

STATE OF CONNECTICUT  
CONNECTICUT SITING COUNCIL

IN RE:

NEW CINGULAR PCS, LLC (AT&T) APPLICATION  
FOR A CERTIFICATE OF ENVIRONMENTAL  
COMPATIBILITY AND PUBLIC NEED FOR  
THE CONSTRUCTION, MAINTENANCE AND  
OPERATION OF A TELECOMMUNICATIONS  
TOWER FACILITY AT 8 BARNES ROAD IN  
THE TOWN OF CANAAN (FALLS VILLAGE),  
CONNECTICUT. REOPENING OF THIS DOCKET  
PURSUANT TO CONNECTICUT GENERAL  
STATUTES § 4-181a(b) LIMITED TO COUNCIL  
CONSIDERATION OF CHANGED CONDITIONS,  
REVISED TOWER SITE LOCATION AND MODIFIED  
FACILITY

DOCKET NO. 409A

August 1, 2013

CORRESPONDENCE FROM THE CONNECTICUT DEPARTMENT OF  
ENERGY & ENVIRONMENTAL PROTECTION  
TO BE ADMINISTRATIVELY NOTICED

New Cingular Wireless PCS, LLC (“AT&T”) respectfully requests the Siting Council to take administrative notice of the enclosed July 25, 2013 letter from the Connecticut Department of Energy & Environmental Protection (“DEEP”). Should the Modified Tower Facility be approved by the Siting Council, AT&T will conduct the surveys noted in the DEEP correspondence and seek any DEEP permits that may be required as noted in Mr. Dean Gustafson’s letter to the DEEP.

Also enclosed for convenience is a copy of the correspondence from DEEP for the Certificate Tower Facility. [Docket 409, AT&T’s Ex. 1, Tab 8].

CERTIFICATE OF SERVICE

I hereby certify that on this day, a copy of the foregoing was sent by overnight delivery to the Connecticut Siting Council.

Ellery W. Sinclair  
Town of Canaan (Falls Village)  
201 Under Mountain Road  
Falls Village, CT 06031  
(860) 824-7454  
[wml61@comcast.net](mailto:wml61@comcast.net)

Patty & Guy Rovezzi  
36 Barnes Road  
Falls Village, CT 06031  
(860) 824-0358  
[rovezzi2005@yahoo.com](mailto:rovezzi2005@yahoo.com)

Frederick J. Laser  
Town of Canaan  
Planning and Zoning Commission  
Town Hall  
108 Main Street  
P.O. Box 47  
Falls Village, CT 06031  
(860) 824-0707  
[zonelaser@aol.com](mailto:zonelaser@aol.com)

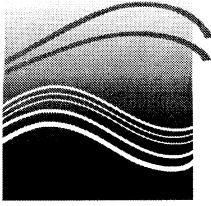
Marc Rosen and Susan Pinsky  
6 Barnes Road  
Falls Village, CT 06031  
860-824-5367  
[pinskyrosen@me.com](mailto:pinskyrosen@me.com)

Dated: August 1, 2013



Lucia Chiochio

cc: Michele Briggs, AT&T  
David Vivian, SAI  
Anthony Wells, C Squared  
Dean Gustafson, APT  
Michael Libertine, APT  
Peter Perkins, CHA  
Paul Lusitani, CHA  
Christopher B. Fisher, Esq.



Connecticut Department of

**ENERGY &  
ENVIRONMENTAL  
PROTECTION**

July 25, 2013

Dean Gustafson  
All-Points Technology Corporation, P.C.  
3 Saddlebrook Drive  
Killingworth, CT 06419

Re: AT&T Falls Village - Site No. SR2413

Mr. Gustafson:

Materials pertaining to the above project were forwarded to me for review by the DEEP Natural Diversity Database (NDDDB). Their records indicate that 128 state-listed plant and animal species occur in the Cobble Hill area of Canaan. Based on the materials submitted on the project, we have narrowed down the following as potentially being impacted by the installation of a telecommunications facility.

