

FUSION SOLAR CENTER, LLC

FUSION SOLAR CENTER

POTASH HILL ROAD, SPRAGUE



FUSS & O'NEILL

146 HARTFORD ROAD  
MANCHESTER, CONNECTICUT 06040  
860.646.2469  
www.fuso.com

SCALE:

HORZ: 1'=150'

VERT:

DATUM:

HORZ:

VERT:

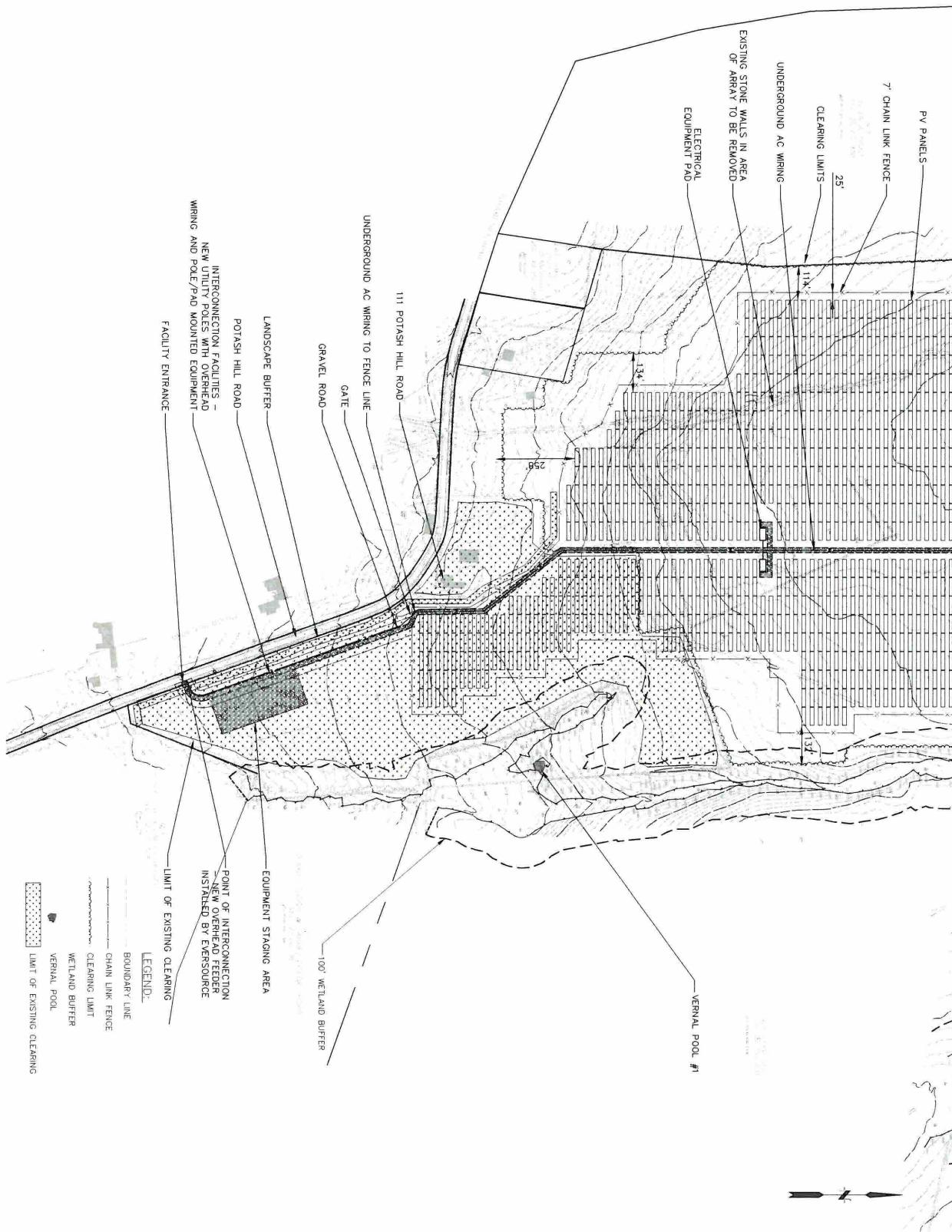
150 75 0 150

GRAPHIC SCALE

CS-102  
PRINTED: 08/07/2015  
FILE: 20140878A20

No.	Date	Description	Designer	Reviewer
1.	xx/xx		xx	xx

MATCH LINE SEE SHEET CS-102



FUSION SOLAR CENTER, LLC

FUSION SOLAR CENTER

POTASH HILL ROAD, SPRAGUE



**FUSS & O'NEILL**  
146 HARTFORD ROAD  
NEW HAVEN, CONNECTICUT 06404  
860.446.3469  
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SCALE:	HORZ: 1"=150'
	VERT: 1"=150'
DATUM:	HORZ: NAD 1983 HARN
	VERT: NAD 1983 HARN
150	75 0 150
GRAPHIC SCALE	

No.	Date	Description	Designer	Reviewer
1				

PROJ. NO. 20140678A20  
DATE: 06/02/2015

CS-103

# Attachment 4

## Photodocumentation

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Photo 1: Typical terrestrial forest habitat view.



Photo 2: Typical terrestrial forest habitat view.



Photo 3: View of open hayfield looking southeast.



Photo 4: View of open hayfield looking north.



Photo 5: Typical palustrine forest habitat view.



Photo 6: Typical vernal pool habitat view.

# Attachment 5

## Connecticut Siting Council Approval

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# STATE OF CONNECTICUT

## CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051

Phone: (860) 827-2935 Fax: (860) 827-2950

E-Mail: [siting.council@ct.gov](mailto:siting.council@ct.gov)

[www.ct.gov/csc](http://www.ct.gov/csc)

### CERTIFIED MAIL RETURN RECEIPT REQUESTED

September 22, 2015

Kenneth C. Baldwin, Esq.

Joey Lee Miranda, Esq.

Robinson & Cole LLP

280 Trumbull Street

Hartford, CT 06103-3597

RE: **PETITION NO. 1178** – Fusion Solar Center, LLC petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the proposed construction, operation and maintenance of a ground-mounted 20 megawatt solar photovoltaic electric generating facility located on Potash Hill Road, Sprague, Connecticut.

Dear Attorneys Baldwin & Miranda:

At a public meeting held on September 17, 2015, the Connecticut Siting Council (Council) considered and ruled that the above-referenced proposal would not have a substantial adverse environmental effect, and pursuant to Connecticut General Statutes § 16-50k, would not require a Certificate of Environmental Compatibility and Public Need, with the following conditions:

- The Petitioner shall prepare a Development and Management Plan (D&M) for this site in compliance with Sections 16-50j-60 through 16-50j-62 of the Regulations of Connecticut State Agencies. The D&M Plan shall be served on the Town of Sprague for comment and submitted to and approved by the Council prior to the commencement of facility construction and shall include:
  - a) A final site plan;
  - b) A wood turtle protection plan;
  - c) A plan to mitigate impacts to the long-eared bat;
  - d) Erosion and sedimentation control plan consistent with the *2002 Connecticut Guidelines for Erosion and Sedimentation Control*;
  - e) A stormwater management plan; and
  - f) Landscaping plan consistent with the response to interrogatory number two, dated September 4, 2015;
- Unless otherwise approved by the Council, if the facility authorized herein is not fully constructed within three years from the date of the mailing of the Council's decision, this decision shall be void, and the facility owner/operator shall dismantle the facility and remove all associated equipment or reapply for any continued or new use to the Council before any such use is made. The time between the filing and resolution of any appeals of the Council's decision shall not be counted in calculating this deadline. Authority to monitor and modify this schedule, as necessary, is delegated to the Executive Director. The facility owner/operator shall provide written notice to the Executive Director of any schedule changes as soon as is practicable;



CONNECTICUT SITING COUNCIL

Affirmative Action / Equal Opportunity Employer

- Any request for extension of the time period to fully construct the facility shall be filed with the Council not later than 60 days prior to the expiration date of this decision and shall be served on all parties and intervenors, if applicable, and the Town of Sprague;
- The facility owner/operator shall remit timely payments associated with annual assessments and invoices submitted by the Council for expenses attributable to the facility under Conn. Gen. Stat. §16-50v;
- This Declaratory Ruling may be transferred, provided the facility owner/operator/transferor is current with payments to the Council for annual assessments and invoices under Conn. Gen. Stat. §16-50v and the transferee provides written confirmation that the transferee agrees to comply with the terms, limitations and conditions contained in the Declaratory Ruling, including timely payments to the Council for annual assessments and invoices under Conn. Gen. Stat. §16-50v; and
- If the facility owner/operator is a wholly owned subsidiary of a corporation or other entity and is sold/transferred to another corporation or other entity, the Council shall be notified of such sale and/or transfer and of any change in contact information for the individual or representative responsible for management and operations of the facility within 30 days of the sale and/or transfer.

This decision is under the exclusive jurisdiction of the Council and is not applicable to any other modification or construction. All work is to be implemented as specified in the petition dated July 29, 2015 and additional information received on August 13, 2015 and September 8, 2015.

Enclosed for your information is a copy of the staff report on this project.

Very truly yours,

A handwritten signature in black ink that reads "Robert Stein". To the right of the name, there is a small, stylized, handwritten mark that appears to be "MAB".

Robert Stein  
Chairman

RS/MP/lm

Enclosure: Staff Report dated September 17, 2015

c: The Honorable Catherine A. Osten, First Selectman, Town of Sprague  
Joseph Smith, Zoning Enforcement Officer, Town of Sprague  
Honorable Roy Piper, First Selectman, Town of Canterbury  
Melissa Gil, Land Use Director, Town of Canterbury  
Honorable Thomas W. Sparkman, First Selectman, Town of Lisbon  
Robert D. Adams, Chairman, Planning and Zoning Commission, Town of Lisbon  
Nelson Teague, Fusion Solar Center, LLC, c/o Coronel Development Services, LLC  
Estelle Houle and Gale Boardman, 57 Potash Hill Road, Sprague  
Allen and Charlotte Rainville, 111 Potash Hill Road, Sprague  
Lawrence Nadeau Construction Company, Inc., 130 Winter Park Road, Southington



# STATE OF CONNECTICUT

## CONNECTICUT SITING COUNCIL

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Petition No. 1178

Fusion Solar Center, LLC

Potash Hill Road, Sprague

Staff Report

September 17, 2015

### Introduction

On July 29, 2015, Fusion Solar Center, LLC (FSC or Petitioner) submitted a petition to the Connecticut Siting Council (Council) for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need (Certificate) is required for the construction, operation and maintenance of a 20 megawatt (MW) alternating current (AC) solar photovoltaic generating facility located at Potash Hill Road in Sprague, Connecticut. Council members Robert Hannon and James Murphy, Jr. and Council staff members Michael Perrone and Cyman Holzschuh visited the site on August 26, 2015 to review this proposal. Attorney Kenneth Baldwin, Robinson & Cole LLP (representing FSC); David Rooney, Director – Northeast Development, Coronel Development Services, LLC (CDS); Ben Combs, Senior Project Engineer, CDS; Joe Devine, Civil Engineer, Fuss & O’Neil; Michael Libertine, Director of Siting and Permitting, All Points Technology Corporation (APT); Matthew Gustafson, Environmental Scientist and Forester, APT; Catherine Osten, First Selectman, Town of Sprague and State Senator, District S19 attended the field review. Supplemental information requested at the field review was received on September 8, 2015.

The Petitioner notified the Towns of Sprague, Canterbury, and Lisbon and abutting property owners of the proposed project. The Council has not received any comments from abutters. At the field review, First Selectman Catherine Osten expressed her support for the proposed project.

### Municipal Consultation

Prior to the submission of the Petition to the Council, FSC held a meeting with First Selectman Osteen on December 15, 2014. FSC held a public presentation and information session (attended by First Selectman Osten and citizens of Sprague) on the project on April 14, 2015. Comments from residents included a request for additional screening of the project with landscaping along Potash Hill Road. On June 8, 2015, FSC conducted outreach to the Towns of Lisbon and Canterbury. By letter dated June 22, 2015, First Selectman Osten indicated that the Town of Sprague supports the proposed project.

