



STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

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VIA ELECTRONIC MAIL

December 29, 2015

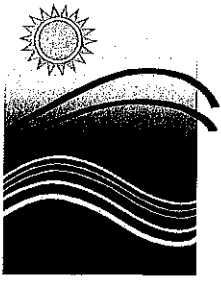
TO: Council members

FROM: Melanie Bachman, Acting Executive Director *MAB*

RE: **PETITION NO. 1195** - SolarCity Corporation petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the proposed construction and operation of a 4.05 Megawatt Community Shared Solar Photovoltaic Electric Generating facility located on municipally-owned property at 1240 Poquonnock Road, Groton, Connecticut.

SolarCity Corporation submitted comments of the Department of Energy and Environmental Protection dated November 1, 2015, via email dated December 3, 2015. A copy of the comments is attached for your review.

MB/MP



Connecticut Department of

**ENERGY &
ENVIRONMENTAL
PROTECTION**

November 1, 2015

Mr. Dean Gustafson
Senior Environmental Scientist
All-Points Technology Corporation, P.C.
30 Bogg Lane
Lebanon, CT 06249

Regarding: Connecticut Municipal Electric Energy Cooperative, Groton, CT – Solar Generation Facility
Natural Diversity Data Base 201504872

Dear Mr. Gustafson:

In response to your request for a Natural Diversity Data Base (NDDDB) Review of State-listed Endangered, Threatened, and Special Concern Species for the Connecticut Municipal Electric Energy Cooperative, Groton, CT – Solar Generation Facility, our records indicate the following extant populations of species on or within the vicinity of the site:

ANIMALS

Bald Eagle (*Haliaeetus leucocephalus*) Protection Status: Threatened Species

Disturbing bald eagles is an illegal activity pursuant to Section 26-93 of the Connecticut General Statutes.

Natural year-round habitat of bald eagles includes lakes, marshes, rivers, or seacoasts, where there are tall trees nearby for nesting and roosting and plenty of fish for eating. Although bald eagles feed primarily on fish, they also are opportunistic predators and scavengers that will eat anything that can be caught easily or scavenged.

The breeding season in Connecticut begins in January, and most pairs lay their eggs in February and March. Bald eagles return to the same nesting areas year after year. The nest, which sometimes measures 7 to 8 feet across, is a flat-topped mass of sticks, with a lining of fine vegetation such as rushes, mosses, or grasses. It is built in trees, 10 to 150 feet above ground. Disturbance at nest sites may cause the birds to abandon their nest, even if there are eggs or young in the nest.

Winter is a difficult time for any wildlife species, including bald eagles. Food is harder to find and cold temperatures cause energy stress. If the birds are frequently disturbed from feeding and forced to travel to a different area for food, their lives may be threatened. Adult eagles are more easily disturbed than juveniles.

At night, wintering eagles often congregate at communal roost trees; in some cases, they travel 12 or more miles from a feeding area to a roost site. Roosts are often used for several years. Many roosts are protected from the wind by vegetation or terrain, providing a favorable thermal environment. Use of these protected sites helps minimize energy stress. In addition, communal roosting may aid the birds in their search for food.

Recommendations: Bald eagles nest and roost in the vicinity of the project area and specifically on Smith Lake. Though somewhat tolerable of human disturbance, the pair on Smith Lake maybe sensitive to habitat transformation. Presently Smith Lake is sufficiently ringed by trees to provide a good visual barrier between the eagles and the site. As long as those trees remain, the birds will be buffered from the site.

Nesting bald eagles may also be negatively affected if work is too close to a nest or roosting site. Delineating protection zones around areas of high eagle use is important. Therefore, the following precautions shall be adhered to:

February 1st through August 1st (bald eagle breeding season)

Any machinery or equipment shall maintain, at a minimum, a 600' protection zone around any nest site.

If a bald eagle is found to be nesting on or within 600' of the project area, work shall be halted immediately until after the breeding season.

December 31st through March 1st (wintering bald eagles)

Any machinery or equipment shall maintain, at a minimum, a 600' protection zone around areas of high eagle use, particularly winter roosting sites.