Plants

- **Large-flowered bellwort (*Uvularia grandiflora*)**  
Protection Status: State Endangered  
Habitat: Rich, calcareous woods. Blooms May.
- **Sweet coltsfoot (*Petasites frigidus* var. *palmatum*)**  
Protection Status: State Threatened  
Habitat: Found in cool calcareous swamps and swamp borders. Blooms April-June.
- **Eastern few-fruit sedge (*Carex oligocarpa*)**  
Protection Status: State Special Concern  
Habitat: Calcareous woods and copses. Blooms June.
- **Purple oat (*Schizachne purpurascens*)**  
Protection Status: State Special Concern  
Habitat: Rocky woods; rich, calcareous woods rocky slopes. Blooms June-July.
- **Hitchcock's sedge (*Carex hitchcockiana*)**  
Protection Status: State Special Concern  
Habitat: Rich woods and calcareous soil. Blooms May – July.
- **Hoary plantain (*Plantago virginica*)**  
Protection Status: State Special Concern  
Habitat: Dry or sandy soil, pastures and grasslands, ephemeral. Blooms March- early June.
- **Reed bentgrass (*Calamagrostis stricta* ssp. *inexpansa*)**  
Protection Status: State Special Concern  
Habitat: Open, calcareous wetlands; Damp woods, shaded cliffs; High altitudes. Blooms July-, August.
- **Clustered sedge (*Carex cumulata*)**  
Protection Status: State Threatened  
Habitat: Dry to moist, acidic soils, woods, clearings and bogs. Blooms July-August.
- **Three-toothed cinquefoil (*Sibbaldiopsis tridentata*)**  
Protection Status: State Threatened  
Habitat: Exposed, sterile soil on high summits. Blooms late May-late June.
- **Red pine (*Pinus resinosa*)**  
Protection Status: State Endangered  
Habitat: Sandy soil and rocky ledges. Recognizable year-round.
- **Mountain spleenwort (*Asplenium montanum*)**  
Protection Status: State Special Concern  
Habitat: Moist crevices of usually acid rock ledges, cliff faces, deep shade. Blooms July.

Wildlife Division, Sessions Woods WMA, Post Office Box 1550, Burlington, CT 06013  
(860) 675-8130, [www.ct.gov/deep](http://www.ct.gov/deep)

Affirmative Action/Equal Opportunity Employer

- **Summer sedge (*Carex aestivalis*)**  
Protection Status: State Special Concern  
Habitat: Rocky, wooded hillsides. Blooms June-July.
- **Long-bracted green orchid (*Coeloglossum viride*)**  
Protection Status: State Endangered  
Habitat: Moist to dry, rocky woods. Also grasslands and riverbanks. Blooms May – August.
- **Skunk currant (*Ribes glandulosum*)**  
Protection Status: State Special Concern  
Habitat: Swampy woods. Blooms May-June.
- **Sharp-lobed hepatica (*Hepatica nobilis var. acuta*)**  
Protection Status: State Special Concern  
Habitat: Rich, moist woods and wooded slopes. Blooms early April-mid-May.
- **American ginseng (*Panax quinquefolius*)**  
Protection Status: State Special Concern  
Habitat: Found in rich, rocky woods. Blooms June.
- **Slender cliff-brake (*Cryptogramma stelleri*)**  
Protection Status: State Endangered  
Habitat: Moist, shaded limestone cliffs. Blooms July.
- **Goldie's fern (*Dryopteris goldiana*)**  
Protection Status: State Special Concern  
Habitat: Rich, moist woods. Often among rocks, sometimes at the base of cliffs or talus slopes.
- **Northern white cedar (*Thuja occidentalis*)**  
Protection Status: State Threatened  
Habitat: Dry, calcareous ridgetops or calcareous swamps. Recognizable year-round.

The disturbance associated with the creation of a haul road and the preparation of the tower site could result in both direct and indirect impacts to State-listed plant species, if present on-site. Given the large number of rare species documented in the vicinity of Cobble Hill, I recommend that botanical field surveys of the site be performed by a qualified botanist when each of the target plant species listed above is identifiable. A report summarizing the results of such surveys should include (1) the survey date(s), (2) site descriptions and photographs, (3) a list of component vascular plant species within the survey area (4) notes on the presence/absence of State-listed plant species, (5) detailed maps of the area surveyed including the location and extent of State-listed plant species, and (6) a statement/résumé indicating the botanist's qualifications. The report should be sent to Nelson DeBarros ([nelson.debarros@ct.gov](mailto:nelson.debarros@ct.gov); 860-424-3585) for further review. This report will be used to determine potential impacts to State-listed species and to identify avenues for avoidance and mitigation.

#### Animals

##### **Birds**

- **Nothorn saw-whet owl (*Aegolius acadicus*)**  
Protection Status: State Special Concern  
The northern saw-whet owl is a bird that nests in cavities. Habitats preferred by this species include coniferous or mixed woodlands, often near wetlands. This bird's diet consists mainly of insects but will occasionally include small mammals. Its breeding season is approximately from March through August and it is during this period that the species is most susceptible to disturbances in its feeding or nesting habitat. Minimizing impact to mixed coniferous woodland areas during this time period will likewise minimize impact to this species. Incorporating silvicultural practices that maintain high densities of nesting and roosting cavities in trees with a minimum diameter of 30.5 cm may benefit this species.