### Public Benefit

The project would be a “grid-side distributed resources” facility, as defined in Connecticut General Statutes (CGS) § 16-1(a)(37). CGS § 16a-35k establishes the State’s energy policies, including the goal to “develop and utilize renewable energy resources, such as solar and wind energy, to the maximum extent possible.” The 2013 Connecticut Comprehensive Energy Strategy emphasizes low- or no-emission sources of electric generation and development of more distributed generation. The proposed facility is distributed generation. In July 2013, this project was selected by the Department of Energy and Environmental Protection (DEEP) under a Request for Proposals (RFP). Specifically, the proposed facility will contribute to fulfilling the State’s Renewable Portfolio Standard as a zero

emission Class I renewable energy source. Construction of the project is expected to begin in the first quarter of 2016 and completed with commissioning and testing by late 2016.

### **Proposed Site**

The project would be located entirely on the eastern-most 85 acres of the 57 Potash Hill Road property (owned by Estelle Houle and Gale Boardman) and all of the 111 Potash Hill Road property (owned by Allen and Charlotte Rainville). Both properties are located in residential zones and are directly north of Potash Hill Road. Currently, the subject properties are agricultural (i.e. open hay fields) and wooded, with two existing structures located on the 111 Potash Hill Road parcel. In addition, approximately 10 acres of the 111 Potash Hill Road parcel are used for timber harvesting. (FSC has lease options for two other properties: the Westminster Road parcel and the Melgey property; however, the proposed project will not be developed on these sites due to the presence of wetlands and other environmentally sensitive areas.)

Land uses adjacent to the project and within the immediate locale are mostly dominated by agricultural production, industrial manufacturing (including the former Fusion Paperboard site), and to a lesser extent, by residential development and open space.

### **Proposed Project**

The solar field would include 97,000 photovoltaic modules, on a fixed rack system oriented to the south and at an angle of 25 degrees above the horizontal. Approximately 10 to 12 inverters and transformers would be located on concrete pads that are approximately 15 feet wide and 40 feet long. (The maximum height of electrical equipment would not exceed 15 feet. The maximum height of the top edges of the solar panels would not exceed 10 feet.) Electrical wiring to connect the panels would be underground. The electrical distribution line from the project site would be overhead and utilize five new 40-foot poles in order to reach and interconnect with Eversource's overhead electric distribution on Potash Hill Road.

The project would be surrounded by a six-foot chain link fence topped with barbed wire and with a mesh size not to exceed 1.25 inches as an anti-climbing measure. The total project area is approximately 144 acres, of which, 134 acres would be cleared.

The Petitioner would upgrade an existing farm access point for the main access drive to the project site. Such access drive would be gravel and approximately 16 feet wide by 700 feet long. There would also be a gravel perimeter maintenance/access road around the project area, approximately 16 feet wide and 12,400 linear feet long.

### **Environment, Cultural and Scenic Values**

A Phase I Environmental Site Assessment concluded that the site contains one recognized environmental condition, which consists of a farm dump that includes metal containers, old appliances, and scrap metal near an existing access road, that warranted additional investigation or action. Accordingly, a Phase II Environmental Site Assessment was performed and indicated the presence of lead at two sampling locations. The first sample location was beneath a discarded automotive battery located on the 57 Potash Hill Road parcel. The second sample location, which was located near the boundary of both subject properties, included paint cans and rusted metal debris and may be associated with discarded lead paint. FSC's consultant, Fuss & O'Neil believes that the extent of contamination is minimal given the sizes of the apparent source material. The Petitioner

intends to aid the landowners in proper remediation, including the disposal of the underlying soil using appropriate handling precautions and further sampling, to ensure that contaminants are properly remediated.

Site development would require the clearing of 134 acres of trees or the removal of approximately 21,130 trees with a diameter of six inches or greater to achieve a 4.6 percent shading loss. However, achieving a perfect zero percent shading loss would result in an even greater number of trees to be cleared. In order to partially mitigate the amount of tree clearing, the Petitioner has determined that an average annual shading loss of 4.6 percent is acceptable and incorporated that into the design.

Minimal grading would be required for the installation of the solar racks due to FSC's use of pile-driven or ground screw foundations. No significant cut or fill operations would be expected.

The project would be registered under the DEEP's General Permit for the Discharge of Stormwater and Dewatering Wastewaters Associated with Construction Activities at least 30 days prior to commencing any construction activities. FSC would also implement a stormwater management plan. An erosion and sedimentation control plan would be prepared prior to final site design. If approved, staff recommends including a condition that a stormwater management plan and an erosion and sedimentation control plan be filed for Council approval prior to construction.

The Petitioner has performed a Carbon Debt Analysis. While the loss of trees necessarily reduces carbon capturing ability, the carbon dioxide emissions reductions due to the solar power displacing more traditional generation (which includes fossil-fueled generation) results in a very rapid "carbon payback" of about three days of full energy production. Thus, the proposed project would very rapidly result in a net reduction in carbon dioxide emissions for the environment.

A Decommissioning Plan was included in the Petition and has provisions for project removal after a service life of up to 35 years.

The project would have no adverse environmental effect to air or water quality. The solar project would not produce air emissions of regulated air pollutants or greenhouse gasses during operation. No public water supply wells or aquifer protection areas are located in a one-half mile radius of the site.

The majority of the project is located in upland areas. One large wetland complex with six vernal pools is located to the east. While the project clearing limits would extend within nine feet of the wetland, no clearing would occur within the wetland. FSC has included a Wetland Protection Program including compliance with the *2002 Connecticut Guidelines for Erosion and Sedimentation Control*. The project fenceline would have a 100-foot setback distance from all wetlands and a vernal pool buffer of about 280 feet. Although the project does fall within the critical terrestrial habitat (i.e. 100 to 750 feet) of the wetland's vernal pools, the project is designed in accordance with the Klemens and Calhoun 2002 guidelines.

By letter dated June 12, 2015, DEEP has determined that the clustered sedge (a State-designated Threatened Species), the long-eared bat (a State-designated Endangered Species and federally-designated Threatened Species), and the wood turtle (a State-designated Species of Special Concern) may occur in the vicinity of the proposed project. DEEP also noted that bald eagles nest along the Quinebaug River, several miles east of the project.

Suitable habitat for the clustered sedge does not appear to exist within the project area. No adverse impact to the bald eagle is expected because of the distance. No hibernaculum or breeding/roosting habitat for the long-eared bat is known to exist in the vicinity of the site. However, as a precaution,

if approved, staff recommends including a condition that a plan to mitigate possible impacts to the long-eared bat be submitted for Council review and approval prior to construction. While it is unlikely that the wood turtle would utilize the project area, the potential exists for the wood turtle to utilize portions of the adjacent wetland. If approved, staff recommends including a condition that a wood turtle protection program be submitted for Council review and approval prior to construction.

The State Historic Preservation Office (SHPO) has determined that no historic properties would be affected by the proposed project. SHPO recommends the avoidance of all fieldstone walls and stone wall segments to the greatest extent possible. Council staff notes that some existing stone walls are located within the western portion of the project footprint, but recommends including a condition that the removal of existing stone walls shall be minimized where possible.

Visibility of the project would be minimal due to existing surrounding tree cover on the north, east, and west sides of the project. The only area of possible visibility would be the southern boundary of the site as viewed from Potash Hill Road. Accordingly, in response to requests for additional visual screening along Potash Hill Road, FSC is amenable to planting shrubs and/or trees (no taller than eight to ten feet at maturity) along Potash Hill Road. Specifically, FSC is willing to plant along the southern edge of 111 Potash Hill Road property along Potash Hill Road and extending north and west to the residence at 111 Potash Hill Road. The Petitioner is also willing to extend the plantings to the west behind the residence at 111 Potash Hill Road to a point adjacent to the existing tree line. Council staff notes that this proposed planting scheme would minimize the visibility and improve the aesthetics of the project as viewed from Potash Hill Road. If approved, Council staff suggests including a condition that includes the planting design indicated in the interrogatory responses received on September 8, 2015.

There is an existing stone wall on the 111 Potash Hill Road property along Potash Hill Road that is concealed by overgrown brush and foliage. As an additional measure to improve aesthetics, FSC is amenable to clearing significant portions of the brush and foliage along the existing stone wall and enhancing the stone wall, as economically viable, with materials removed from other locations from the project site.

### **Conclusion**

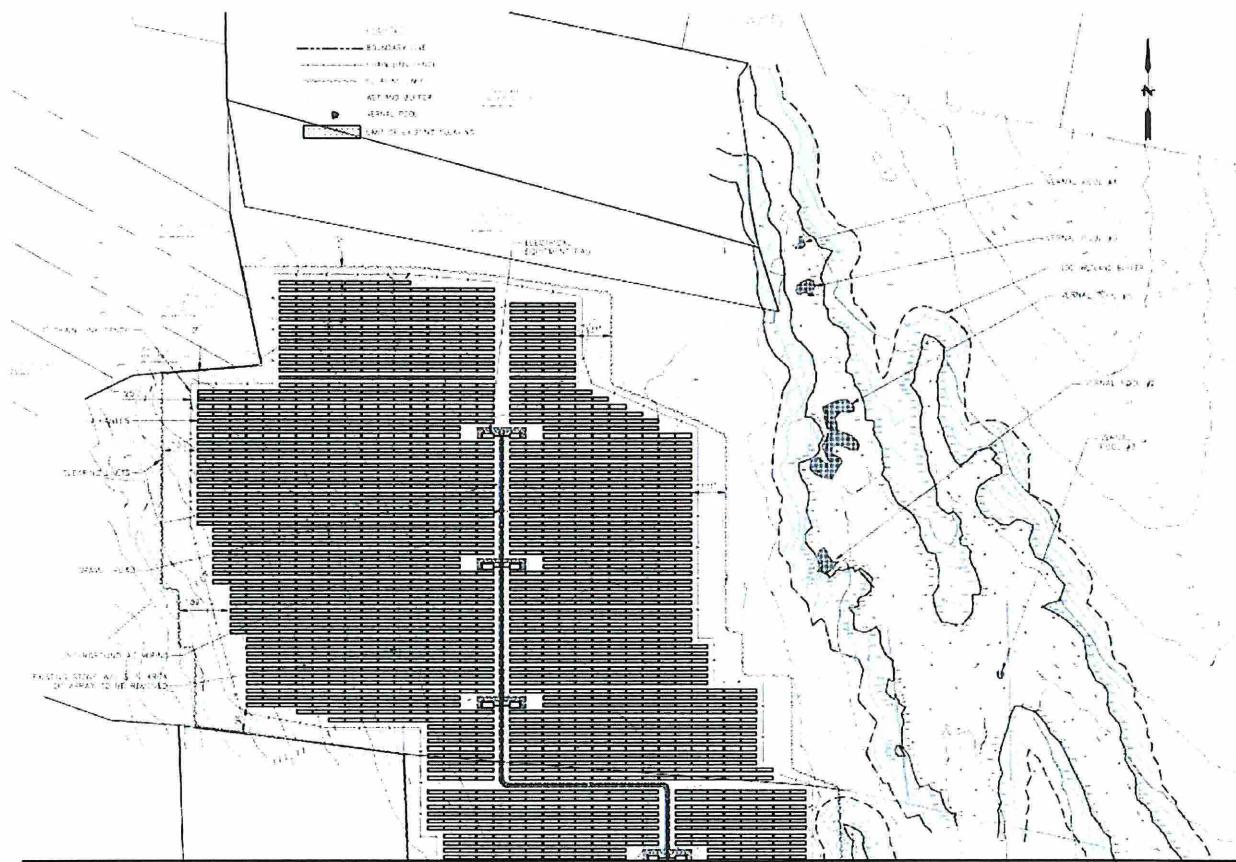
The Petitioner contends that pursuant to CGS § 16-50k(a), the Siting Council shall approve by declaratory ruling the construction or location of “any customer-side distributed resources project or facility or grid-side distributed resources project or facility with a capacity of not more than sixty-five megawatts, as long as such project meets air and water quality standards of the Department of Energy and Environmental Protection.” The proposed project meets these criteria. The proposed project will not produce air emissions, will not utilize water to produce electricity, was designed to minimize wetland impacts, and furthers the State’s energy policy by developing and utilizing renewable energy resources and distributed energy resources. In addition, as demonstrated above, the proposed project will not have a substantial adverse environmental effect.

