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November 4, 2015

Melanie Bachman
Acting Executive Director
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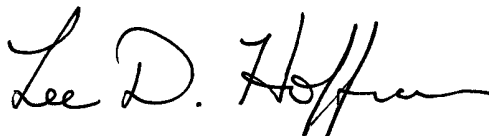
RE: PETITION NO. 1184 - Beacon Falls Energy Park, LLC petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the proposed construction, operation, and maintenance of a 63.3 Megawatt AC fuel cell facility located on Lopus Road, Beacon Falls, Connecticut.

Dear Ms. Bachman:

I am writing on behalf of Beacon Falls Energy Park LLC regarding the submittal of an additional document in the above referenced petition. Beacon Falls Energy Park LLC wishes to supplement its petition with the attached Field Habitat Assessment Report, conducted by Milone & MacBroom, and dated August 5, 2015. Beacon Falls Energy Park LLC will deliver an original and 15 copies of this report to the Council at tomorrow's hearing.

I hereby certify that copies of this report have been provided to all parties and intervenors to this Petition as of this date. Should you have any questions concerning the foregoing, please contact me at your convenience.

Sincerely,



Lee D. Hoffman

cc: Parties and Intervenors



Field Habitat Assessment Report
Beacon Falls Energy Park
Beacon Falls, Connecticut
August 5, 2015

Field Habitat Assessment Report
Beacon Falls Energy Park
Beacon Falls, Connecticut
August 5, 2015

Prepared for:
Beacon Falls Energy Park, LLC
769 Newfield Street, Suite 8
Middletown, CT 06457

MMI #1103-87

Prepared by:
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1.0 Introduction

The following Field Habitat Assessment report has been prepared in support of the proposed Beacon Falls Energy Park to be located at Lopus Road in Beacon Falls, Connecticut. This report summarizes Milone and MacBroom, Inc. (MMI) field analysis and findings related to federal and/or state listed flora and fauna species. The property encompasses approximately 25 acres and consists of a former sand and gravel pit. The site is bounded to the west by Gruber Road, to the north by Lopus Road, to the east by Metro North railroad, and the south by Route 8 and undeveloped Connecticut Department of Transportation property. The site is currently undeveloped and has varying vegetation communities present including mixed hardwood forest, xeric scrub shrub, xeric herbaceous communities, and a pond (see Appendix A). The site is actively used by nonpermitted all-terrain vehicles. Photos of the site are attached as Appendix B.

The Connecticut Department of Energy and Environmental Protection (CTDEEP) Natural Diversity Database (NDDDB) was accessed to determine whether any significant natural communities or areas of special concern for endangered, threatened, and/or special concern species exist within the project area. The December 2014 NDDDB mapping indicates that the property does not support endangered, threatened, and/or special concern species or significant natural communities. A NDDDB inquiry was submitted to the CTDEEP to confirm that there are no known areas of concern on and/or within the immediate vicinity of the site. CTDEEP NDDDB has indicated that although the site does not have a polygon area of concern over it, there is the potential for state listed special concern species to be present on this site. These species include:

- Vascular plant – downy wood-mint (*Blephilia ciliate*)
- Vascular plant – Virginia waterleaf (*Hydrophyllum virginianum*)
- Vascular plant – Hooker's orchid (*Platanthera hookeri*)
- Vertebrate animal – brown thrasher (*Taxostoma rufum*)
- Vertebrate animal – hognose snake (*Heterodon platirrhinos*)



2.0 Listed Vascular Plant Survey

MMI ecologists completed a comprehensive survey of the site to determine whether the existing habitats supported *Hydrophyllum virginianum*, *Blephilia ciliate*, and *Platanthera hooker*. Our botanical survey was completed on July 1, 2015. MMI was assisted by Ms. Lauren Brown, well-known botanist and author of the book entitled "*Grasses an Identification Guide*." Weather was clear and dry. The survey was conducted within the predicted growing/flowering periods of the three listed plants. Our field survey included walking transects across the site and within each of the existing vegetative communities mixed hardwood forest, xeric scrub shrub, and xeric herbaceous areas. During the course of our investigations, none of the listed plants were found within the project property limits. It should be noted that the *Blephilia ciliate* and *Platanthera hookeri* are considered to be extinct in Connecticut. Table 2-1 provides a general list of the plants observed on site during our listed plant survey.