##### **Reptiles and amphibians**

- **Timber rattlesnake (*Crotalus horridus*)**  
Protection Status: State Endangered  
Rattlesnakes are actively foraging in Connecticut between April 1 and October 31. Populations of this reptile have declined dramatically in recent years and the timber rattlesnake is currently protected by state laws which prohibit the taking or killing of this reptile. Given the relatively undisturbed nature of this site, close proximity to known rattlesnake populations and presence of appropriate habitat, the

Wildlife Division recommends that a herpetologist familiar with the habitat requirements of this species conduct surveys to see if it is present.

- **Jefferson salamander “complex” (*Ambystoma jeffersonianum*)**

Protection Status: State Special Concern

Jefferson salamanders prefer steep, rocky areas with rotten logs and a heavy duff layer. They are found in or near undisturbed second growth deciduous forests and their breeding pools may be in hemlock groves or grassy pasture ponds. Jefferson salamanders are not found in nor do they tolerate radically disturbed habitats. Surveys should be done if the area has forest with rotten logs and duff layers, breeding pools or ponds. They actively breed from February to April and should be surveyed for from February to April. The Wildlife Division recommends that a herpetologist familiar with the habitat requirements of this species conduct surveys to see if it is present.

**A report summarizing the results of these herpetological surveys should include habitat descriptions, an amphibian and reptile species lists and a statement/resume giving the biologist’s qualifications. The DEEP doesn’t maintain a list of qualified herpetologists. A DEEP Wildlife Division permit may be required by the biologist to conduct survey work; you should ask if your biologist has one. The report should be sent to Laura Saucier ([laura.saucier@ct.gov](mailto:laura.saucier@ct.gov)) for further review. This report will be used to determine potential impacts to State-listed species and to identify avenues for avoidance and potential mitigation.**

#### **Invertebrates**

- **Columbine duskywing skipper (*Erynnis lucilius*)** - Protection Status: State Endangered

- **Columbine borer moth (*Papaipema leucostigma*)** - Protection Status: State Threatened

Both the skipper and moth are associated with the host plant, wild columbine (*Aquilegia canadensis*), in rocky deciduous or mixed woodland and edges, especially in ravines or gullies. The caterpillars of both species feed on leaves and rest in shelters of leaves. Any work that will detrimentally impact wild columbine may affect both of these species. If wild columbine and this habitat exists on the proposed site, the Wildlife Division recommends that an invertebrate biologist familiar with the host plant and habitat requirements of these species conduct surveys to see if they are present.

- **Northern metalmark (*Calephelis borealis*)**

Protection Status: State Endangered

This butterfly is globally rare and is associated with the host plant round-leaf ragwort (*Senecio obovatus*). Any activities which affect this plant will affect this butterfly. The northern metalmark’s habitat is partial open-canopy forest with limestone outcrops. The flight period for this butterfly is the end of June through mid-July. If *Senecio obovatus* and this habitat exists on the proposed site, the Wildlife Division recommends that an invertebrate biologist familiar with the host plant and habitat requirements of this species conduct surveys during the flight period to see if it is present.

- **New Jersey tea inchworm (*Apodrepanatrix liberaria*)**

Protection Status: State Threatened

The New Jersey tea inchworm is associated with the New Jersey tea plant (*Ceanothus americana*). Any activities which affect this plant will affect this moth. It can be found in openings in oak woodlands, rock outcrops and in open ridge-top forest. This species has been negatively impacted by the loss of its host plant and habitats. If New Jersey tea and this habitat occurs on the proposed site, the Wildlife Division recommends that an invertebrate biologist familiar with the host plant and habitat requirements of this species conduct surveys to see if it is present.

- **Herodias underwing moth (*Catocala herodias gerhardi*)** - Protection Status: State Endangered

- **Barrens Itame moth (*Speranza exornata*)** - Protection Status: State Threatened

- **Slender clearwing moth (*Hemaris gracilis*)** - Protection Status: State Threatened

- **Spotted dart moth (*Agrotis stigmosa*)** – Protection Status: State Special Concern

All four of these moths are associated with rock outcroppings, ridgetops and xeric conditions. Any activities that will affect these habitat types or the plants that occur there will affect these species. If these habitats occur on the proposed site, the Wildlife Division recommends that an invertebrate

biologist familiar with the host plants and habitat requirements of these species conduct surveys to see if they are present.