## **Recommendations**

Staff recommends inclusion of the following conditions:

- The Petitioner shall prepare a Development and Management Plan (D&M) for this site in compliance with Sections 16-50j-60 through 16-50j-62 of the Regulations of Connecticut State Agencies. The D&M Plan shall be served on the Town of Sprague for comment and submitted to and approved by the Council prior to the commencement of facility construction and shall include:
  - a) A final site plan;
  - b) A wood turtle protection plan;
  - c) A plan to mitigate impacts to the long-eared bat;
  - d) Erosion and sedimentation control plan consistent with the *2002 Connecticut Guidelines for Erosion and Sedimentation Control*;
  - e) A stormwater management plan; and
  - f) Landscaping plan consistent with the response to interrogatory number two, dated September 4, 2015

### Proposed site layout (northern portion of project)



Proposed site layout (southern portion of project)

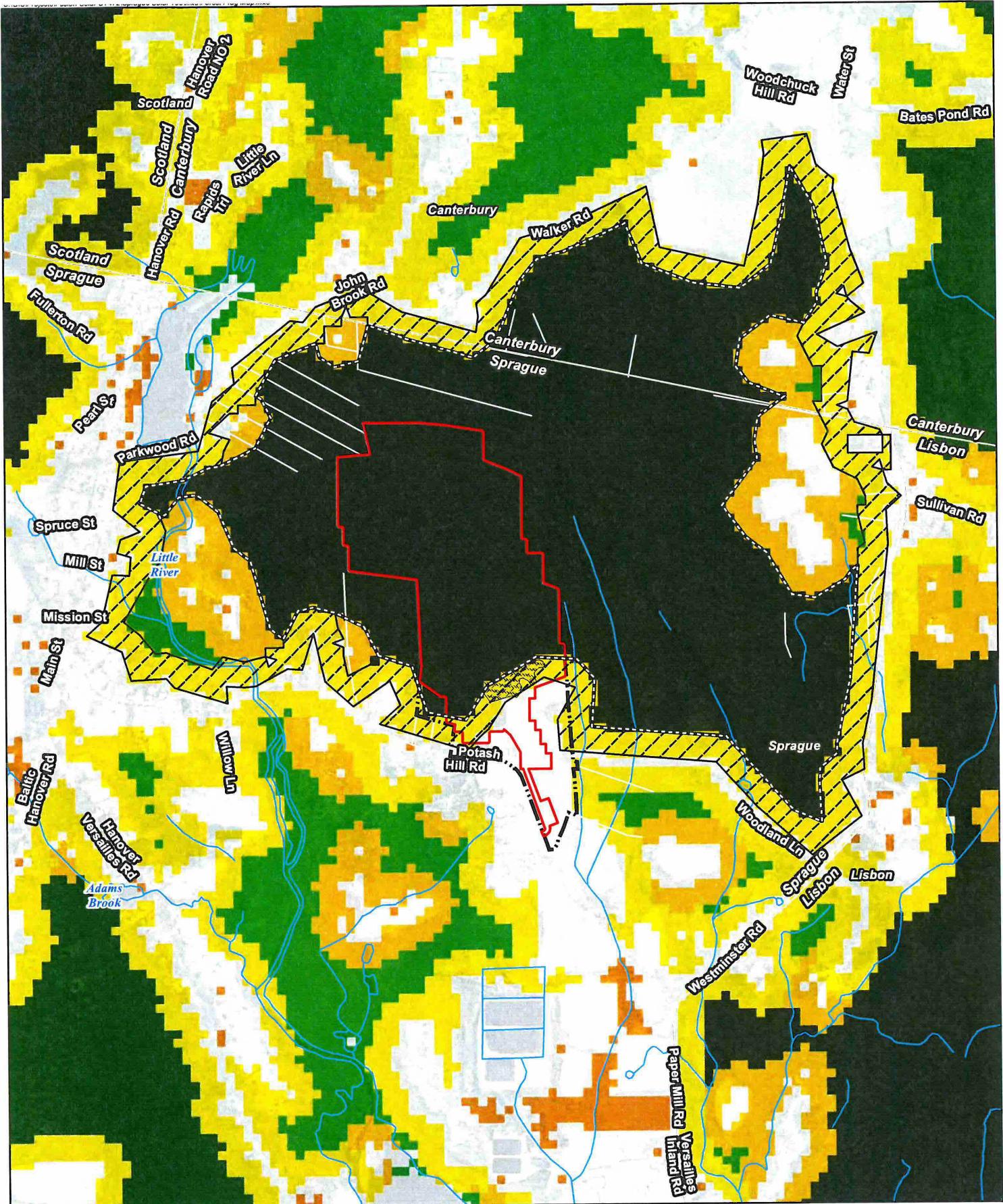


# Attachment 6

## Forest Habitat Figures

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- Forest Fragmentation Map
- Surrounding Core Forests Map



**Legend**

- Site Boundary
- Abutting Property Boundary Line
- Project Area
- Watercourse
- Approximate Areas Logged

2006 Forest Fragmentation (CLEAR) Project Area Forest Block	
Type	
□	Core Forest (+/-657 acres)
□	Edge Forest (+/-230 acres)
■	Developed
■	Patch Forest
■	Edge Forest
■	Perforated Forest
■	Core Forest (<250 ac)
■	Core Forest (250-500 ac)
■	Core Forest (>500 ac)

**Map Notes:**

Base Map Source: 2012 Aerial Photograph (CTECO)

Map Scale: 1 in = 1,500 ft Map Date: November 16, 2015

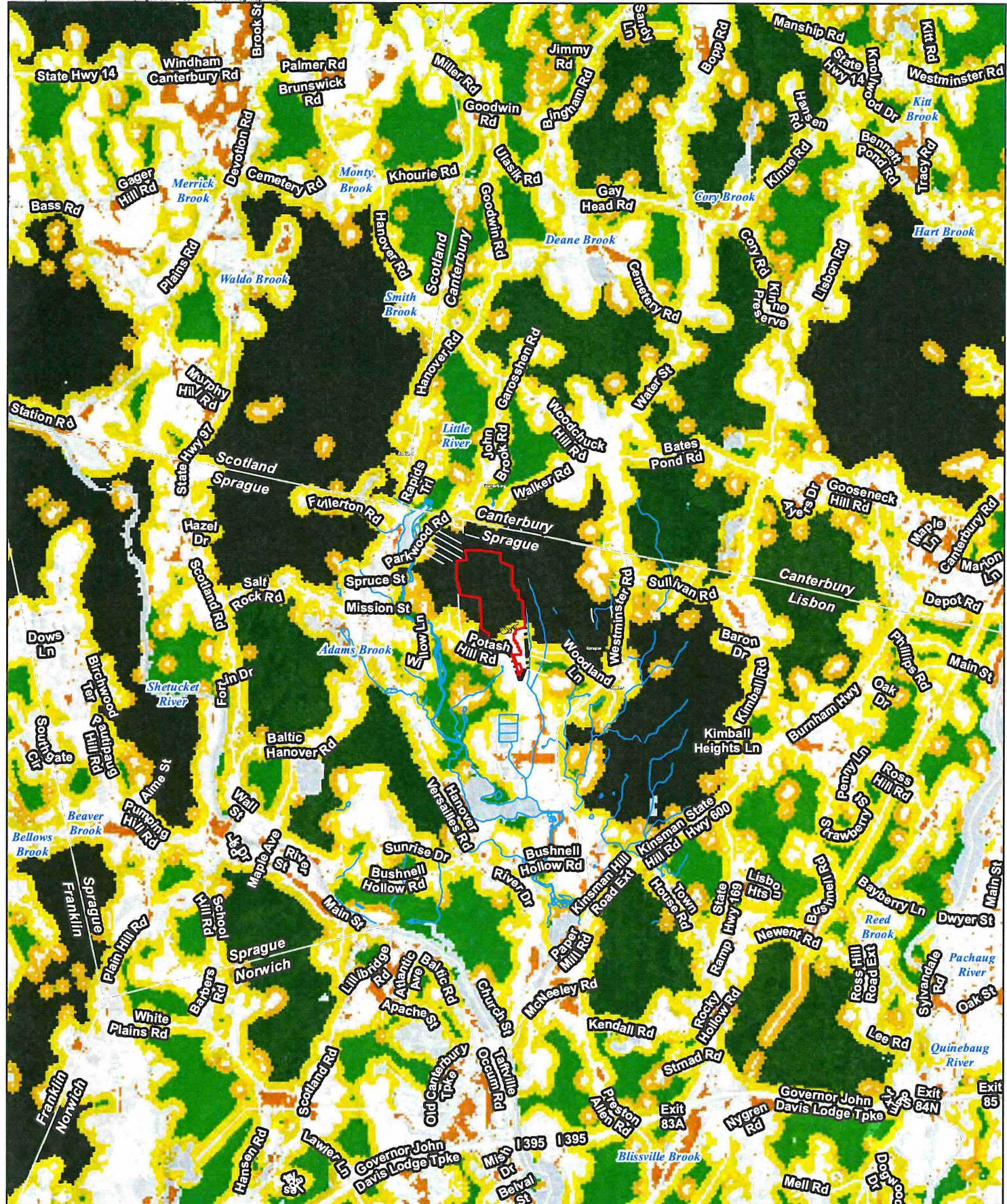
## Forest Fragmentation Map

Proposed Fusion Solar Center Facility  
Potash Hill Rd  
Sprague, CT



1,500 750 0 1,500  
Feet





### Legend

Legend:

- Site Boundary
- Abutting Property Boundary Line
- Project Area
- Watercourse
- Approximate Areas Logged
- Developed
- Patch Forest
- Edge Forest
- Perforated Forest
- Core Forest (<250 ac)
- Core Forest (250-500 ac)
- Core Forest (>500 ac)



## Surrounding Core Forest Map

Proposed Fusion Solar Center Facility  
Potash Hill Rd  
Sprague, CT



# Attachment 7

## Habitat & Species Protection Plans

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- Wetland Protection Plan
- Wood Turtle Protection Plan and Caution Poster

## WETLAND PROTECTION PROGRAM

Portions of the proposed Project are located in close proximity to wetlands. As a result, the following protective measures shall be followed to help avoid degradation of the nearby wetland system.

It is of the utmost importance that the Contractor complies with the requirement for the installation of protective measures and the education of its employees and subcontractors performing work on the project site. These measures will also provide protection to a nearby wetland system. This protection program shall be implemented regardless of time of year the construction activities occur. All-Points Technology Corporation, P.C. ("APT") will serve as the Environmental Monitor for this project to ensure that wetland protection measures are implemented properly. The Contractor shall contact Dean Gustafson, Senior Environmental Scientist at APT, at least 5 business days prior to the pre-construction meeting. Mr. Gustafson can be reached by telephone at (860) 663-1697 ext. 201 or via email at [dgustafson@allpointstech.com](mailto:dgustafson@allpointstech.com).

The wetland protection program consists of several components: use of appropriate erosion control measures to control and contain erosion while avoiding/minimizing wildlife entanglement; periodic inspection and maintenance of isolation structures and erosion control measures; education of all contractors and sub-contractors prior to initiation of work on the site; protective measures; and, reporting.

### 1. Erosion and Sedimentation Controls

- a. Plastic netting used in a variety of erosion control products (i.e., erosion control blankets, fiber rolls [wattles], reinforced silt fence) has been found to entangle wildlife, including reptiles, amphibians, birds and small mammals. No permanent erosion control products or reinforced silt fence will be used on the project. Temporary Erosion control products will use either erosion control blankets and fiber rolls composed of processed fibers mechanically bound together to form a continuous matrix (net less) or netting composed of planar woven natural biodegradable fiber to avoid/minimize wildlife entanglement.
- b. Installation of erosion control measures shall be performed by the Contractor prior to any earthwork. The Environmental Monitor will inspect the work zone area prior to and following barrier installation to ensure erosion controls are properly installed.
- c. In addition to required daily inspection by the Contractor, the fencing will be inspected for tears or breeches in the fabric following installation periodically by the Environmental Monitor throughout the course of the construction project.
- d. The extent of the erosion controls will be as shown on the site plans. The Contractor shall have additional erosion control materials should field conditions warrant extending the fencing as directed by the Environmental Monitor.
- e. All silt fencing and other erosion control devices shall be removed within 30 days of completion of work and permanent stabilization of site soils. If fiber rolls/wattles, straw bales, or other natural material erosion control products are used, such devices will not be left in place to biodegrade and shall be promptly removed after soils are stable so as not to create a barrier to migrating wildlife. Seed from seeding of soils should not spread over fiber rolls/wattles as it makes them harder to remove once soils are stabilized by vegetation.