Table 2-1
General Plant List (Common Names Only)

Trees	Shrubs
Black oak	Staghorn sumac
White oak	Shiny sumac
Red oak	Autumn olive
White pine	Multiflora rose
Sugar maple	Sweetfern
Red maple	Maple leaved viburnum
American sycamore	Japanese barberry
Quaking aspen	Common witchhazel
Cottonwood	Winged euonymus
Eastern red cedar	Mountain laurel
Black locust	Low bush blueberry
Black cherry	
Pin cherry	
Shagbark hickory	
Sassafras	
Grey birch	
Herbaceous - Mixed Hardwood Areas	Herbaceous - Xeric Shrub/Open Areas
Pennsylvania sedge	Bush clover
Hay scented fern	Little bluestem
New York fern	Switchgrass
Christmas fern	Wormwood
Princess pine	Tick trefoil
Downy rattlesnake plantain	Sleepy catchfly
Whorled loosestrife	Sand plantain
Canada mayflower	Common fleabane
Common bedstraw	Birdsfoot trefoil
Greenbrier	Mullen

Poison ivy	Common milkweed
Virginia creeper	Black eyed Susan
Oriental bittersweet	Oxe eye daisy
	Dwarf dandelion
	Sheep sorrel
	Toadflax
	White yarrow
	Sweet goldenrod
	Grey goldenrod
	Early goldenrod
	Downy false foxglove
	Deptford pink
	Wild Indigo



3.0 Listed Reptile Survey

MMI ecologists completed a comprehensive reptile survey of the site to determine whether the existing habitats supported eastern hognose snake (*Heterodon platirhinos*). The eastern hognose snake prefers woodlands with sandy soil, fields, farmland, and coastal areas. These snakes are typically active during the day and prey on a variety of amphibians, birds, and small mammals. American toads (*Bufo americanus*) is a primary prey species for the eastern hognose snake.

MMI's snake surveys were completed on the following days: July 1, 8, 10, 27, and 30, of 2015. Our surveys consisted of walking transects over the project site using the visual encounter method. Specific areas searched included the sandy mixed hardwood and white pine forested areas, sandy scrub shrub and herbaceous xeric zones, rock piles, rodent burrows, and woody debris piles. The existing habitats located on this property provide favorable conditions for the eastern hognose snake. In fact, there is a large presence of American toads found on site. However, our surveys resulted in no visual observations of eastern hognose snakes on this site. Although the snakes were not found on site, it is recommended that a snake management plan be implemented during construction (see Appendix C).



4.0 Listed Bird Survey

A field survey for brown thrasher (*Toxostoma rufum*), a Connecticut species of special concern, was conducted by MMI ecologists. Listed bird survey dates were July 1 and July 23, 2015, which are during the breeding season for this species in Connecticut. Survey times were the early morning hours between 8 a.m. and noon. Both days were clear and warm with highs in the low 80s. Other species of birds were very active and vocal during these two site visits. A list of identified (observed/heard) bird species can be found in Table 4-1. The survey method consisted of walking transects through the entire site stopping to "pish" to attract birds. Callback recordings were not used on either date so as not to disturb potential nesting birds. The site is a regenerating sand and gravel extraction area (see Appendix B). It is brushy, flat, and open so that a clear view of most of the area can be made from higher ground. Scanning with 7-power binoculars for 15-minute periods was also conducted.

