

# General Permit for the Discharge of Stormwater from Construction Activities

## APPENDIX A

### Endangered and Threatened Species

#### Purpose

This Appendix describes the steps that an applicant should take to demonstrate compliance with Sections 2.2.4. and 3.4.1.7.c.ii. of the General Permit for the Discharge of Stormwater from Construction Activities (“the CGP”). To be eligible for coverage under the Construction General Permit, an applicant must ensure that the construction activity:

- Does not threaten the continued existence of any state or federal species listed as endangered or threatened (“listed species”), and
- Does not result in the destruction or adverse modification of any habitat associated with such species.

These requirements are specified in Sections 2.2.4. and 3.4.1.7.c.ii. of the CGP. The Department of Energy and Environmental Protection (“the Department”) strongly recommends evaluating compliance with Sections 2.2.4. and 3.4.1.7.c.ii. as early as possible in project planning, ideally *up to one year or more before initiating construction*—or even before site acquisition to avoid significant or unforeseen delays in the processing of an application by the Department. At a minimum, applicants must assess compliance with Sections 2.2.4. and 3.4.1.7.c.ii. prior to submission of the Application Form for the CGP.

#### Step 1. Screening for Listed Species

Determine if there are known occurrences of any state or federally-listed species within the impact area of the project site ([Section 26-306 of the Regulations of Connecticut State Agencies](#)).

- DEEP strongly recommends conducting an initial site evaluation, including biological surveys to assess the potential to support state-listed species or Critical Habitat types for sites larger than five (5) acres.

3.0 Screening must be completed within six (6) months prior to CGP application submission.

##### **1.1 Review the NDDB Maps**

- Go to the Natural Diversity Data Base (NDDB) Map ([review NDDB Maps](#))
- Check if your project area overlaps with known locations of listed species.

##### **1.2 NDDB Map Limitations**

- NDDB Areas are based on reported observations, and do not represent all occupied or suitable habitat.
- Much of the state has not been comprehensively surveyed, leaving potential habitat and species locations vulnerable.
- Unmapped areas may contain suitable habitat that has not yet been surveyed.
- GIS maps are only a screening tool—each site requires professional investigation.

### **1.3 Biological surveys and habitat characterization are strongly recommended for:**

- Projects with significant ground disturbance.
- Conversions of natural lands to development.
- Projects disturbing or fragmenting over 10 acres, or smaller areas in Critical Habitat types.

### **1.4 Use of Screening Results**

If based on the screening:

- The project site is not in an area with documented listed species, and
- The applicant has no verifiable, scientific, or credible information indicating that the construction activity may reasonably affect listed species.

Then, when completing the CGP Application Form, the applicant may check the box stating that the activity will not impact any known federal or state listed species.

### **1.5 Critical Habitat Information**

- View preliminary mapping of Critical Habitats using the CTECO Map Viewer (turn on the Bioscience Layer, expand, and select Critical Habitats).
- Submit any preliminary survey results and site habitat characterizations with your NDDDB Review request for DEEP evaluation.

## **Step 2. Obtaining a Two-Year Determination (if required)**

### **2.1 When Required**

If either of the following applies:

- The project site is in a documented NDDDB Area, or
- Site evaluations indicate the likely presence of listed species or habitat impacts—

Then the applicant must submit a Request for NDDDB Review through DEEP's online portal.

### **2.2 What the NDDDB Review Entails**

NDDDB staff will:

- Review project details and site conditions,
- Identify potential impacts to listed species, and
- Recommend appropriate impact avoidance, minimization, or mitigation measures.

The review process may require:

- Additional site-specific information,
- A taxonomic expert for habitat or species surveys,

- survey for listed species, or
- A site-specific protection plan.

If the species is federally listed, consultation with the U.S. Fish and Wildlife Service (USFWS) may be required in addition to DEEP’s Wildlife Division.

### **2.3 The Determination Letter**

Once the review is complete, NDDDB staff will issue a Two-Year Determination Letter, which will:

- indicate that the construction activity will not impact listed species or their associated habitat, or
- may include specific conditions to be implemented to avoid or significantly minimize any impacts that may be encountered at the site of the construction activity, or
- may indicate that a mitigation plan has been approved to address unavoidable impacts to listed species or their associated habitats.

This determination is valid for two years. If construction has not begun before the expiration, an extension request or new review request is required. Include the determination letter with your CGP Application Form. Check the box for “two-year determination” on the form. Failure to attach the letter will delay or prevent application processing.

### **3.0 Mitigation Plan Requirements (if applicable)**

#### **3.1 If a mitigation plan is developed and approved by DEEP and, if applicable, the USFWS:**

- Check both the “two-year determination” and “approved mitigation plan” boxes on the CGP Application Form.
- Indicate whether the plan is complete or still being implemented.

Incomplete plans at the time of application will become enforceable permit conditions upon approval.

#### **3.2 If DEEP (and USFWS, if applicable) determines that:**

- The activity will adversely impact listed species/habitat.
- A mutually acceptable mitigation plan cannot be agreed upon.

Then the applicant is not eligible for coverage under the CGP.

### **4.0 Requesting a One-Year Extension to the Determination**

#### **4.1 When and How to Request**

If the activity has not started by the determination’s expiration:

- You may request one (1) one-year extension.
- Email the NDDDB reviewer who issued the original determination.
- Copy: [deep.nddbrequest@ct.gov](mailto:deep.nddbrequest@ct.gov)

## 4.2 Extension Review Criteria

The extension is presumed to be granted unless DEEP determines that:

- The nature of the construction activity has changed.
- NDDDB maps for the site have changed.
- New information alters the initial review.
- There is evidence of changing site conditions affecting listed species/habitat.

The extension is effective from the date of DEEP's new determination letter. Include both the original and extension letters with your CGP application.

### Final Reminders

- It typically takes NDDDB staff about 10 weeks to review and issue NDDDB letters; however, if further survey work during a specific time of year is needed, the process can take longer.
- Begin this process early—up to 1 year or more before construction.
- The Department strongly recommends starting before site purchase.

The Department's NDDDB website includes additional information about the [NDDDB program](#) and [NDDDB reviews](#), including [NDDDB Frequently Asked Questions](#).