

**STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL**

**RE: APPLICATION OF SBA TOWERS II, LLC
FOR A CERTIFICATE OF ENVIRONMENTAL
COMPATIBILITY AND PUBLIC NEED FOR
THE CONSTRUCTION, MAINTENANCE AND
OPERATION OF A TELECOMMUNICATIONS
FACILITY AT ONE OF TWO ALTERNATE SITES AT
RABBIT HILL ROAD, WARREN, CONNECTICUT**

DOCKET NO. 378

Date: May 14, 2009

PRE-FILED TESTIMONY OF BENJAMIN RIEGER

Q1. Please state your name, address and position.

A. My name is Benjamin Rieger and I am a Project Manager for Kleinfelder East, Inc. ("Kleinfelder"). Kleinfelder is a leading professional services firm in natural and developed environments. Kleinfelder is located at 99 Lamberton Road, Suite 201, Windsor, Connecticut.

Q2. Please state your qualifications.

A. I have a bachelor's degree in Biology from Houghton College and a master's degree in Water and Wetlands Resources from the State University of New York, College of Environmental Science and Forestry. I have more than 10 years of experience in the environmental planning and permitting field. I have conducted numerous ecological, wetlands and environmental assessments and managed remediation of the same.

Q3. Please describe your involvement in this matter.

A. Kleinfelder was retained by SBA Towers II, LLC ("SBA") to review environmental resource information under the National Environmental Policy Act ("NEPA"), to conduct a wetlands and watercourse delineation and impact assessment of the both Site A and Site B located at Rabbit Hill Road in Warren (the "Property"), to

conduct a land capability assessment for Site A and to conduct a habitat analysis of both Site A and Site B.

Q4. Please describe the results of the NEPA conducted by Kleinfelder.

A. At the request of SBA, Kleinfelder conducted a NEPA screen to determine if the proposed Facilities (at both Site A and Site B) fall under any listed categories of Section 1.1307 under NEPA. Based upon Kleinfelder's review, the proposed Facility does not fall under any listed categories of Section 1.1307. In addition, Kleinfelder corresponded with numerous agencies including the State of Connecticut Department of Environmental Protection ("DEP"), the United States Department of the Interior, Fish and Wildlife Service ("FWS"), the Connecticut Commission on Culture & Tourism, Historic Preservation & Museum Division ("SHPO"), among others. FWS has responded and confirmed that the proposed Facility (at either site) will have no effect on any endangered, listed or threatened species provided habitat for these federally listed species. SHPO has responded and confirmed that the proposed Facility (at either site) will have no effect on any historic, architectural, or archeological resources. Based upon the NEPA screen and Kleinfelder's in-field review of Site A and Site B, both sites will be categorically excluded from any requirement for further environmental review by the FCC in accordance with NEPA and no permit is required by that agency prior to construction of the proposed Facility at either Site.

Q5. Have you reviewed the letter from the Department of Environmental Protection ("DEP") that was been supplied by the Washington Conservation Commission?

A. Yes. This letter appears to be in response to a general inquiry and simply reiterates that there are listed species in the general vicinity of the site and that, if habitat

that would support those species is identified, the appropriate management or mitigation plan should be implemented.

As part of the NEPA compliance documentation, we did review the most recent Natural Diversity Database (“NDDB”) maps for both Site A and Site B. The Site A NEPA compliance documentation was compiled in September, 2008 and based on the most recent NDDB map at that time, updated through June, 2008. The Site B NEPA compliance documentation was compiled in February, 2009 and based on the most recent NDDB map at that time, updated through December, 2008. Both of these maps along with the most recent NDDB map are included in SBA’s responses to the Connecticut Siting Council’s interrogatories, Set II. Of note, the current NDDB map does not include any data different than the December, 2008 map used in the evaluation of Site B.

Under the DEP process, if a site is located outside of a listed species and natural communities shaded area, does not overlap a water body that has any shading and is more than one half mile upstream or downstream from a shaded area, then no further DEP review is required. As shown in the NEPA compliance documentation excerpts included in the application at Exhibit N and in the NDDB maps produced in response to the Connecticut Siting Council Interrogatories, Set II, neither site meet any of the review criteria and therefore do not require a review by the DEP. Neither Site A or Site B are located in a shaded area, neither overlap a water body that has any shading and both are more than one half mile upstream from the nearest shaded areas and therefore do not require further review with the DEP.