The survey found one brown thrasher in the northwestern section of the site on the July 1 survey date only (see Appendix A). Although perched in plain view for about 10 minutes atop a gray birch sapling, no nesting behavior was observed. The lone bird was not actively feeding, so it was not seen taking food to nestlings or fledglings. The bird did not vocalize. The bird was not found on the July 23 survey date. No nest was located. The July 1 siting location is located at the toe of the forested slope where the former sand and gravel extraction work ended. The area is scrub/shrub, and there is a gradual transition from the sandy plain dominated by grasses, forbs, and autumn olive shrubs to a sloped forest setting dominated by mixed oaks, quaking aspen, white pine, and birches. Similar scrub shrub and forested habitats occur all along the Naugatuck River in areas regenerating from sand and gravel extraction, including nearby Naugatuck State Forest.

This area of dry secondary growth bordering an oak-pine forest is suitable habitat for this species, and the presence of even a single bird here in July can be taken as reasonable evidence of breeding. Brown thrasher is normally a migrant species, leaving Connecticut in October for wintering grounds in the southeastern United States.

TABLE 4-1
Observed Bird Species List (Common Names Only)
Dates: July 1 & 23, 2015

Green heron	Brown thrasher*
Red-shouldered hawk	Gray catbird
Osprey	Northern mockingbird
Turkey vulture	Eastern bluebird
Black vulture	American robin
Rock dove	Cedar waxwing
Mourning dove	Warbling vireo
Ruby-throated hummingbird	Black and white warbler
Downy woodpecker	American redstart
Eastern kingbird	Prairie warbler
Eastern phoebe	Blue-winged warbler
Eastern wood peewee	Yellow warbler
Barn swallow	Common yellowthroat

Rough-winged swallow	European starling
American crow	Northern cardinal
Blue jay	House finch
Black-capped chickadee	American goldfinch
Tufted titmouse	Indigo bunting
House wren	Song sparrow

