ORIGINAL

STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

IN RE:

APPLICATION OF OPTASITE TOWERS LLC AND OMNIPOINT COMMUNICATIONS, INC. FOR A CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED FOR THE CONSTRUCTION, MAINTENANCE AND OPERATION OF A TELECOMMUNICATIONS FACILITY AT 52 STADLEY ROUGH ROAD, DANBURY, CONNECTICUT	DOCKET NO. 366 December 23, 2008

CITY OF DANBURY'S SUBMISSION OF SUPPLEMENTAL INFORMATION

The City of Danbury respectfully submits this information to supplement the Pre-filed testimony of Steven Danzer, PhD and in response to certain issues raised in the course of this proceeding. Attached hereto is the supplemental pre-filed testimony of Steven Danzer, PhD.

The City of Danbury reserves the right to offer additional exhibits, testimony, witnesses and administratively noticed materials as may be necessary during the hearing process.

Dated at Danbury, Connecticut, this 23rd day of December 2008.

City of Danbury

Robin L. Edwards
Assistant Corporation Counsel
City of Danbury
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CITY OF DANBURY
OFFICE OF THE CORPORATION COUNSEL

CERTIFICATE OF SERVICE

I hereby certify that the original copy of the foregoing was delivered to the Connecticut Siting Council via overnight mail, with an electronic copy sent via email, and one (1) copy of the above was mailed to the Applicant's legal counsel via overnight mail, with a copy also electronically delivered, as follows:

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Dated: December 23, 2008

City of Danbury

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Pre-hearing Exhibit H

Supplemental Environmental Assessment by Steven Danzer, PhD & Associates, LLC

CITY OF DANBURY
OFFICE OF THE
CORPORATION
COUNSEL

STEVEN DANZER, PHD & ASSOCIATES LLC
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WETLAND BOUNDARIES • POND & LAKE MANAGEMENT • CONSTRUCTION FEASIBILITY CONSULTATIONS • ENVIRONMENTAL STUDIES

Date: December 22, 2008

By: Steven Danzer PhD
Soil Scientist (listed SSSSNE)
Professional Wetland Scientist (PWS #1321)
Certified Professional in Erosion and Sediment Control (CPESC)
PhD Natural Resources

SUPPLEMENTAL ENVIRONMENTAL ASSESSMENT

Application of Optasite Towers LLC and Omnipoint Communications, Inc. to the Connecticut Siting Council, for proposed activities located at 52 Stadley Rough Road, Danbury, CT. Docket # 366.

The following comments are offered to clarify environmental issues of concern that were raised during the December 8, 2008 CT Siting Council hearing.

1. **City of Danbury requirements for an Environmental Impact Assessment.**

The question came up during the hearing regarding the "normal and typical" requirements for an Environmental Impact Assessment for those activities under review by the City of Danbury Environmental Impact Commission (the EIC).

The EIC serves as the Wetlands Agency for the City. The EIC, like most Wetland Agencies and Commissions across the state, not only regulates activities within

wetlands, but also regulates activities adjacent to wetlands. The EIC has an upland review area of 100 feet from the wetland or watercourse boundary which triggers the review process for a permit.

If an impact is anticipated, an environmental impact assessment is normally required. The format and breadth of such an assessment would depend upon the scope of the project. The assessment would typically consider all potential impacts, both direct and indirect, including impacts due to the removal of any vegetation. As the soils and wetland consulting "expert" to the EIC since 2002, I have often assisted in the review of such assessments, after submission by the applicant.

In regard to this project, there is sufficient evidence to conclude that there will be impacts. The evidence was presented and discussed in my previous assessment to the Siting Council (City's Fourth Supplemental Witness List- report by Danzer dated 11/19/08), and additional evidence and analysis is presented within this supplemental assessment.

Despite this evidence, the impact assessment submitted on behalf of the applicant appears to be limited to a single statement on p2 of their Soils Report (Application Supplemental Submission exhibit B - dated 5/9/08 by Kleinfelder). The Soils Report states that "impacts of the proposed project on the wetland system will be minimal as the project is proposed down gradient of the wetland area, which is situated within a mosaic of historic and contemporary disturbances."

This lack of technical analysis from the applicant is surprising, considering the proximity of the work to the wetlands, and the level of proposed disturbance.

In summary, the proposed removal of trees would be a regulated activity pursuant to Section 2 of the City of Danbury Wetland Regulations. The activity is located within 100 feet of a wetland or watercourse, and involves grubbing and land clearing that may disturb the natural and indigenous character of a wetland or watercourse. Accordingly, the activity would fall within the purview of the EIC permitting process, if the applicant were required to submit to the jurisdiction of EIC. As part of that review, it would be expected that the applicant submit a technical analysis of impact adequate enough in scope to satisfy EIC application requirements, and allow for the Commission to make an informed decision. It appears that an equivalent level of environmental impact analysis has not been submitted to date to the Siting Council record.

