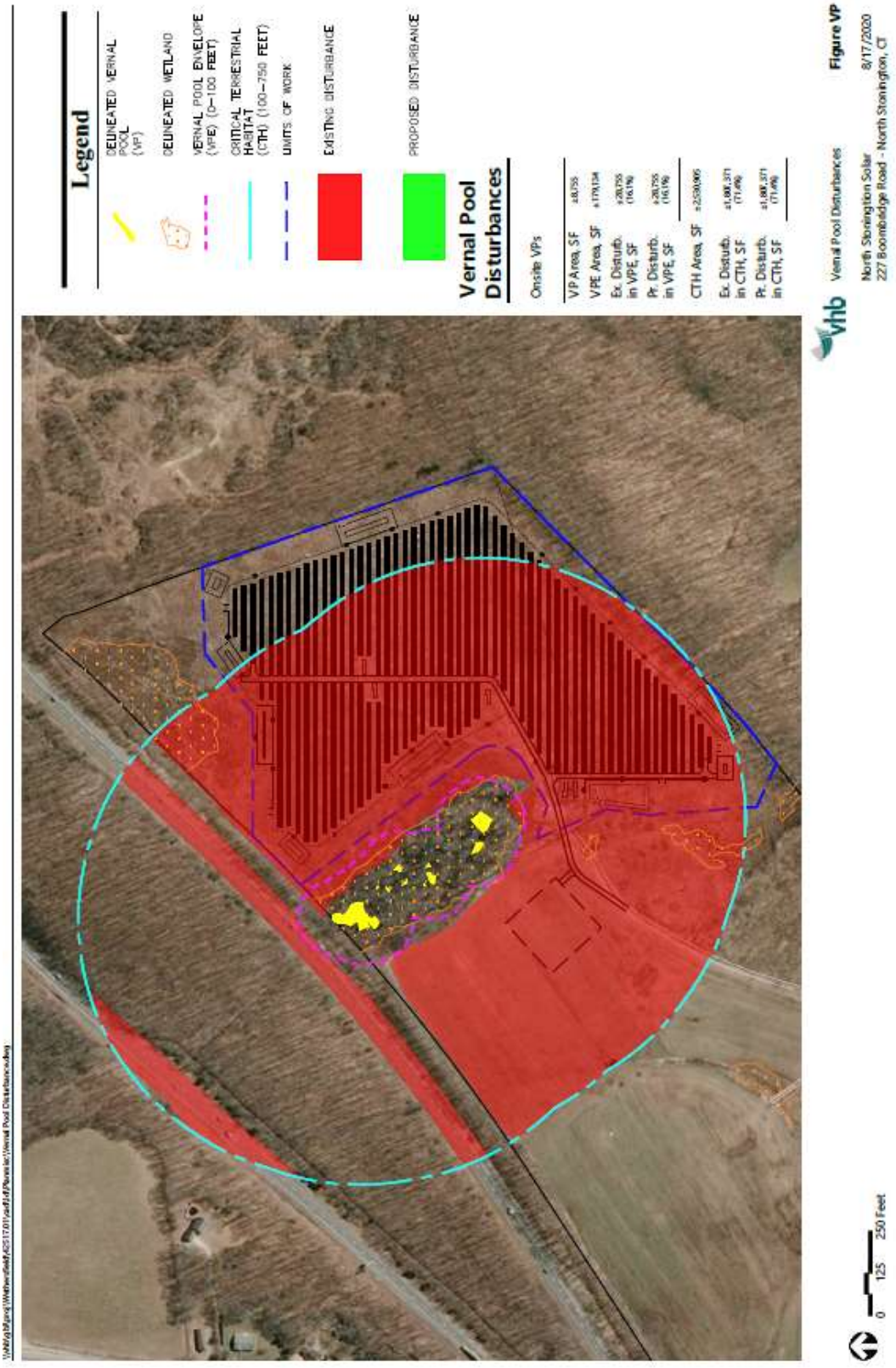


Figure 2
Proposed Project Area Aerial

Proposed Site Plan

Wetland/Watercourse and Vernal Pool Map



STATE OF CONNECTICUT

COUNCIL ON ENVIRONMENTAL QUALITY

July 22, 2020

Melanie Bachman, Executive Director
Connecticut Siting Council
Ten Franklin Square
New Britain, CT 06051

RE: PETITION NO. 1415 - Greenskies Clean Energy, LLC petition for a declaratory ruling for the proposed construction, maintenance and operation of a 5.0-megawatt-AC solar photovoltaic electric generating facility on approximately 27 acres located generally northeast of the intersection of Boom Bridge Road and Anthony Road and south of Interstate 95 in North Stonington, Connecticut.

Dear Ms. Bachman:

The Council on Environmental Quality ("the Council") supports the development of clean, renewable energy technologies on appropriate sites in Connecticut. The Council offers the following comments with regard to Petition No. 1415 (Petition):

1. Proposed Project Site

The Petition notes that hydrocarbon fuel would be stored on the proposed site during construction; however, there is no mention of a Spill Prevention, Control, and Countermeasure (SPCC) plan for the proposed project as recommended by the Phase I Environmental Survey. The Council recommends that the Petitioner develop and incorporate an SPCC plan for the proposed project that includes provisions for the proposer storage of fuel and/or refueling on the proposed site.

2. Wetlands

The Council notes that the contractor parking/staging area is partially located within the 100 foot wetland buffer, even though there appears to be considerable area to the northwest and west for that use. The Council recommends that the Petitioner consider relocating the contractor parking/staging area to be outside of the 100 foot buffer area. In addition, the Council recommends consideration of a rerouting of the proposed access road, which is proposed to traverse the center of wetland #4, to a more northerly route to take it out of the wetlands and make it closer to the contractor parking/staging area.

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3. Wildlife

The Council notes that there are a total of thirteen vernal pools identified on the proposed site, and four vernal pools (VP1, VP2, VP4, and VP5) that are classified as Tier I, which denotes exemplary pools where "management recommendations should be applied". While the proposed 100 foot wetland buffer will reduce impacts on the "vernal pool envelope", the "critical upland habitat", which includes the area between 100 feet to 750 feet from the vernal pools and is the area needed to support upland populations of amphibians that breed in vernal pools, should also be protected. The Council recommends that the Petitioner specify the management practices[1] it would employ to protect the critical upland habitat of the identified Tier I vernal pools.

The Petitioner stated that additional field surveys are needed to confirm if some of the state-listed species, identified by the DEEP Natural Diversity Data Base (NDDB) are present. A review of the United States Fish and Wildlife Service Information for Planning and Consultation (IPaC) identifies a federally listed endangered species (prairie warbler) as having the potential to exist on or near the proposed site. The Council recommends that the Petitioner assess the impact the proposed project could have on that species when it performs the additional site surveys and review of the NDDB, which is required by the *General Permit for Stormwater and Dewatering Wastewaters from Construction Activities*. Because, as stated in the NDDB Preliminary Assessment letter, "consultations with the Data Base should not be substitutes for on-site surveys required for environmental assessments", the Council recommends that the Petitioner conduct a field survey to confirm the absence of state and federally-listed species or suitable habitat for state and federally-listed species.

Thank you for your consideration of these comments. Please do not hesitate to contact the Council if you have any questions.

Sincerely,

Peter Hearn
Executive Director

[1] Calhoun, A. J. K. and M. W. Klemens. 2002. Best Development Practices: Conserving pool-breeding amphibians in residential and commercial developments in the northeastern United States. MCA Technical Paper No. 5, Metropolitan Conservation Alliance, Wildlife Conservation Society, Bronx, New York