

## **SECTION 1.10 ENVIRONMENTAL COMPLIANCE**

### **In Article 1.10.03-Water Pollution Control: REQUIRED BEST MANAGEMENT PRACTICES**

*Add the following after Required Best Management Practice Number 13:*

14. The Contractor is hereby notified that the State listed endangered species Eastern spadefoot toad (*Scaphiopus holbrookii*), is present within the Project limits. In Connecticut, this terrestrial amphibian is found in a variety of habitats, including arid to semi-arid areas, such as fields, farmland, dunes and woodlands with sandy or loose soils and breeds in ephemeral (temporary) pools and forested wetlands. These toads are susceptible to high mortality when breeding pools dry up before their young (tadpoles) can grow into toads (metamorphose). Eastern spadefoot toads spend most of their lives in burrows located several inches underground. The Eastern spadefoot toad is probably the rarest and most secretive amphibian found in Connecticut.

All construction activities taking place within the Project limits will need to be coordinated with the Office of Environmental Planning (OEP) through the Engineer. At least 10 days prior to the commencement of any construction activities, the Contractor shall, through the Engineer, arrange for a CT DOT Environmental Inspector from the OEP or their authorized delegate to meet and discuss proper protocol for maintaining environmental commitments made for the protection of this species and habitat. OEP will provide oversight through the Engineer to ensure that the following protocols are followed and maintained during the course of the Project.

These practices will be applied to the entire Project unless a sketch is attached which identifies specific areas of concern.

- I. For any work done during the Eastern spadefoot toad's active period (April 1 to October 31), the Department will require the following precautionary measures to protect the Eastern spadefoot toad and Eastern spadefoot toad habitat:
  - a. All areas within the Project limits must be surveyed and cleared of any Eastern spadefoot toads immediately prior to the commencement of initial clearing and grubbing activities. OEP or their authorized delegate will need to be on-Site during any soil excavation, including grubbing, within the Project limits for the duration of the Project.
  - b. All construction personnel working within Eastern spadefoot toad habitat must be apprised of the species description and the possible presence of this listed species.
  - c. Exclusionary practices will be required in order to prevent any Eastern spadefoot toad access into construction areas. These measures will need to be installed at the limits of disturbance as shown on the plans and must be buried a minimum of 12 inches below the ground surface.

- d. Exclusionary fencing shall be at least 20 inches above ground and must be secured with stakes and remain buried a minimum of 12 inches underground. It shall be regularly inspected / maintained to prevent any gaps or openings. Standard silt fence is adequate; fencing with netting shall not be used.
  - e. The Contractor must search the work area each morning for the presence of this listed species prior to any work being done.
  - f. Any Eastern spadefoot toads encountered within the immediate work area shall be carefully moved to an adjacent area outside of the excluded area and the Engineer shall be immediately informed in order to contact OEP with the location.
  - g. All staging and storage areas in the vicinity of Eastern spadefoot toad habitat, outside of previously paved locations, regardless of the duration of time they will be utilized, must be reviewed by and receive written approval from OEP through the Engineer.
  - h. No heavy machinery or vehicles may be parked in any known or potential Eastern spadefoot toad habitat.
  - i. Exclusionary fencing shall be removed when it is no longer needed, and silt fence shall be removed as soon as the area is stable to allow for reptile and amphibian passage to resume.
  - j. If a major storm event of  $\geq 2$  inches of rain occurs, OEP will need to be contacted to coordinate a survey to be performed for the Project limits for any spadefoot toads prior to commencement of any work.
- II. Work may take place during the Eastern spadefoot toads inactive (hibernation) period (November 1 to March 31) with the following additional precautionary measures:
- a. Soil excavation is prohibited during the time period November 1 to March 31.
  - b. Machinery/vehicle access outside the existing roadway/bridge footprint is prohibited during the time period November 1 to March 31.

This species is protected by State laws, which prohibit killing, harming, taking, or keeping them in your possession. Photographs identifying the species and the laws protecting Eastern spadefoot toads shall be posted, for the duration of the Project, in the Contractor's and DOT field offices (species ID sheets will be provided by OEP).