2. **Impact of the removal of trees**. The applicant is proposing the removal of nine mature trees from within the site. This would be expected to have an impact on the hydrology and ecology of the site for the following reasons:

Trees remove copious amounts of moisture from the soil during the growing season due to their normal metabolic function. Their leaves capture and evaporate precipitation before it reaches the ground. These biologic and physical processes are collectively known as "evapo-transpiration" and constitute a significant fraction of water passing through a forest. Trees also provide conduits through their rooting for the rainfall to infiltrate into the soil, thereby minimizing surface stormwater runoff. At least 5 of the 9 trees to be removed are located near, or on, the boundary of the compound. Removal of these trees will increase soil moisture conditions on the periphery. In the advent of a sustained rainfall event, the capacity of the soil to infiltrate additional moisture will be reduced, generating more runoff down-slope than exists in pre-development conditions. Ultimately this runoff will potentially flow towards the neighboring properties to the west and southwest.

The removal of the trees will have other environmental consequences. The trees are a source of coarse woody debris to the forest. Coarse woody debris is important to small wildlife and amphibians as habitat and cover, and especially important to the soil ecology as a source of nutrients. The forests within this region are already under heavy stress due to deer browsing, and the removal of a consistent source of woody debris will impact nutrient cycling within the soil. The loss of soil nutrients, coupled with heavy deer browse, makes the re-establishment of an understory layer of vegetation more difficult.

Finally, the trees provide shade to the forest. Removal of the source of shade, coupled with construction related disturbance of the soil, will typically encourage fast colonizing (i.e. invasive), undesirable species into the forest environs such as Asiatic Bittersweet and Japanese Knotweed, leading to a detriment of the local ecology. "Quickie" landscape screenings such as the ones suggested on the site plans are generally inadequate to compensate for this as they do not provide the upper canopy shading that a mature assortment of trees provide.

3. **Dewatering the site**: A large portion of the compound is proposed over filled wetland. Groundwater would be expected to be encountered during the course of construction. There are basic questions that appear to be inadequately addressed in this application.

   How is the applicant going to dewater the site? How is the dewatering process going to impact the wetland, i.e. how are they going to keep from dewatering the wetland in the process? How are they going to install a foundation in potentially unstable soils? Are they proposing any drainage structures such as curtain drains? If so, how is the rerouting of groundwater expected to impact the wetlands?

Has the fill material been investigated to ensure that there are no contaminants present? If contaminants are discovered, what are the contingency plans for this project to prevent mobilization and environmental impact?

4. **Mischaracterization of the wetland as "isolated".** The environmental consultant for the applicant testified that the wetland is isolated, and therefore lacking in value. It should again be noted that my previous written testimony (dated 11/20/08) described the wetland area as performing specific ecological functions, and it should be emphasized that the wetland is not really isolated. Most likely it is a remnant of a larger system that probably occupied the site before the church was built. The word "isolated" is a subjective term that not only glosses over its functions and history but also lacks reference. What is the wetland allegedly isolated from? There are in fact wetlands within the contiguous forested landscape within proximity to the site. Furthermore, the fact that this wetland might not have a surface connection to the other wetlands is irrelevant, as wetland systems are also often connected through subsurface groundwater gradients.

5. **Potential impacts to the wetlands due to slope.**

The applicant has continually stated that the construction activities will be down-gradient (i.e. down slope) to the wetlands, therefore preventing impact to the wetland. I would disagree based upon their site plan.

A. Impact to the stream:

The existing elevation of land under the pad ranges from 549 in the northeast corner to 544 in the southwest corner. The proposed elevation of the pad is 545. The stream is located between 545.0 and 545.9.

Therefore, during construction there will be land alteration upslope (elevation 549) which could subject the stream (elevation 545 - 545.9) to impact from erosion and sedimentation. After construction, the elevations of the pad and the stream will be more equal (elevation 545). Since there will now be increased impervious surfaces, groundwater patterns to the stream may be altered. The stream may pool quicker and dry up quicker, to the detriment of any small wildlife or amphibians that may utilize it.

B. Impact to the pocket of wetland north of the stream:

The existing elevation of land under the pad ranges from 549 in northeast corner closest to the pocket wetland, to 544 in the southwest corner. The proposed elevation of the pad is 545. The pocket wetland is located at 546.0 to 546.9.

Therefore, a portion of the land alteration will occur at elevation 549, which is above-gradient (up-slope) from the wetland which is located at 546. Any soil disturbance in this area near the wetland will flow towards the wetland and potentially harm the wetland.

After construction, the final pad location will be below the wetland, buffering the wetland from any post-construction erosion. However it should be noted that the watershed area which recharges this wetland is very small, and the wetland is least partly dependant on the surrounding surface area to recharge (i.e. unlike the stream there are no drainage pipes directing flow into it). Therefore any post-construction impacts, due to the alteration of land cover and the consequent alteration of hydrology, will be more pronounced, as water that normally flows into the wetland pocket will now flow away due to the lower final elevation of the pad and thereby potentially eliminate the wetland.

Respectfully submitted,
Steven Danzer PhD
Soil Scientist, PWS, CPESC

The statements above are true and complete to the best of my knowledge.

December 22, 2008

Steven Danzer, PhD

Subscribed and sworn to before me this 22nd day of December 2008.

Robin L. Edwards
Commissioner of the Superior Court

CITY OF DANBURY
OFFICE OF THE
CORPORATION
COUNSEL