## **2. Contractor Education**

- a. Prior to work on site, the Contractor shall attend an educational session at the pre-construction meeting with the Environmental Monitor. This orientation and educational session will consist of an introductory meeting with the Environmental Monitor to understand the environmentally sensitive nature of the development site and the need to follow these protective measures.

## **3. Petroleum Materials Storage and Spill Prevention**

- a. Certain precautions are necessary to store petroleum materials, refuel and contain and properly clean up any inadvertent fuel or petroleum (i.e., oil, hydraulic fluid, etc.) spill due to the project's location in proximity to sensitive wetlands.
- b. A spill containment kit consisting of a sufficient supply of absorbent pads and absorbent material will be maintained by the Contractor at the construction site throughout the duration of the project. In addition, a waste drum will be kept on site to contain any used absorbent pads/material for proper and timely disposal off site in accordance with applicable local, state and federal laws.
- c. The following petroleum and hazardous materials storage and refueling restrictions and spill response procedures will be adhered to by the Contractor.

### **i. Petroleum and Hazardous Materials Storage and Refueling**

1. Refueling of vehicles or machinery shall occur a minimum of 100 feet from wetlands or watercourses and shall take place on an impervious pad with secondary containment designed to contain fuels.
2. Any fuel or hazardous materials that must be kept on site shall be stored on an impervious surface utilizing secondary containment a minimum of 100 feet from wetlands or watercourses.

### **ii. Initial Spill Response Procedures**

1. Stop operations and shut off equipment.
2. Remove any sources of spark or flame.
3. Contain the source of the spill.
4. Determine the approximate volume of the spill.
5. Identify the location of natural flow paths to prevent the release of the spill to sensitive nearby waterways or wetlands.
6. Ensure that fellow workers are notified of the spill.

### **iii. Spill Clean Up & Containment**

1. Obtain spill response materials from the on-site spill response kit. Place absorbent materials directly on the release area.
2. Limit the spread of the spill by placing absorbent materials around the perimeter of the spill.
3. Isolate and eliminate the spill source.

4. Contact appropriate local, state and/or federal agencies, as necessary.
5. Contact a disposal company to properly dispose of contaminated materials.

iv. **Reporting**

1. Complete an incident report.
2. Submit a completed incident report to appropriate local, state and/or federal agencies, as necessary.

**4. Herbicide and Pesticide Restrictions**

- a. In the event herbicides and/or pesticides are required at the proposed facility, their use will be used in accordance with Integrated Pest Management ("IPM") principles with particular attention to minimize applications within 100 feet of wetland or watercourse resources. No applications of herbicides or pesticides are allowed within actual wetland or watercourse resources.

**5. Reporting**

- a. Any incidents of sediment release into the nearby wetland will be reported to the Connecticut Siting Council.

- c. Any observations of wood turtle will be reported to CTDEEP by APT, with photo-documentation (if possible) and with specific information on the location and disposition of the animal.

## **ENVIRONMENTAL NOTES**

### **Wood Turtle Protection Program**

Wood Turtle, a State Special Concern species afforded protection under the Connecticut Endangered Species Act, is known to occur on or within the vicinity of the site. The following protective measures satisfy requirements from the Connecticut Department of Energy & Environmental Protection ("CTDEEP") Wildlife Division and follow protocols developed from previous rare species consultations and state-approved protection plans. This protection program is valid for one year from the date of CTDEEP's Wildlife Division letter, at which point if construction has not been initiated a new Natural Diversity Data Base ("NDDB") review request from CTDEEP is required.

It is of the utmost importance that the Contractor complies with the requirement for the installation of protective measures and the education of its employees and subcontractors performing work on the project site if work will occur during the Wood Turtle's active period (April 1 to November 15). All-Points Technology Corporation, P.C. ("APT") will serve as the Environmental Monitor for this project to ensure that Wood Turtle protection measures are implemented properly and will provide an education session on this rare turtle species prior to the start of construction activities. The Contractor shall contact Dean Gustafson, Senior Environmental Scientist at APT, at least 5 business days prior to the pre-construction meeting. Mr. Gustafson can be reached by phone at (860) 984-9515 or via email at [dgustafson@allpointstech.com](mailto:dgustafson@allpointstech.com).

The proposed turtle protection program consists of several components: isolation of the project perimeter; periodic inspection and maintenance of isolation structures; education of all contractors and sub-contractors prior to initiation of work on the site; protective measures; and, reporting.

#### **1. Isolation Measures & Erosion and Sedimentation Controls**

- a. Plastic netting used in a variety of erosion control products (i.e., erosion control blankets, fiber rolls [wattles], reinforced silt fence) has been found to entangle wildlife, including reptiles, amphibians, birds and small mammals. No permanent erosion control products or reinforced silt fence will be used on the Fusion Solar project. Temporary erosion control products will use either erosion control blankets and fiber rolls composed of processed fibers mechanically bound together to form a continuous matrix (netless) or netting composed of planar woven natural biodegradable fiber to avoid/minimize wildlife entanglement.
- b. Installation of erosion and sedimentation controls (i.e., silt fencing), required for erosion control compliance and creation of a barrier to possible migrating/dispersing herpetofauna, shall be performed by the Contractor following clearing activities and prior to any earthwork. The Environmental Monitor will inspect the work zone area prior to and following erosion control barrier installation to ensure the area is free of to ensure the area is free of wood turtles and satisfactorily installed. The intent of the barrier is to segregate the majority of the work zone and isolate it from foraging/migrating/dispersing turtles. Oftentimes complete isolation of a work zone is not feasible due to accessibility needs and locations of staging/material storage areas, etc. In those circumstances, the barriers will be positioned to deflect migrating/dispersal routes away from the work zone to minimize potential encounters with turtles.
- c. The fencing will consist of non-reinforced conventional erosion control woven fabric, installed approximately six inches below surface grade and staked at seven to ten-foot intervals using four-foot oak stakes or approved equivalent. The Contractor is responsible for daily inspections of the fencing for tears or breeches in the fabric and

accumulation levels of sediment, particularly following storm events of 0.25 inch or greater. APT will provide periodic inspections of the fencing throughout the duration of construction activities, generally on a biweekly frequency or more frequently if site conditions warrant.

- d. The extent of the barrier fencing will be as shown on the site plans. The Contractor shall have additional barrier fencing should field or construction conditions warrant extending the fencing as directed by APT.
- e. No equipment, vehicles or construction materials shall be stored outside of the isolation barrier fencing.
- f. All silt fencing shall be removed within 30 days of completion of work and permanent stabilization of site soils so that reptile and amphibian movement between uplands and wetlands is not restricted.

## **2. 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 providing photos of wood turtles and emphasizing the non-aggressive nature of these turtles, the absence of need to destroy animals that might be encountered and the need to follow Protective Measures as described in Section 4 below. Workers will also be provided information regarding the identification of other turtle species that could be encountered.
- b. The education session will also focus on means to discriminate between the species of concern and other native species to avoid unnecessary "false alarms". Encounters with any species of turtles will be documented.
- c. The Contractor will be provided with cell phone and email contacts for APT personnel to immediately report any encounters with wood turtle or other turtle species. Educational poster materials will be provided by APT and displayed on the job site to maintain worker awareness as the project progresses.

## **3. Petroleum Materials Storage and Spill Prevention**

- a. Certain precautions are necessary to store petroleum materials, refuel and contain and properly clean up any inadvertent fuel or petroleum (i.e., oil, hydraulic fluid, etc.) spill due to the project's location in proximity to sensitive wetlands.
- b. A spill containment kit consisting of a sufficient supply of absorbent pads and absorbent material will be maintained by the Contractor at the construction site throughout the duration of the project. In addition, a waste drum will be kept on site to contain any used absorbent pads/material for proper and timely disposal off site in accordance with applicable local, state and federal laws.
- c. The following petroleum and hazardous materials storage and refueling restrictions and spill response procedures will be adhered to by the Contractor.
  - i. Petroleum and Hazardous Materials Storage and Refueling
    1. Refueling of vehicles or machinery shall occur a minimum of 100 feet from wetlands or watercourses and shall take place on an impervious pad with secondary containment designed to contain fuels.

2. Any fuel or hazardous materials that must be kept on site shall be stored on an impervious surface utilizing secondary containment a minimum of 100 feet from wetlands or watercourses.

ii. Initial Spill Response Procedures

1. Stop operations and shut off equipment.
2. Remove any sources of spark or flame.
3. Contain the source of the spill.
4. Determine the approximate volume of the spill.
5. Identify the location of natural flow paths to prevent the release of the spill to sensitive nearby waterways or wetlands.
6. Ensure that fellow workers are notified of the spill.

iii. Spill Clean Up & Containment

1. Obtain spill response materials from the on-site spill response kit. Place absorbent materials directly on the release area.
2. Limit the spread of the spill by placing absorbent materials around the perimeter of the spill.
3. Isolate and eliminate the spill source.
4. Contact the appropriate local, state and/or federal agencies, as necessary.
5. Contact a disposal company to properly dispose of contaminated materials.

iv. Reporting

1. Complete an incident report.
2. Submit a completed incident report to the Connecticut Siting Council.

**4. Turtle Protective Measures**

- a. Prior to the start of construction each day, the Contractor shall search the entire work area for turtles.
- b. If a turtle is found, it shall be immediately moved, unharmed, by carefully grasped in both hands, one on each side of the shell, between the turtle's forelimbs and the hind limbs, and placed just outside of the isolation barrier in the same approximate direction it was walking.
- c. Special care shall be taken by the Contractor during early morning and evening hours so that possible basking or foraging turtles are not harmed by construction activities.

**5. Herbicide and Pesticide Restrictions**

- a. In the event herbicides and/or pesticides are required at the proposed facility, their use will be used in accordance with Integrated Pest Management ("IPM") principles with particular attention to minimize applications within 100 feet of wetland or watercourse resources. No applications of herbicides or pesticides are allowed within actual wetland or watercourse resources.

## **6. Reporting**

- a. Monthly inspection reports (brief narrative and applicable photos) will be submitted to the Connecticut Siting Council for compliance verification. Any observations of turtles will be included in the reports.
- b. Following completion of the construction project, APT will provide a summary report to CTDEEP documenting the monitoring and maintenance of the barrier fence and erosion control measures.
- c. Any observations of wood turtle will be reported to CTDEEP by APT, with photo-documentation (if possible) and with specific information on the location and disposition of the animal.

# CAUTION

## WOOD TURTLES ARE KNOWN TO INHABIT THIS AREA



**Identification:** Wood turtles (*Glyptemys insculpta*) are terrestrial turtles that may reach 6 to 8 inches in length. Although they are most often associated with rivers and large streams, their foraging habitat covers extensive areas of pasture, woodlands and wetlands. The shell (carapace) is readily distinguished by its sculpted, rough, moderately-domed shaped. The color of the shell is brown or black with flared rear marginals (edge of the shell). The belly (plastron) is yellow with large black blotches or squares along the edges. The head and upper limbs are dark brown or black with yellow, orange or red wash on the under limbs. Large scales cover the forelimbs sometimes with red or orange highlights. olive, tan, or brown.

**What to do if you find a wood turtle:** Wood turtles are protected by Connecticut's threatened and endangered species legislation and cannot be injured, killed, or retained as a pet. If you find a wood turtle move the turtle to a safe location away from any construction activity in the direction that the turtle was heading. Pick up the turtle by its shell (carapace) between the front and hind legs. Be sure to hold the turtle closer to their hind legs as they can reach over and bite if your hands are too close to the head. The turtle may hiss and should retract into its shell.

**Who to contact:** Please report any finds and relocation of wood turtle immediately to Dean Gustafson of All-Points Technology Corp., P.C. at (860) 984-9515.

