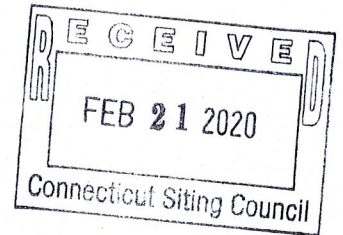


BRUCE L. McDERMOTT  
203.772.7787 DIRECT TELEPHONE  
860.240.5723 DIRECT FACSIMILE  
BMcDERMOTT@MURTHALAW.COM

February 21, 2019

**VIA HAND DELIVERY**

Mr. James J. Murphy, Vice-Chairman  
Connecticut Siting Council  
Ten Franklin Square  
New Britain, CT 06051



ORIGINAL

Re: Petition No. 1354 – Chatfield Solar Fund, LLC, petition for a declaratory ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the proposed construction, maintenance and operation of a 1.98-megawatt AC solar photovoltaic electric generating facility located in Killingworth, Connecticut

Dear Vice-Chairman Murphy:

Enclosed please find the original and fifteen (15) copies of DEEP's letter concerning its further comments regarding DEEP's NDDDB Program in connection with the above-referenced petition.

Please feel free to contact me with any questions concerning this submittal at (203) 772-7787.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Bruce L. McDermott".

Bruce L. McDermott

Enclosures

**Murtha Cullina LLP**  
265 Church Street  
New Haven, CT 06510  
T 203.772.7700  
F 203.772.7723



Connecticut Department of  
**ENERGY &  
ENVIRONMENTAL  
PROTECTION**

February 19, 2019

Ms. Alisa Morrison  
Loureiro Engineering Associates, Inc.  
100 Fort Hill Road  
Groton, CT 06340  
[acmorrison@loureiro.com](mailto:acmorrison@loureiro.com)

Project: Further NDDDB Comments Regarding Incomplete and Insufficient Report for Proposed Construction of "Chatfield Solar Farm", Installation a 1.98 Megawatt AC (MW) Solar-Based Electric Generating Facility on North Branford Rd (RTE 80), Killingworth, Connecticut  
NDDDB Preliminary Assessment No. 201811399

Dear Alisa Morrison,

I have finished reviewing the Site Survey Report for Proposed Chatfield Solar Farm, Lot 14B North Branford Road (Route 80) Property in Killingworth, CT prepared by REMA Ecological Services, LLC on November 5th, 2018 and submitted to our NDDDB Program on November 9, 2018. The site survey report was submitted to our program in response to a letter to you from our DEEP-NDDDB Program dated October 23, 2018 indicating that "*According to our information there are known extant populations of State Special Concern Rubus cuneifolius (Sand blackberry), Platanthera flava var. herbiola (Pale green orchid) and Caprimulgus vociferus (whippoorwill) from the project site*".

In my October 23<sup>rd</sup>, 2018 letter to you, I indicated that in order to prevent impacts to this state listed species I needed field surveys of the site by a qualified botanist when the target species were identifiable. The botanical site survey report had specific botanical components and incomplete plant survey reports may not be accepted.

The report was to include:

1. Survey date(s) and duration
2. Site descriptions and photographs
3. List of component species within the survey area (including scientific binomials)
4. Data regarding population numbers and/or area occupied by State-listed species
5. Detailed maps of the area surveyed including the survey route and locations of State-listed Species
6. Conservation strategies or protection plans that indicate how impacts may be avoided for all state-listed species present on the site.
7. Statement/résumé indicating the biologist's qualifications. Please be sure when you hire a consulting qualified biologist to help conduct this site survey that they have the proper experience with target taxon.

The report that was submitted to our program on November 9<sup>th</sup>, 2018 is considered insufficient and I cannot accept the findings contained within the report for several reasons.

1. It was too late in the season to detect any of these state listed species on site and do a comprehensive site survey of this site.
2. No conservation strategies or protection protocols were provided for any of the three state listed species.
3. I cannot concur with REMA Ecological Services, LLC conclusion that "*the solar farm and its construction would increase the likelihood of use by whip-poor-will*". There is no conservation plan in the report, or in the original NDDDB application for shrub-land enhancement or plantings. The area (as described by REMA Ecological Services, LLC) that had very little invasive species present and may be perfect for the whip-poor-wills or other state listed species, is the precise area that will be occupied by the solar panels.

Under the Connecticut Endangered Species Act (RCSA Sec. 26-306) I must issue a final determination letter from our program that provides no adverse impacts to state listed species or that provides mitigation for the adverse impacts from project activities. I cannot do that at this time since I have not received the required information I requested in October 2018.

At this juncture, without the possibility of doing site surveys through the winter or early spring for these state-listed species, and since I cannot rule out these species being present on this parcel (given the above reasons) you can contact either the Connecticut Botanical Society or The New England Wildflower Society and perhaps contract with a recommended qualified botanist familiar with these plants that can develop a conservation plan for on this property or do a proper survey during the right time of year. We can work closely and coordinate with the contracted botanist to be sure they have all the locational information about these plants.

Also, with regard to the whip-poor-will, I will need both a plan for protection (protection protocols) and a conservation plan to enhance native plants that will support native invertebrates as a conservation measure for the whip-poor-wills. Perhaps the solar development can be redesigned to provide more conservation areas or specific conservation support for managing habitat for this bird. You should hire a qualified ornithologist, familiar with whip-poor-will ecology, to provide a conservation enhancement plan for these birds. I cannot issue a final determination of no adverse impacts to state listed species at this time until further mitigation for state listed species is achieved.

The conservation plans should include short-term and long term management recommendations. The conservation plan should be developed to minimize adverse effects on the state listed species and be developed by a biologist or ecologist familiar with these species.

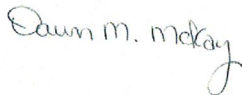
The conservation plan, at the minimum, should include the following elements:

- a. Anticipated impacts from this project on the state listed species and associated habitat.
- b. Any planned short term and long term mitigation or management practices that will be employed to protect or avoid impacts to the state listed plants and whip-poor-will.
- d. A Statement, CV or Resume of the biologist's qualifications to understand the ecology and habitat of these species.

Natural Diversity Data Base information includes all information regarding critical biological resources available to us at the time of the request. This information is a compilation of data collected over the years by the Department of Energy and Environmental Protection's Natural History Survey and cooperating units of DEEP, private conservation groups and the scientific community. This information is not necessarily the result of comprehensive or site-specific field investigations. Consultations with the Data Base should not be substitutes for on-site surveys required for environmental assessments. Current research projects and new contributors continue to identify additional populations of species and locations of habitats of concern, as well as, enhance existing data. Such new information is incorporated into the Data Base as it becomes available. The result of this review does not preclude the possibility that listed species may be encountered on site and that additional action may be necessary to remain in compliance with certain state permits.

Please contact me if you have further questions at (860) 424-3592, or [dawn.mckay@ct.gov](mailto:dawn.mckay@ct.gov) . Thank you for consulting the Natural Diversity Data Base.

Sincerely,



Dawn M. McKay  
Environmental Analyst 3