PLANTS

According to our records, the following State-listed plant species have been documented on-site or in the immediate vicinity of the Groton Reservoir in Groton, CT:

- **Few-seeded sedge (*Carex oligosperma*)**
Protection Status: State Special Concern, Historic
Habitat: Peat bogs, acidic swamps, and shallow water. Blooms Jun-Jul.
- **Blue waxweed (*Cuphea viscosissima*)**
Protection Status: State Special Concern, Historic
Habitat: Open moist or dry soil in fields, roadsides, rocky places. Blooms Jul-Sep.
- **Spike-rush (*Eleocharis quadrangulata* var. *crassior*)**
Protection Status: State Endangered
Habitat: Shallow pond shores. Blooms Jul, Aug, Sep, Oct.
- **White thoroughwort (*Eupatorium album*)**
Protection Status: State Endangered
Habitat: Dry sandy woods, thickets and clearings. Blooms Jul, Aug, Sep.
- **Showy aster (*Eurybia spectabilis*)**
Protection Status: State Threatened
Habitat: Dry, rocky or sandy soil, often among pines. Blooms late Aug – Oct.
- **Water pennywort (*Hydrocotyle umbellata*)**
Protection Status: State Endangered
Habitat: Shallow water, wet soils, pond shores. Blooms Jul, Aug, Sep.
- **Clasping-leaved water-horehound (*Lycopus amplexans*)**
Protection Status: State Special Concern
Habitat: Swamps and pond shores in sandy or peaty soils. Blooms Aug – Sep.
- **Globe-fruited false-loosestrife (*Ludwigia sphaerocarpa*)**
Protection Status: State Endangered
Habitat: Shallow water of ponds. Blooms Aug.
- **Eastern prickly pear (*Opuntia humifusa*)**
Protection Status: State Special Concern
Habitat: Dry, sandy soil or bedrock outcrops, especially along the coast.
Recognizable year-round.
- **Nuttall's milkwort (*Polygala nuttallii*)**
Protection Status: State Threatened
Habitat: Dry, open, sandy soils and rocky crevices. Blooms Jul - Sep.
- **Beaked rush (*Rhynchospora macrostachya*)**
Protection Status: State Threatened
Habitat: Wet sands and peaty ponds with a fluctuating water table. Blooms late Jul-Oct.

To prevent impacts to State-listed plant species, we recommend that botanical surveys be conducted within the proposed project area. Botanical field surveys of the site should be performed by a qualified botanist when each of the target plant species is identifiable; consequently, multiple visits to the site may be necessary. Additionally, surveys should not target just the species listed above, but should aim to identify any and all State-listed plants within the project area. A report summarizing the results of such surveys should include:

1. Survey protocol, including survey date(s) and duration
2. Site descriptions and photographs
3. List of component vascular plant species within the survey area (including scientific binomials)
4. Data regarding population numbers and/or area occupied by State-listed species
5. Detailed maps of the area surveyed including the survey route and locations of State-listed plant species
6. Statement/résumé indicating the botanist's qualifications

The report should be sent to the Natural Diversity Data Base (deep.nddbrequest@ct.gov) for further review. **Please note that incomplete reports may not be accepted. Once we receive your plant survey results and any protection plans you submit we will provide additional comments and a final determination letter from our program. This letter is good for one year.**

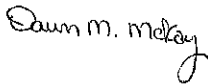
For questions regarding State-listed plants, please contact Nelson DeBarros (nelson.debarros@ct.gov)

Unnecessary incursions into wetlands will affect the ecological value of this area. Best management practices should always be implemented and maintained during the entire course of any project; and requirements should include, but not be limited to: all materials, equipment and machinery not being placed in the marsh complex.

The Natural Diversity Data Base 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. Please be advised that consultations with the Data Base should not be substituted 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. If the project is not implemented within 12 months, then another Natural Diversity Data Base review should be requested for up-to-date information.

Please be advised that any subsequent environmental permit applications submitted to DEEP for this site, may require a more detailed review. Thank you for consulting the Natural Diversity Data Base.

Sincerely,



Dawn M. McKay
Environmental Analyst 3