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**APPENDIX L**  
**Nddb Final Determination**

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Connecticut Department of

**ENERGY &  
ENVIRONMENTAL  
PROTECTION**

January 28, 2016

Dean Gustafson  
All-Points Technology Corporation, P.C.  
3 Saddlebrook Dr  
Killingworth, CT 06419  
dgustafson@allpointstech.com

Project: Proposed Construction of a Solar Powered Electrical Generation Installation Utilizing Photovoltaic Module Technology for Fusion Solar Center on Potash Hill Road in Sprague  
NDDB Determination No.: 201504279

Dear Dean Gustafson,

I have reviewed Natural Diversity Data Base (NDDB) maps and files regarding the area delineated on the map provided for the proposed Proposed Construction of a Solar Powered Electrical Generation Installation Utilizing Photovoltaic Module Technology for Fusion Solar Center on Potash Hill Road in Sprague, Connecticut. According to our records we have Federal and State Threatened *Myotis septentrionalis* (long-eared bats), State Threatened *Carex cumulata* (clustered sedge) and State Special Concern *Glyptemys insculpta* (wood turtle) in the vicinity of this property. We also have State Threatened Bald eagles nesting at the adjacent Quinebaug River. Thank you for providing your protection and best management practices to prevent these species from impacts from this project. I concur with your recommendations and best management practices. If these are implemented then this project will not likely impact these species. This determination is good for one year. Please re-submit an NDDB Request for Review if the scope of work changes or if work has not begun on this project by January 28, 2017.

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.

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,

A handwritten signature in black ink that reads "Dawn M. McKay". The signature is cursive and includes a small "J" at the end.

Dawn M. McKay  
Environmental Analyst 3



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**APPENDIX M**  
**NLEB UPDATE**

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## NDDB NLEB Consultation

March 30, 2016

APT Project No.: CT472100

**Connecticut Department of Energy & Environmental Protection  
Wildlife Division  
79 Elm Street  
Hartford, CT 06106-5127  
Attn: Dawn McKay (via Email: Dawn.McKay@ct.gov)**

**Re: NDDB #201504279  
Proposed Fusion Solar Center  
20 megawatt AC Solar Facility  
Potash Hill Road  
Sprague, CT**

Dear Ms. McKay,

On behalf of Fusion Solar Center, LLC ("Fusion"), All-Points Technology Corporation, P.C. ("APT") performed an evaluation in accordance with the final 4(d) rule for northern long-eared bat ("NLEB") under the federal Endangered Species Act ("ESA") to determine if the planned activity may cause prohibited take of NLEB.

Previous State Listed Species consultation with the Connecticut Department of Energy & Environmental Protection ("CTDEEP") Natural Diversity Data Base ("NDDB") specific to NLEB included self-imposed protection measures. Those measures included restricting tree clearing activities from occurring between May 15 and August 31 to avoid likely adverse effects to northern long-eared bat that may be roosting in trees (assumed presence). At the time of that consultation, assessment of project impacts to NLEB was under the requirements of the ESA interim 4(d) rule for NLEB and in accordance with the U.S. Fish and Wildlife Service ("USFWS") New England Field Office's ("NEFO") July 7, 2015 policy memorandum. The interim 4(d) rule has since been replaced by the final 4(d) rule for NLEB, which became effective on February 16, 2016.

A NLEB assessment was recently prepared by APT, following the USFWS's *Key to the Northern Long-Eared Bat 4(d) Rule for Non-Federal Activities Key* ("USFWS Key"; January 13, 2016). This evaluation revealed that the nearest NLEB habitat resource to the proposed activity is a hibernacula located in North Branford ±40 miles to the southwest of the proposed Fusion solar project in Sprague; there are currently no known NLEB maternity roost trees in Connecticut. A copy of the NLEB Compliance Determination, addressing the potential for impact to NLEB, is provided in Attachment A.

In light of the final 4(d) rule and per findings of the USFWS Key for NLEB, the proposed Fusion solar project will not likely result in an adverse effect or incidental take<sup>1</sup> to NLEB. Therefore, Fusion respectfully requests that CTDEEP remove the tree clearing restrictions associated with NLEB for the proposed solar project.

Thank you for your consideration of this request and please feel free to contact me with any questions by phone at (860) 663-1697 ext. 201 or via email at dgustafson@allpointstech.com.

Sincerely,



Dean Gustafson  
Senior Environmental Scientist

Enclosure

cc: Ben Combs, Fusion Solar Center, LLC

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<sup>1</sup> "Incidental take" is defined by the Endangered Species Act as take that is "incidental to, and not the purpose of, the carrying out of an otherwise lawful activity." For example, harvesting trees can kill bats that are roosting in the trees, but the purpose of the activity is not to kill bats.

# Attachment A

## NLEB Compliance Determination

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## NLEB Compliance Determination

March 30, 2016

APT Project No.: CT472100

**Fusion Solar Center, LLC**  
**P.O. Box 2055**  
**Charlottesville, Virginia 22902**

**Attn: Ben Combs**  
**Sr. Project Engineer**

**Re: Proposed Fusion Solar Center**  
**20 megawatt AC Solar Facility**  
**Potash Hill Road**  
**Sprague, CT**

Dear Mr. Combs,

On behalf of Fusion Solar Center ("Fusion"), All-Points Technology Corporation, P.C. ("APT") performed an evaluation with respect to possible Federally-listed, threatened or endangered species in order to determine if the proposed referenced facility would result in a potential adverse effect to Federally-listed species. APT understands through Fusion that the referenced project has no Federal nexus. As a result, this consultation was completed in accordance with Section 10 of the Endangered Species Act ("ESA") through initial consultation with the U.S. Fish and Wildlife Service's ("USFWS") Information, Planning, and Conservation System ("IPaC")<sup>1</sup> for a proposed solar facility ("proposed activity") at the referenced Site.

### **Northern Long-eared Bat**

One federally-listed<sup>2</sup> threatened species is known to occur in the vicinity of the Site documented as the northern long-eared bat ("NLEB"; *Myotis septentrionalis*). A copy of the IPaC report is enclosed as Attachment 1. Northern long-eared bat's range encompasses the entire State of Connecticut. Suitable northern long-eared bat roost habitat includes trees (live, dying, dead, or snag) with a diameter at breast height ("DBH") of three inches or greater. The proposed activity will result in the clearing of trees greater than three inches DBH. Therefore, since NLEB potentially occurs in the vicinity of the Site, the Site supports potential habitat for NLEB and the proposed activity may potentially impact its habitat, a determination of compliance with Section 10 of the ESA is required.

As a result of this preliminary finding and in accordance with the final 4(d) rule for NLEB<sup>3</sup> under the ESA, the following assessment is provided to determine if the planned activity may cause prohibited take of NLEB. This assessment follows the USFWS's *Key to the Northern Long-Eared Bat 4(d) Rule for Non-Federal Activities Key* ("USFWS Key"; January 13, 2016), as detailed below.

<sup>1</sup> IPaC Consultation Tracking Number: 05E1NE00-2016-SLI-1028, dated March 3, 2016

<sup>2</sup> Listing under the federal Endangered Species Act

<sup>3</sup> Effective February 16, 2016

1. *Will your activity purposefully take (see Definitions below) northern long-eared bats? For example, are you removing bats from a human structure or capturing bats for research?*

Response: No, the proposed activity does not include purposefully taking northern long-eared bats. Continue to #2.

2. *Is your activity located outside the White-nose Syndrome Zone?*

Response: No, the proposed activity is located inside the white-nose syndrome zone. Continue to #3.

3. *Will your activity take place within a cave or mine where northern long-eared bats hibernate (i.e., hibernaculum) or could it alter the entrance or the environment (physical or other alteration) of a hibernaculum?*

Response: No, the proposed activity will not take place within a northern long-eared bat hibernaculum or alter its entrance or environment. Continue to #4.

4. *Will your action involve tree removal<sup>4</sup>?*

Response: Yes. Continue to #5.

5. *Is your activity the removal of hazardous trees for protection of human life or property?*

Response: No, the proposed activity is not removing hazardous trees. Continue to #6.

6. *Will your tree removal activities include one or both of the following: 1) removing a northern long-eared bat known occupied maternity roost tree or any trees within 150 feet of a known occupied maternity roost tree from June 1 through July 31; or 2) removing any trees within 0.25 miles of a northern long-eared bat hibernaculum at any time of year?*

Response: Please refer to the *Northern long-eared bat areas of concern in Connecticut to assist with Federal Endangered Species Act Compliance* map (February 1, 2016)<sup>5</sup> provided in Attachment 2. This map reveals that there are currently no known NLEB maternity roost trees in Connecticut. The nearest NLEB habitat resource to the proposed activity is a hibernacula located in North Branford ±40 miles to the southwest.

Therefore, responses to both segments 1 and 2 of #6 are no.

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<sup>4</sup> "Tree removal" is defined in the 4(d) rule as cutting down, harvesting, destroying, trimming, or manipulating in any other way the trees, saplings, snags, or any other form of woody vegetation likely to be used by northern long-eared bats.

<sup>5</sup> Ms. Dawn McKay, CTDEEP Wildlife Division, confirmed that the information on this published map shows Connecticut towns that have known northern long-eared bat hibernacula; currently Connecticut does not have any known NLEB maternity roost trees (pers. comm. March 18, 2016; included in Attachment 2)

## Conclusion

In accordance with the USFWS Key for NLEB, the proposed Fusion solar project will not likely result in an adverse effect or incidental take<sup>6</sup> to NLEB and does not require a permit from USFWS. Therefore, no further consultation with USFWS is required for the proposed activity in accordance with the USFWS Key.

Please feel free to contact me with any questions by phone at (860) 663-1697 ext. 201 or via email at [dgustafson@allpointstech.com](mailto:dgustafson@allpointstech.com).

Sincerely,



Dean Gustafson  
Senior Environmental Scientist

Enclosures

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<sup>6</sup> "Incidental take" is defined by the Endangered Species Act as take that is "incidental to, and not the purpose of, the carrying out of an otherwise lawful activity." For example, harvesting trees can kill bats that are roosting in the trees, but the purpose of the activity is not to kill bats.

# Attachment 1

## USFWS IPaC Threatened and Endangered Species Report

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# United States Department of the Interior

FISH AND WILDLIFE SERVICE  
New England Ecological Services Field Office  
70 COMMERCIAL STREET, SUITE 300  
CONCORD, NH 03301  
PHONE: (603)223-2541 FAX: (603)223-0104  
URL: [www.fws.gov/newengland](http://www.fws.gov/newengland)



Consultation Code: 05E1NE00-2016-SLI-1028

March 03, 2016

Event Code: 05E1NE00-2016-E-01427

Project Name: Fusion Solar Sprague Facility

Subject: List of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

To Whom It May Concern:

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 feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. 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. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

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. Under sections 7(a)(1) and 7(a)(2) 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 and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, 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 Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. 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:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*), and projects affecting these species may require development of an eagle conservation plan

([http://www.fws.gov/windenergy/eagle\\_guidance.html](http://www.fws.gov/windenergy/eagle_guidance.html)). Additionally, wind energy projects should follow the wind energy guidelines (<http://www.fws.gov/windenergy/>) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at:  
<http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>;  
<http://www.towerkill.com>; and  
<http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment



United States Department of Interior  
Fish and Wildlife Service

Project name: Fusion Solar Sprague Facility

## Official Species List

### Provided by:

New England Ecological Services Field Office

70 COMMERCIAL STREET, SUITE 300

CONCORD, NH 03301

(603) 223-2541

<http://www.fws.gov/newengland>

**Consultation Code:** 05E1NE00-2016-SLI-1028

**Event Code:** 05E1NE00-2016-E-01427

**Project Type:** POWER GENERATION

**Project Name:** Fusion Solar Sprague Facility

**Project Description:** Fusion proposes to install a 20 megawatt AC solar-based electric generating facility in Town of Sprague, Connecticut. The subject property consists of two separate and abutting parcels north of Potash Hill Road, totaling 225Â± acres. The Site is bounded by undeveloped woods to the north, east and west; and a cleared agricultural field, residence and Potash Hill Road to the south.