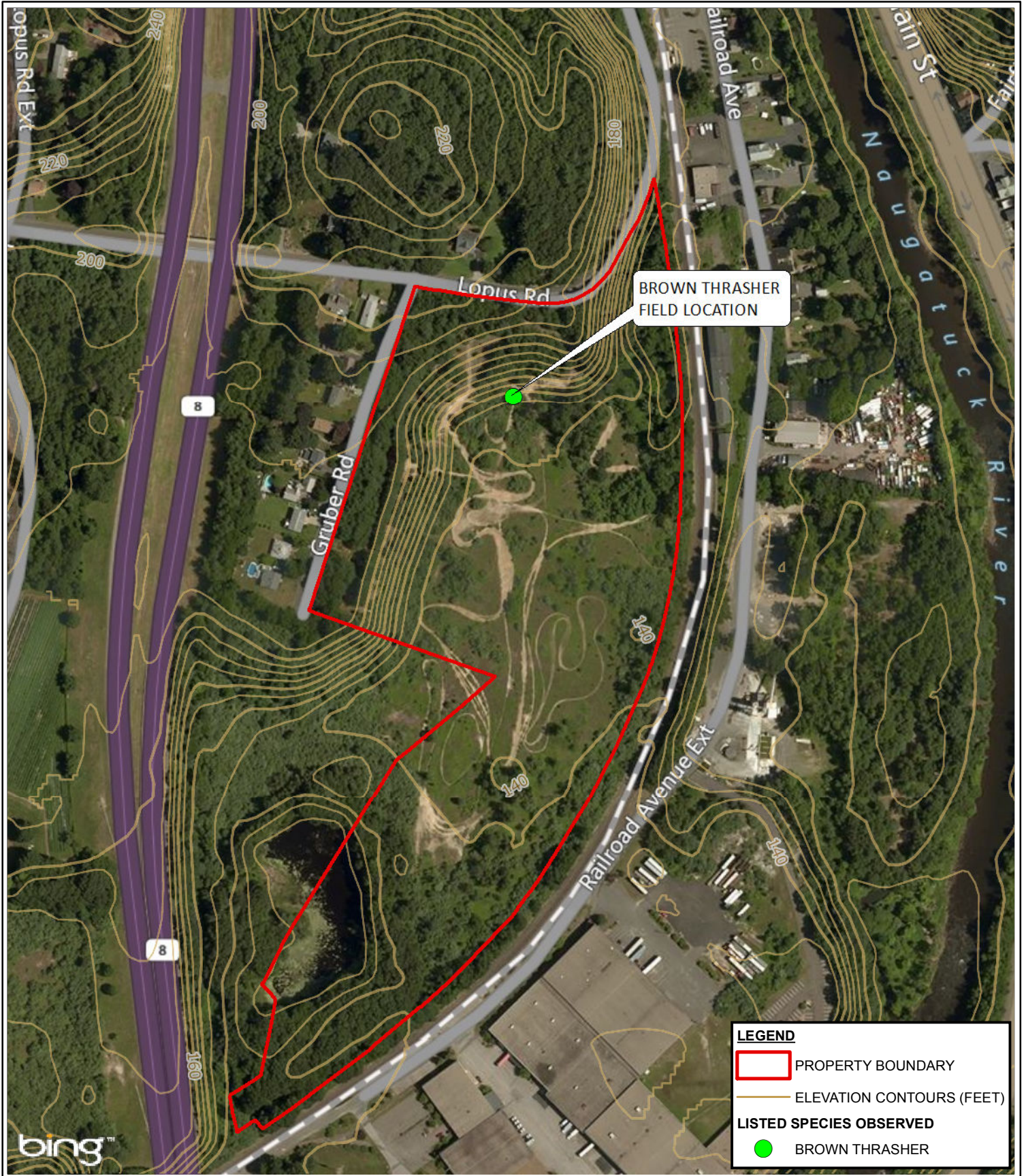
*Species of Special Concern

1103-87-au515-rpt



APPENDIX A

LOCATION MAP



SOURCE(S):
 ESRI USA Topo Maps
 Service Layer Credits: Image courtesy of USGS Earthstar Geographics SIO © 2015 Microsoft Corporation © 2010 NAVTEQ © AND

FIGURE 1: FIELD HABITAT ASSESSMENT

**BEACON FALLS ENERGY PARK
 LOPUS ROAD**

Map By: PAS
 MMI#: 1103-87
 Original: 8/4/15
 Revision:
 Scale: 1 inch = 300 feet

LOCATION:
BEACON FALLS, CT

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MXD: R:\1103-87\Maps\FIGURE 1 (BT LOCATION MAP).mxd



APPENDIX B

SITE PHOTOS



Site Photo Log

BEACON FALLS ENERGY PARK

AUGUST 5, 2015

Pictures were taken July 2015.

MMI #1103-87

Mixed Sandy Hardwood Forest Areas



XERIC HERBACEOUS AREAS



Xeric Scrub Shrub Areas





APPENDIX C

SNAKE MANAGEMENT PLAN

Beacon Falls Energy Park Snake Management Plan

The following management plan has been developed to help protect these species during construction of the energy park.

Silt fence will be installed around the perimeter of the construction site to form a barrier along the potential habitat. These silt fences will help limit the potential for snakes to enter the project site. However, if said species are observed within the project area, the contractor is responsible for following the snake management plan as follows:

- Conduct a sweep of the project area by a qualified wildlife biologist prior to installation of silt fence.
- Install silt fencing around the work area prior to the start of any construction.
- Conduct a second sweep of the project area by a qualified wildlife biologist prior to construction.
- The contractor will be informed of the potential presence of eastern hognose snakes within the project site and will be furnished with a description of the snake for proper identification purposes. This will be accomplished by inclusion of the necessary information in the contract documents, including notations on the plans and a Notice to Contractor and/or special provisions as appropriate.
- Carefully remove any eastern hognose snake discovered inside the project area and relocate unharmed to an area immediately outside of the silt fence and in the same direction it was slithering.
- Restrict machinery and heavy vehicles from being parked or operated in hognose snake habitat. Confine parking for construction equipment within the limits bound by silt fence.
- Work conducted during the early morning and evening hours should occur with special care not to harm basking or foraging individuals.
- Silt fence should be removed once construction is complete and soils have been stabilized to avoid restricting wildlife movement.