



Connecticut Department of
**ENERGY &
ENVIRONMENTAL
PROTECTION**

December 8, 2017

Mr. Dean Gustafson
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Project: Modification for the Installation of a Solar Array at Becton Dickinson and Company Located at 7 Grace Way in North Canaan, Connecticut, Connecticut
NDDDB Determination No.: 201710268 (Previously NDDDB # 201601990)

Dear Dean,

I have re-reviewed Natural Diversity Data Base maps and files regarding the area delineated on the map you provided for the proposed modifications proposed for the Installation of a Solar Array at Becton Dickinson and Company Located at 7 Grace Way in North Canaan, Connecticut, Connecticut. Thank you for including the changes that are proposed in this project since we reviewed this project last year as NDDDB # 201601990. I concur with your findings that the proposed solar project will not result in adverse effect to State-listed species if the rare species protection program is implemented as outlined in your August 10, 2016 correspondence and attached to this letter.

This determination is good for two years. Please re-submit an NDDDB Request for Review if the scope of work changes or if work has not begun on this project by December 8, 2019.

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 . Thank you for consulting the Natural Diversity Data Base.

Sincerely,

Dawn M. McKay
Environmental Analyst 3

Attachment 5

Rare Species Protection Program

ENVIRONMENTAL NOTES

Rare Species Protection Program

Blue-spotted Salamander Complex, Spotted Turtle and Wood Turtle, all State Special Concern species afforded protection under the Connecticut Endangered Species Act, are known to occur 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 plan is valid for one year from the date of CTDEEP's letter, at which point if construction has not been initiated a new Natural Diversity Data Base review request from CTDEEP is required.

It is of the utmost importance that the Contractor complies with the requirement for implementation of these protective measures and the education of its employees and subcontractors performing work on the project site. The rare species protection plan shall be implemented if work will occur during the salamander's and turtles' active periods (March 1 to November 15). All-Points Technology Corporation, P.C. ("APT") will serve as the Environmental Monitor for this project to ensure that these protection measures are implemented properly and will provide an education session on rare species that may be encountered and the project's proximity to sensitive wildlife habitat resources 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) 663-1697 ext. 201 or via email at dgustafson@allpointstech.com.

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

1. Salamander Tree Clearing Restriction

- a. In order to minimize impacts on salamanders, tree clearing shall occur between November 15th through February 1st.
- b. If tree clearing is not performed during the November 15th through February 1st period, sweeps of the entire construction area shall be performed by the Environmental Monitor during the morning prior to each day's tree clearing activities. Salamander sweeps shall be performed on a daily basis until tree clearing activities have been completed.

2. Isolation Measures & Sedimentation and Erosion 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, but particularly snakes. No permanent erosion control products or reinforced silt fence will be used on the SolarCity Corporation 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 sedimentation and erosion controls, required for erosion control compliance and creation of a barrier to possible migrating/dispersing salamanders and turtles, 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 salamanders and turtles and document barriers have been satisfactorily installed.

The intent of the barrier is to segregate the majority of the work zone and isolate it from foraging/migrating/dispersing salamanders, turtles, snakes and other herpetofauna. Oftentimes complete isolation of a work zone is not feasible due to accessibility needs and locations of staging/material storage areas, etc. If complete isolation of the work zone is not practical, they will be positioned to deflect migrating/dispersal routes away from the work zone to minimize potential encounters with salamanders, turtles, snakes and other herpetofauna.

- c. The Contractor is responsible for daily inspections of the sedimentation and erosion controls for tears or breeches and accumulation levels of sediment, particularly following storm events that generate a discharge. APT will provide periodic inspections of the sedimentation and erosion controls throughout the duration of construction activities only as it pertains to protection of rare species. Third party monitoring of sedimentation and erosion controls will be performed by other parties, as necessary, under applicable local, state and/or federal regulations.
- d. The extent of the sedimentation and erosion controls will be as shown on the site plans. The Contractor shall have additional sedimentation and erosion controls stockpiled on site should field or construction conditions warrant extending the controls as directed by APT.
- e. No equipment, vehicles or construction materials shall be stored outside of the sedimentation and erosion controls within 100 feet of wetlands or watercourses.
- f. All sedimentation and erosion controls 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.

3. 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 Blue-spotted Salamander Complex, Spotted Turtle and Wood Turtle emphasizing the non-aggressive nature of these species, the absence of need to destroy animals that might be encountered and the need to follow Protective Measures as described in Section 5 below. Workers will also be provided information regarding the identification of other salamanders, turtles, snakes and common herpetofauna 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 salamanders, turtles or snakes will be documented.
- c. The Contractor will be provided with cell phone and email contacts for the APT Environmental Monitor to immediately report any encounters with Blue-spotted Salamander Complex, Spotted Turtle and Wood Turtle. Educational poster materials will be provided by APT and displayed on the job site to maintain worker awareness as the project progresses.

4. 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 to avoid possible impact to nearby habitats.

- 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 Town of Cheshire.

5. Rare Species Protective Measures

- a. Prior to the start of construction each day, the Contractor shall search the entire work area for salamanders and turtles.
- b. If a salamander or turtle is found, it shall be immediately moved, unharmed, and placed just outside of the isolation barrier in the same approximate direction it was

heading. Turtles should be handled by carefully grasped in both hands, one on each side of the shell, between the turtle's forelimbs and the hind limbs. Salamanders have soft, delicate skin and should be handled gently with a clean damp plastic bag or clean wet hands.

- 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.

6. Herbicide and Pesticide Restrictions

- a. The use of herbicides and pesticides at the proposed solar facility shall be avoided when possible. 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.

7. Reporting

- a. Daily Compliance Monitoring Reports (brief narrative and applicable photos) documenting each APT inspection will be submitted by APT to SolarCity Corporation for compliance verification. Any observations of salamanders or turtles will be included in the reports.
- b. Following completion of the construction project, APT will provide a Compliance Monitoring Summary Report to SolarCity Corporation documenting implementation of the rare species protection program, monitoring and any species observations. SolarCity Corporation will provide a copy of the Compliance Monitoring Summary Report to the Connecticut Siting Council for compliance verification.
- c. Any observations of Blue-spotted Salamander Complex, Spotted Turtle and 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.

Smooth Green Snake Habitat Enhancement: Cover Board Guidelines

1. Cover boards shall be installed around SP-1 and SP-3 as shown on the site plans to provide habitat for smooth green snake during this species seasonal active period (May through November).
2. Cover boards shall consist of either exterior-grade plywood (4' x 8' sheets) or corrugated roofing/siding panels of similar size.
3. The label "snake cover board – do not remove or disturb" shall be painted on the top side of each board.
4. Cover boards shall remain in place from May through October, but can be left in place throughout the fall and winter if needed.
5. Areas where cover boards are located shall be mowed no more than once per season.
6. If mowing occurs between May and October, the cover boards shall be removed a minimum of one day prior to mowing and reset once all mowing has been completed.