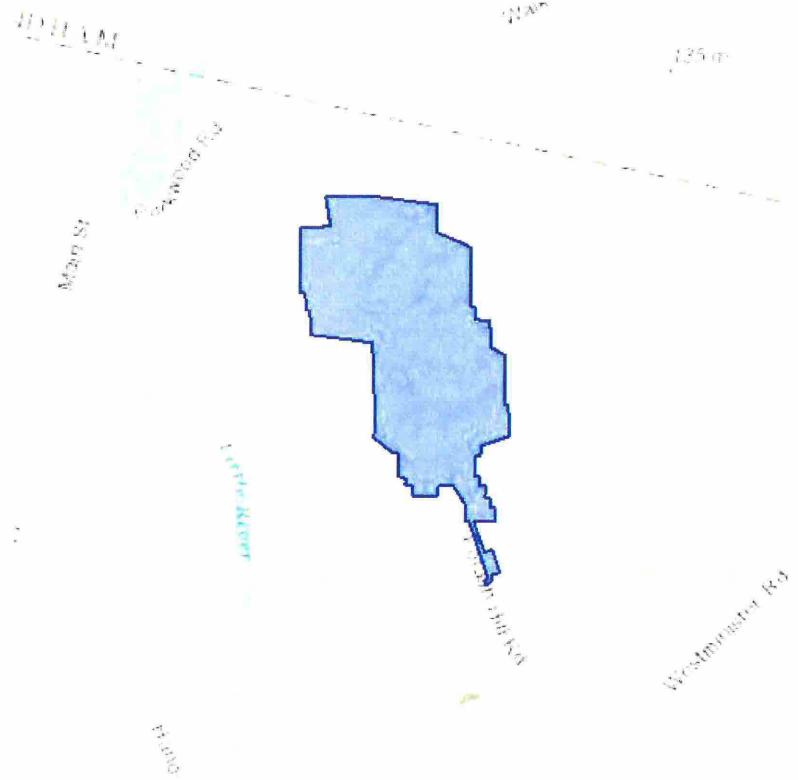
**Please Note:** The FWS office may have modified the Project Name and/or Project Description, so it may be different from what was submitted in your previous request. If the Consultation Code matches, the FWS considers this to be the same project. Contact the office in the 'Provided by' section of your previous Official Species list if you have any questions or concerns.



United States Department of Interior  
Fish and Wildlife Service

Project name: Fusion Solar Sprague Facility

## Project Location Map:



**Project Coordinates:** The coordinates are too numerous to display here.

## **Project Counties: New London, CT**



United States Department of Interior  
Fish and Wildlife Service

Project name: Fusion Solar Sprague Facility

## Endangered Species Act Species List

There are a total of 1 threatened or endangered species on your 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. Critical habitats listed under the **Has Critical Habitat** column may or may not lie within your project area. See the **Critical habitats within your project area** section further below for critical habitat that lies within your project. Please contact the designated FWS office if you have questions.

Mammals	Status	Has Critical Habitat	Condition(s)
Northern long-eared Bat ( <i>Myotis septentrionalis</i> )	Threatened		



United States Department of Interior  
Fish and Wildlife Service

Project name: Fusion Solar Sprague Facility

## Critical habitats that lie within your project area

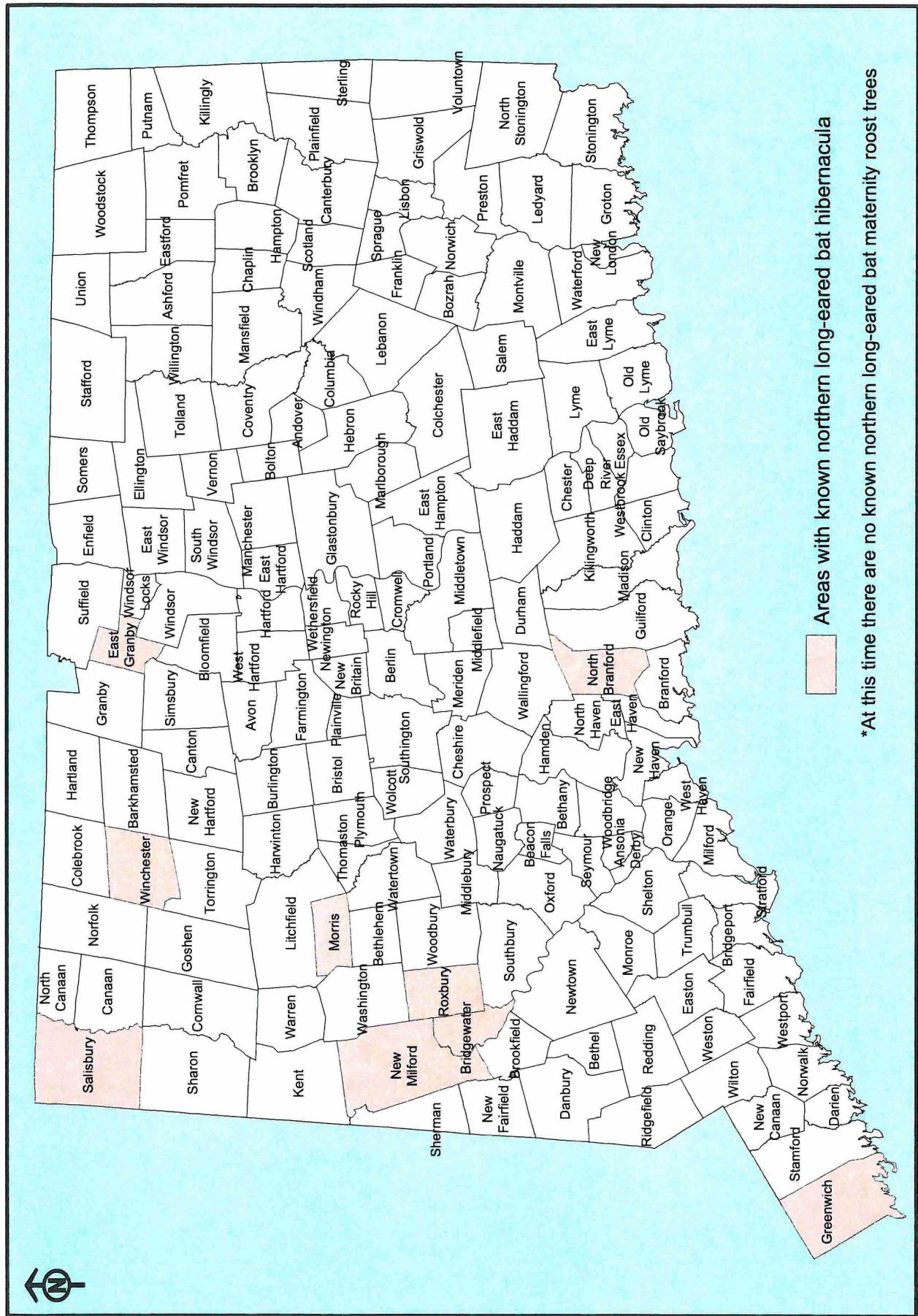
There are no critical habitats within your project area.

Attachment 2

Northern long-eared bat areas of  
concern in Connecticut to assist with  
Federal Endangered Species Act  
Compliance map and CTDEEP Wildlife  
Division March 18, 2016 email

---

Northern long-eared bat areas of concern in Connecticut to assist with Federal Endangered Species Act Compliance



February 1, 2016

For information on federal requirements visit <http://www.fws.gov/midwest/endangered/mammals/neb/>

## Deb Leonardo

---

**From:** DEEP Nddbrequest <DEEP.Nddbrequest@ct.gov>  
**Sent:** Friday, March 18, 2016 10:46 AM  
**To:** Dean Gustafson  
**Cc:** Deb Leonardo  
**Subject:** Re: Request for NLEB Hibernaculum & Known Maternity Roost Tree Proximity Habitat Info  
**Attachments:** image001.jpg

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**Categories:** Dean

Dean,

Yes. I can confirm that this information is publically available on the published map on the CT NDDB page that shows Connecticut towns that have known bat hibernaculum. Currently CT does not have any known long-eared bat maternity roost trees.

Dawn McKay  
Dawn M. McKay  
Wildlife Division  
Bureau of Natural Resources  
Connecticut Department of Energy and Environmental Protection  
79 Elm Street, Hartford, CT 06106-5127  
P: 860.424.3592 | E: [dawn.mckay@ct.gov](mailto:dawn.mckay@ct.gov)

---

From: Dean Gustafson <[dgustafson@allpointstech.com](mailto:dgustafson@allpointstech.com)>  
Sent: Friday, March 18, 2016 8:13 AM  
To: DEEP Nddbrequest  
Cc: Deb Leonardo  
Subject: Request for NLEB Hibernaculum & Known Maternity Roost Tree Proximity Habitat Info

Good morning Dawn,

The 4(d) Rule Keys (for both Federal Actions and Non-Federal Activities) requires determining if a project is located in proximity to the following northern long-eared bat ("NLEB") habitats (information which is to be provided by CTDEEP NDDB):

- \* Within 150 feet of a known occupied maternity roost tree; and,
- \* Within 0.25 mile and 5 miles from a hibernacula.

To minimize project specific requests for NLEB habitat data, please confirm that such information is now publically available in a published map on the NDDB page that shows towns in CT that have known bat hibernaculum and information about maternity colonies/trees. The link is here:  
[http://www.ct.gov/deep/lib/deep/endangered\\_species/images/nleb\\_approved2\\_16.pdf](http://www.ct.gov/deep/lib/deep/endangered_species/images/nleb_approved2_16.pdf). This map currently states that

"\*At this time there are no known northern long-eared bat maternity roost trees". In addition, NDDB "buffered areas" representing known NLEB hibernaculum locations is included in the current Natural Diversity Data Base Maps.

Thank you,  
Dean

Dean E. Gustafson  
Senior Environmental Scientist  
[cid:image004.jpg@01D09D27.E1152890]  
3 Saddlebrook Drive  
Killingworth, CT 06419  
860.663.1697 ext. 201 (office)  
860.984.9515 (mobile)  
[dgustafson@allpointstech.com](mailto:dgustafson@allpointstech.com)<<mailto:dgustafson@allpointstech.com>>



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**APPENDIX N**  
**NLEB REVISED DETERMINATION**

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# Attachment A

## USFWS's NLEB Compliance Determination

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## NDDB NLEB Consultation

**March 30, 2016**

**APT Project No.: CT472100**

**Connecticut Department of Energy & Environmental Protection  
Wildlife Division  
79 Elm Street  
Hartford, CT 06106-5127  
Attn: Dawn McKay (via Email: Dawn.McKay@ct.gov)**

**Re: NDDB #201504279  
Proposed Fusion Solar Center  
20 megawatt AC Solar Facility  
Potash Hill Road  
Sprague, CT**

Dear Ms. McKay,

On behalf of Fusion Solar Center, LLC ("Fusion"), All-Points Technology Corporation, P.C. ("APT") performed an evaluation in accordance with the final 4(d) rule for northern long-eared bat ("NLEB") under the federal Endangered Species Act ("ESA") to determine if the planned activity may cause prohibited take of NLEB.

Previous State Listed Species consultation with the Connecticut Department of Energy & Environmental Protection ("CTDEEP") Natural Diversity Data Base ("NDDB") specific to NLEB included self-imposed protection measures. Those measures included restricting tree clearing activities from occurring between May 15 and August 31 to avoid likely adverse effects to northern long-eared bat that may be roosting in trees (assumed presence). At the time of that consultation, assessment of project impacts to NLEB was under the requirements of the ESA interim 4(d) rule for NLEB and in accordance with the U.S. Fish and Wildlife Service ("USFWS") New England Field Office's ("NEFO") July 7, 2015 policy memorandum. The interim 4(d) rule has since been replaced by the final 4(d) rule for NLEB, which became effective on February 16, 2016.

A NLEB assessment was recently prepared by APT, following the USFWS's *Key to the Northern Long-Eared Bat 4(d) Rule for Non-Federal Activities Key* ("USFWS Key"; January 13, 2016). This evaluation revealed that the nearest NLEB habitat resource to the proposed activity is a hibernacula located in North Branford ±40 miles to the southwest of the proposed Fusion solar project in Sprague; there are currently no known NLEB maternity roost trees in Connecticut. A copy of the NLEB Compliance Determination, addressing the potential for impact to NLEB, is provided in Attachment A.

In light of the final 4(d) rule and per findings of the USFWS Key for NLEB, the proposed Fusion solar project will not likely result in an adverse effect or incidental take<sup>1</sup> to NLEB. Therefore, Fusion respectfully requests that CTDEEP remove the tree clearing restrictions associated with NLEB for the proposed solar project.

Thank you for your consideration of this request and please feel free to contact me with any questions by phone at (860) 663-1697 ext. 201 or via email at dgustafson@allpointstech.com.