Although a request letter was not provided by the Town of Washington, it appears, based on the DEP letter to the Town of Washington dated April 8, 2009

(included in the record for this docket), that the town requested review of this project, and that DEP has reviewed the project and provided comment.

Q6. Please describe the results of the wetlands and watercourses delineation conducted by Kleinfelder.

A. At the request of SBA, Kleinfelder conducted a wetlands and watercourses delineation of the Property. We reviewed relevant documents from the Town of Warren and State of Connecticut and completed an in-field investigation, conducted by a certified soil scientist. A copy of the resume of the individual who performed the field analysis is included in the habitat evaluation attached hereto as Exhibit I. Our wetlands delineation and impact assessment are included in the application at Exhibit O. Based on this review, there are no wetlands within 500 feet of Site A and therefore, the construction and maintenance of the proposed Facility at Site A will have no direct or indirect impact on any wetlands or watercourses.

Based on this review, there is one wetland system in the vicinity of Site B. The wetland is an open ended wetland consisting of palustrine scrub-shrub, a groundwater discharge watercourse and a drainage ditch. The groundwater discharge site includes a ponded area. This wetland system is not a high quality wetland system and has been significantly disturbed over the years from the farming operation on the Property and does not support any obligate species. The wetland systems function values are to convey surface and groundwater discharge flows. Neither of these values will be disturbed by the proposed construction and operation of the Facility at Site B, assuming that proper soil erosion and sedimentation controls are in place during construction. Therefore, the construction and operation of the Facility at Site B will have no impact on wetlands.

Q7. Please describe the results of the habitat evaluation conducted by Kleinfelder.

A. At the request of SBA, Kleinfelder performed a habitat evaluation at both Site A and Site B to determine if any habitat existed for any endangered or listed species, to observe the species currently using these habitats at either Site and to determine what, if any, the construction and operation of the proposed Facility would have at either Site. The results of that habitat analysis are attached hereto as Exhibit 1 along with the resumes of the wildlife biologists who performed the analysis. Based on the NDDB research and information from the United State Fish and Wildlife, the following federally listed species have been known to occur in Litchfield County: bald eagle and small whorled pagonia. The bronze copper butterfly, the sedge skipper butterfly and the wood turtle, Connecticut listed species, have been documented by the DEP as existing in the general vicinity of the site. As shown in the habitat analysis, the construction and operation of a Facility at either Site will have little if any impact on habitat known to support any of these species.

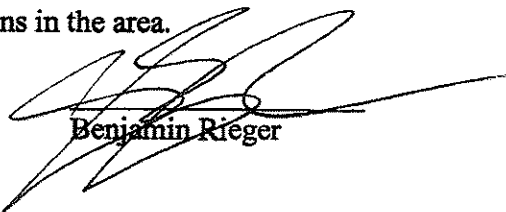
Q8. Did the Habitat Analysis include an analysis of bird species in the area?

Kleinfelder has also reviewed the checklist of bird species sited of the Steep Rock Land Trust (which includes the Macricostas Preserve), which indicates it was last updated in 2006. This list was cross-referenced with the DEP list of threatened and endangered species. Thirteen species were identified as observed on the land trust land and also listed with the DEP. It comes as no surprise that there are numerous bird species that occur in Litchfield County in and in the general region surrounding the Property, both migratory and resident populations. Two of these thirteen species were observed on the property during the habitat evaluation. A discussion of the habitat and these

observations is included in that report which concluded that the proposed project (at either location) will have little impact to wildlife or the surrounding ecological communities.

Additionally, the Facility at either Site has been designed in accordance with the guidelines produced by FWS in order to avoid impact to migratory bird species. A copy of the guidelines is attached hereto as Exhibit 2. Specifically, the Facility at either Site is under 200 feet in height, will provide collocation opportunities for all wireless carriers currently operating in Litchfield County, has a small foot print of ground disturbance, does not include guy-wires, will not be lit, any lighting needed in the compound areas will be down-shielded. Therefore, the proposed Facility at either Site is expected to have little if any impact on migratory bird populations in the area.

5/14/2009
Date


Benjamin Rieger

Subscribed and sworn before me this 14 day of May, 2009

By: 
Notary
MY COMMISSION EXPIRES 11/2010