Sincerely,



Dean Gustafson  
Senior Environmental Scientist

Enclosure

cc: Ben Combs, Fusion Solar Center, LLC

---

<sup>1</sup> "Incidental take" is defined by the Endangered Species Act as take that is "incidental to, and not the purpose of, the carrying out of an otherwise lawful activity." For example, harvesting trees can kill bats that are roosting in the trees, but the purpose of the activity is not to kill bats.

# Attachment A

## NLEB Compliance Determination

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## NLEB Compliance Determination

March 30, 2016

APT Project No.: CT472100

**Fusion Solar Center, LLC**  
**P.O. Box 2055**  
**Charlottesville, Virginia 22902**

**Attn: Ben Combs**  
**Sr. Project Engineer**

**Re: Proposed Fusion Solar Center**  
**20 megawatt AC Solar Facility**  
**Potash Hill Road**  
**Sprague, CT**

Dear Mr. Combs,

On behalf of Fusion Solar Center ("Fusion"), All-Points Technology Corporation, P.C. ("APT") performed an evaluation with respect to possible Federally-listed, threatened or endangered species in order to determine if the proposed referenced facility would result in a potential adverse effect to Federally-listed species. APT understands through Fusion that the referenced project has no Federal nexus. As a result, this consultation was completed in accordance with Section 10 of the Endangered Species Act ("ESA") through initial consultation with the U.S. Fish and Wildlife Service's ("USFWS") Information, Planning, and Conservation System ("IPaC")<sup>1</sup> for a proposed solar facility ("proposed activity") at the referenced Site.

### **Northern Long-eared Bat**

One federally-listed<sup>2</sup> threatened species is known to occur in the vicinity of the Site documented as the northern long-eared bat ("NLEB"; *Myotis septentrionalis*). A copy of the IPaC report is enclosed as Attachment 1. Northern long-eared bat's range encompasses the entire State of Connecticut. Suitable northern long-eared bat roost habitat includes trees (live, dying, dead, or snag) with a diameter at breast height ("DBH") of three inches or greater. The proposed activity will result in the clearing of trees greater than three inches DBH. Therefore, since NLEB potentially occurs in the vicinity of the Site, the Site supports potential habitat for NLEB and the proposed activity may potentially impact its habitat, a determination of compliance with Section 10 of the ESA is required.

As a result of this preliminary finding and in accordance with the final 4(d) rule for NLEB<sup>3</sup> under the ESA, the following assessment is provided to determine if the planned activity may cause prohibited take of NLEB. This assessment follows the USFWS's *Key to the Northern Long-Eared Bat 4(d) Rule for Non-Federal Activities Key* ("USFWS Key"; January 13, 2016), as detailed below.

<sup>1</sup> IPaC Consultation Tracking Number: 05E1NE00-2016-SLI-1028, dated March 3, 2016

<sup>2</sup> Listing under the federal Endangered Species Act

<sup>3</sup> Effective February 16, 2016

1. *Will your activity purposefully take (see Definitions below) northern long-eared bats? For example, are you removing bats from a human structure or capturing bats for research?*

Response: No, the proposed activity does not include purposefully taking northern long-eared bats. Continue to #2.

2. *Is your activity located outside the White-nose Syndrome Zone?*

Response: No, the proposed activity is located inside the white-nose syndrome zone. Continue to #3.

3. *Will your activity take place within a cave or mine where northern long-eared bats hibernate (i.e., hibernaculum) or could it alter the entrance or the environment (physical or other alteration) of a hibernaculum?*

Response: No, the proposed activity will not take place within a northern long-eared bat hibernaculum or alter its entrance or environment. Continue to #4.

4. *Will your action involve tree removal<sup>4</sup>?*

Response: Yes. Continue to #5.

5. *Is your activity the removal of hazardous trees for protection of human life or property?*

Response: No, the proposed activity is not removing hazardous trees. Continue to #6.

6. *Will your tree removal activities include one or both of the following: 1) removing a northern long-eared bat known occupied maternity roost tree or any trees within 150 feet of a known occupied maternity roost tree from June 1 through July 31; or 2) removing any trees within 0.25 miles of a northern long-eared bat hibernaculum at any time of year?*

Response: Please refer to the *Northern long-eared bat areas of concern in Connecticut to assist with Federal Endangered Species Act Compliance* map (February 1, 2016)<sup>5</sup> provided in Attachment 2. This map reveals that there are currently no known NLEB maternity roost trees in Connecticut. The nearest NLEB habitat resource to the proposed activity is a hibernacula located in North Branford ±40 miles to the southwest.

Therefore, responses to both segments 1 and 2 of #6 are no.

---

<sup>4</sup> "Tree removal" is defined in the 4(d) rule as cutting down, harvesting, destroying, trimming, or manipulating in any other way the trees, saplings, snags, or any other form of woody vegetation likely to be used by northern long-eared bats.

<sup>5</sup> Ms. Dawn McKay, CTDEEP Wildlife Division, confirmed that the information on this published map shows Connecticut towns that have known northern long-eared bat hibernacula; currently Connecticut does not have any known NLEB maternity roost trees (pers. comm. March 18, 2016; included in Attachment 2)

## Conclusion

In accordance with the USFWS Key for NLEB, the proposed Fusion solar project will not likely result in an adverse effect or incidental take<sup>6</sup> to NLEB and does not require a permit from USFWS. Therefore, no further consultation with USFWS is required for the proposed activity in accordance with the USFWS Key.

Please feel free to contact me with any questions by phone at (860) 663-1697 ext. 201 or via email at dgustafson@allpointstech.com.

Sincerely,



Dean Gustafson  
Senior Environmental Scientist

Enclosures

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<sup>6</sup> "Incidental take" is defined by the Endangered Species Act as take that is "incidental to, and not the purpose of, the carrying out of an otherwise lawful activity." For example, harvesting trees can kill bats that are roosting in the trees, but the purpose of the activity is not to kill bats.

# Attachment 1

## USFWS IPaC Threatened and Endangered Species Report

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# United States Department of the Interior

FISH AND WILDLIFE SERVICE  
New England Ecological Services Field Office  
70 COMMERCIAL STREET, SUITE 300  
CONCORD, NH 03301  
PHONE: (603)223-2541 FAX: (603)223-0104  
URL: [www.fws.gov/newengland](http://www.fws.gov/newengland)



Consultation Code: 05E1NE00-2016-SLI-1028

March 03, 2016

Event Code: 05E1NE00-2016-E-01427

Project Name: Fusion Solar Sprague Facility

Subject: List of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

To Whom It May Concern:

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 feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. 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. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

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. Under sections 7(a)(1) and 7(a)(2) 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 and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, 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 Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. 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:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*), and projects affecting these species may require development of an eagle conservation plan

([http://www.fws.gov/windenergy/eagle\\_guidance.html](http://www.fws.gov/windenergy/eagle_guidance.html)). Additionally, wind energy projects should follow the wind energy guidelines (<http://www.fws.gov/windenergy/>) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at:  
<http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>;  
<http://www.towerkill.com>; and  
<http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment



United States Department of Interior  
Fish and Wildlife Service

Project name: Fusion Solar Sprague Facility

## Official Species List

### Provided by:

New England Ecological Services Field Office  
70 COMMERCIAL STREET, SUITE 300  
CONCORD, NH 03301  
(603) 223-2541  
<http://www.fws.gov/newengland>

**Consultation Code:** 05E1NE00-2016-SLI-1028

**Event Code:** 05E1NE00-2016-E-01427

**Project Type:** POWER GENERATION

**Project Name:** Fusion Solar Sprague Facility

**Project Description:** Fusion proposes to install a 20 megawatt AC solar-based electric generating facility in Town of Sprague, Connecticut. The subject property consists of two separate and abutting parcels north of Potash Hill Road, totaling 225± acres. The Site is bounded by undeveloped woods to the north, east and west; and a cleared agricultural field, residence and Potash Hill Road to the south.

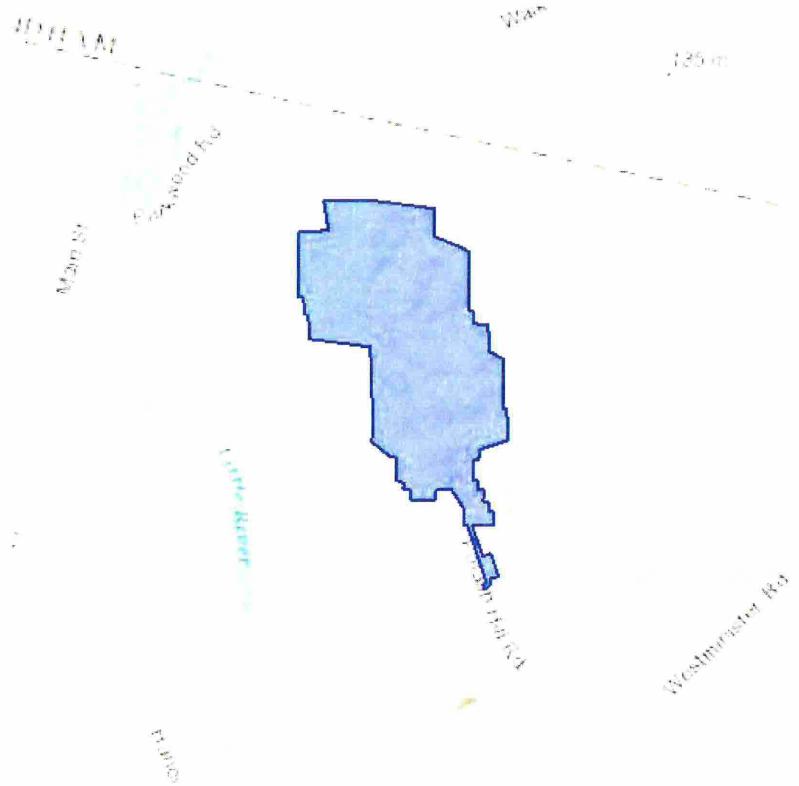
**Please Note:** The FWS office may have modified the Project Name and/or Project Description, so it may be different from what was submitted in your previous request. If the Consultation Code matches, the FWS considers this to be the same project. Contact the office in the 'Provided by' section of your previous Official Species list if you have any questions or concerns.



United States Department of Interior  
Fish and Wildlife Service

Project name: Fusion Solar Sprague Facility

## Project Location Map:



**Project Coordinates:** The coordinates are too numerous to display here.

### **Project Counties: New London, CT**



United States Department of Interior  
Fish and Wildlife Service

Project name: Fusion Solar Sprague Facility

## Endangered Species Act Species List

There are a total of 1 threatened or endangered species on your 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. Critical habitats listed under the **Has Critical Habitat** column may or may not lie within your project area. See the **Critical habitats within your project area** section further below for critical habitat that lies within your project. Please contact the designated FWS office if you have questions.

Mammals	Status	Has Critical Habitat	Condition(s)
Northern long-eared Bat ( <i>Myotis septentrionalis</i> )	Threatened		



United States Department of Interior  
Fish and Wildlife Service

Project name: Fusion Solar Sprague Facility

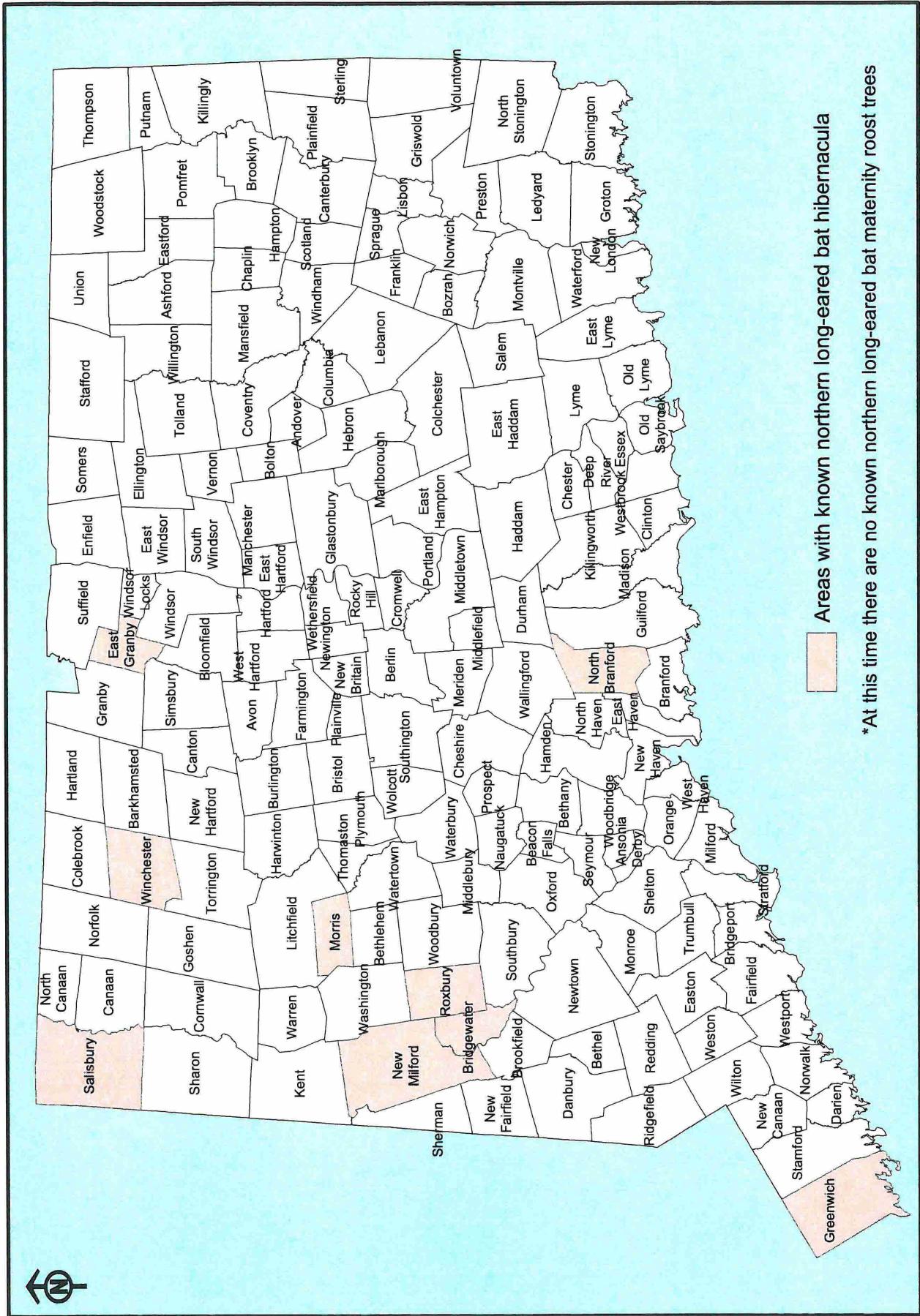
## Critical habitats that lie within your project area

There are no critical habitats within your project area.

Attachment 2  
Northern long-eared bat areas of  
concern in Connecticut to assist with  
Federal Endangered Species Act  
Compliance map and CTDEEP Wildlife  
Division March 18, 2016 email

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Northern long-eared bat areas of concern in Connecticut to assist with Federal Endangered Species Act Compliance



February 1, 2016

For information on federal requirements visit <http://www.fws.gov/midwest/endangered/mammals/nleb/>

## Deb Leonardo

---

**From:** DEEP Nddbrequest <DEEP.Nddbrequest@ct.gov>  
**Sent:** Friday, March 18, 2016 10:46 AM  
**To:** Dean Gustafson  
**Cc:** Deb Leonardo  
**Subject:** Re: Request for NLEB Hibernaculum & Known Maternity Roost Tree Proximity Habitat Info  
**Attachments:** image001.jpg

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**Categories:** Dean

Dean,

Yes. I can confirm that this information is publically available on the published map on the CT NDDB page that shows Connecticut towns that have known bat hibernaculum. Currently CT does not have any known long-eared bat maternity roost trees.

Dawn McKay  
Dawn M. McKay  
Wildlife Division  
Bureau of Natural Resources  
Connecticut Department of Energy and Environmental Protection  
79 Elm Street, Hartford, CT 06106-5127  
P: 860.424.3592 | E: [dawn.mckay@ct.gov](mailto:dawn.mckay@ct.gov)<<mailto:dawn.mckay@ct.gov>>

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**From:** Dean Gustafson <[dgustafson@allpointstech.com](mailto:dgustafson@allpointstech.com)>  
**Sent:** Friday, March 18, 2016 8:13 AM  
**To:** DEEP Nddbrequest  
**Cc:** Deb Leonardo  
**Subject:** Request for NLEB Hibernaculum & Known Maternity Roost Tree Proximity Habitat Info

Good morning Dawn,

The 4(d) Rule Keys (for both Federal Actions and Non-Federal Activities) requires determining if a project is located in proximity to the following northern long-eared bat ("NLEB") habitats (information which is to be provided by CTDEEP NDDB):

- \* Within 150 feet of a known occupied maternity roost tree; and,
- \* Within 0.25 mile and 5 miles from a hibernacula.

To minimize project specific requests for NLEB habitat data, please confirm that such information is now publically available in a published map on the NDDB page that shows towns in CT that have known bat hibernaculum and information about maternity colonies/trees. The link is here:  
[http://www.ct.gov/deep/lib/deep/endangered\\_species/images/nleb\\_approved2\\_16.pdf](http://www.ct.gov/deep/lib/deep/endangered_species/images/nleb_approved2_16.pdf). This map currently states that

\*\*At this time there are no known northern long-eared bat maternity roost trees". In addition, NDDB "buffered areas" representing known NLEB hibernaculum locations is included in the current Natural Diversity Data Base Maps.

Thank you,  
Dean

Dean E. Gustafson  
Senior Environmental Scientist  
[cid:image004.jpg@01D09D27.E1152890]  
3 Saddlebrook Drive  
Killingworth, CT 06419  
860.663.1697 ext. 201 (office)  
860.984.9515 (mobile)  
[dgustafson@allpointstech.com](mailto:dgustafson@allpointstech.com)<<mailto:dgustafson@allpointstech.com>>

## Attachment B

# DEEP Nddb Correspondence

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## Dean Gustafson

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**From:** DEEP Nddbrequest <DEEP.Nddbrequest@ct.gov>  
**Sent:** Friday, April 01, 2016 11:11 AM  
**To:** Dean Gustafson  
**Cc:** Ben Combs; Deb Leonardo; DEEP Nddbrequest  
**Subject:** Re: NDDB#201504279 - Proposed Fusion Solar Center, LLC, Potash Hill Road, Sprague, CT  
**Attachments:** image003.jpg

Dean,

I concur with your conclusion that this project will not likely result in adverse impacts to the northern long-eared bat and that no further action is required with regard to the protection of this federal threatened species.

Take care,

Dawn  
Dawn M. McKay  
Wildlife Division  
Bureau of Natural Resources  
Connecticut Department of Energy and Environmental Protection  
79 Elm Street, Hartford, CT 06106-5127  
P: 860.424.3592 | E: [dawn.mckay@ct.gov](mailto:dawn.mckay@ct.gov)

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From: Dean Gustafson <dgustafson@allpointstech.com>  
Sent: Wednesday, March 30, 2016 7:45 AM  
To: DEEP Nddbrequest  
Cc: Ben Combs; Deb Leonardo  
Subject: NDDB#201504279 - Proposed Fusion Solar Center, LLC, Potash Hill Road, Sprague, CT

Good morning Dawn,

The Department previously issued a final determination on January 28, 2016 for the referenced Fusion Solar project in Sprague which included the identification of northern long-eared bat ("NLEB"; *Myotis septentrionalis*) in the vicinity of this property. That rare species review was performed prior to the issuance of the final 4(d) rule for NLEB (effective March 16, 2016). We have evaluated the project with respect to a potential for a likely adverse impact to NLEB under the new framework for a non-federal action per the final 4(d) rule. This evaluation revealed that the nearest NLEB habitat resource to the proposed activity is a hibernacula located in North Branford ±40 miles to the southwest of the proposed Fusion solar project in Sprague; there are currently no known NLEB maternity roost trees in Connecticut. As a result, the proposed Fusion Solar project would not likely result in an adverse effect or incidental take to NLEB.

Therefore, in light of the final 4(d) rule and per the findings of the attached document, as summarized above, we respectfully request the Department reevaluate the project with respect to NLEB.

Thank you for your consideration of this request and please feel free to contact me with any questions.

Thank you,  
Dean

Dean E. Gustafson  
Senior Environmental Scientist  
[cid:image004.jpg@01D09D27.E1152890]  
3 Saddlebrook Drive  
Killingworth, CT 06419  
860.663.1697 ext. 201 (office)  
860.984.9515 (mobile)  
[dgustafson@allpointstech.com](mailto:dgustafson@allpointstech.com)<<mailto:dgustafson@allpointstech.com>>

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**APPENDIX O**  
**STORMWATER MONITORING FORM**

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**Connecticut Department of  
Energy & Environmental Protection**  
Bureau of Materials Management & Compliance Assurance  
Water Permitting & Enforcement Division

**General Permit for the Discharge of Stormwater and Dewatering Wastewaters from  
Construction Activities, issued 8/21/13, effective 10/1/13  
Stormwater Monitoring Report**

**SITE INFORMATION**

Permittee:			
Mailing Address:			
Business Phone:	ext.:	Fax:	
Contact Person:	Title:		
Site Name:			
Site Address:			
Receiving Water (name, basin):			
Stormwater Permit No.	GSN		

**SAMPLING INFORMATION (Submit a separate form for each outfall)**

Outfall Designation:	Date/Time Collected:
Outfall Location(s) (lat/lon or map link):	
Person Collecting Sample:	
Storm Magnitude (inches):	Storm Duration (hours):
Size of Disturbed Area at any time:	

**MONITORING RESULTS**

Sample #	Parameter	Method	Results (units)	Laboratory (if applicable)
1	Turbidity			
2	Turbidity			
3	Turbidity			
4	Turbidity			

(provide an attachment if more than 4 samples were taken for this outfall)

Avg =

**STATEMENT OF ACKNOWLEDGMENT**

I certify that the data reported on this document were prepared under my direction or supervision in accordance with the General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities. The information submitted is, to the best of my knowledge and belief, true, accurate and complete.

Authorized Official: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Please send completed form to:

DEPARTMENT OF ENERGY & ENVIRONMENTAL PROTECTION  
BUREAU OF MATERIALS MANAGEMENT AND COMPLIANCE ASSURANCE  
79 ELM STREET  
HARTFORD, CT 06106-5127  
ATTN: NEAL WILLIAMS



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**APPENDIX P**  
**NOTICE OF TERMINATION FORM**

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# General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities

## Notice of Termination Form

Please complete and submit this form in accordance with the general permit (DEP-PED-GP-015) in order to ensure the proper handling of your termination. Print or type unless otherwise noted.

Note: Ensure that for commercial and industrial facilities, registrations under the *General Permit for the Discharge of Stormwater Associated with Industrial Activity* (DEP-PED-GP-014) or the *General Permit for the Discharge of Stormwater from Commercial Activities* (DEP-PED-GP-004) have been filed where applicable. For questions about the applicability of these general permits, please call the Department at 860-424-3018.

### Part I: Registrant Information

1. Permit number: **GSN**
2. Fill in the name of the registrant(s) as indicated on the registration certificate:

Registrant:

3. Site Address:

City/Town:

State:

Zip Code:

4. Date all storm drainage structures were cleaned of construction sediment:

Date of Completion of Construction:

Date of Last Inspection (must be at least three months after final stabilization pursuant to Section 6(b)(6)(D) of the general permit):

5. Check the post-construction activities at the site (check all that apply):

Industrial       Residential       Commercial       Capped Landfill  
 Other (describe):

### Part II: Certification

"I have personally examined and am familiar with the information submitted in this document and all attachments thereto, and I certify that, based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief. I understand that a false statement made in this document or its attachments may be punishable as a criminal offense, in accordance with Section 22a-6 of the Connecticut General Statutes, pursuant to Section 53a-157b of the Connecticut General Statutes, and in accordance with any other applicable statute."

\_\_\_\_\_  
Signature of Permittee

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name of Permittee (print or type)

\_\_\_\_\_  
Title (if applicable)

Note: Please submit this Notice of Termination Form to:

STORMWATER PERMIT COORDINATOR  
BUREAU OF WATER MANAGEMENT  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
79 ELM STREET  
HARTFORD, CT 06106-5127