**A report summarizing the results of these invertebrate surveys should include habitat descriptions, invertebrate species lists and a statement/resume giving the biologist's qualifications. The DEEP doesn't maintain a list of qualified invertebrate biologists. A DEEP Wildlife Division permit may be required by the biologist to conduct survey work, you should ask if your biologist has one. The report should be sent to Laura Saucier ([laura.saucier@ct.gov](mailto:laura.saucier@ct.gov)) for further review. This report will be used to determine potential impacts to State-listed species and to identify avenues for avoidance and potential mitigation.**

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Natural Diversity Database 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 Database 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 Database as it becomes available.

This is a preliminary site review and is not a final determination. A more detailed review may be conducted as part of any subsequent environmental permit applications submitted to the DEEP for the proposed site. Please be advised that should state permits be required or should state involvement occur in some other fashion, specific restrictions or conditions relating to the species discussed above may apply. In this situation, additional evaluation of the proposal by the DEEP Wildlife Division should be requested and species-specific surveys may be required. If the proposed project has not been initiated within one year of this Wildlife Division review, you should contact the NDDB for an updated review.

If you have any additional questions, please feel free to contact me at [Laura.Saucier@ct.gov](mailto:Laura.Saucier@ct.gov), please reference the NDDB number at the bottom of this letter when you e-mail or write.

Sincerely,



Laura Saucier  
Wildlife Technician

NDDB 201302039



**August 1, 2013**

**Department of Energy & Environmental Protection  
79 Elm Street  
Hartford, Connecticut 06106-5127**

**APT Project No.: CT141060**

**Attn: Laura Saucier**

**Re: NDDB #201302039  
AT&T Falls Village Facility  
Site No. SR2413  
8 Barnes Road  
Canaan, Connecticut**

Dear Ms. Saucier,

On behalf of New Cingular Wireless PCS, LLC ("AT&T"), All-Points Technology Corporation, P.C. ("APT") is pleased to respond to your letter of July 25, 2013 regarding Natural Diversity Data Base ("NDDB") records identifying 30 state-listed rare species that could potentially be impacted by the installation of the referenced telecommunications facility.

The NDDB determined through a letter issued on September 2, 2010<sup>1</sup> for a very similar project<sup>2</sup> on the same subject property, that "there are no known extant populations of Federal or State Endangered, Threatened or Special Concern Species that occur at the site in question." Therefore, it came somewhat as a surprise that there are now 30 listed species that could potentially be impacted by the proposed project. We do understand that the NDDB is continuously being updated with new information on rare species accounts, although a comparison of the NDDB mapping from June 2010 to June 2013 does not appear to represent a significant change of NDDB buffered areas either on or proximate to the subject property. In addition, considering the subject property is held in private ownership, we are unaware through the property owner that any rare species surveys had been performed on the subject property since 2010. If the NDDB was provided rare species accounts from third party surveys performed on the subject property, we respectfully request on behalf of AT&T copies of those materials and any associated correspondence.

As you are aware, this project is currently under consideration for issuance of a Certificate of Environmental Compatibility and Public Need by the Connecticut Siting Council ("Council") for the construction, maintenance and operation of a telecommunications facility located at 8 Barnes Road, Canaan (Falls Village), Connecticut; Docket 409A<sup>3</sup>. AT&T is committed to performing the botanical, herpetological and invertebrate surveys with the assistance of appropriately qualified experts in accordance with your recommendations as outlined in the July 25<sup>th</sup>

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<sup>1</sup> NDDB File #17984


<sup>2</sup> The original tower location was located approximately 1,700 feet southwest of the proposed modified tower site location, near an existing hunting cabin that is accessed by an existing gravel drive providing access from Barnes Road. The improvements proposed to the existing gravel drive back in 2010 have not substantially changed with the modified tower site location project. An extension of the gravel drive of approximately 1,700 feet would be required for the modified tower site location.

<sup>3</sup> Reopening of this docket pursuant to Connecticut General Statutes § 4-181a(b) limited to Council consideration of changed conditions, revised tower site location and modified facility.

letter should the modified tower site location be approved by the Council. It is anticipated that should some of these species actually be located within the project limits, appropriate protective measures, mitigation, and/or permitting solutions are commonly available to the project proponent to resolve potential conflicts with rare species. AT&T is committed to working with your agency to develop appropriate solutions to avoid impacts to state-listed rare species should the revised tower site location be approved.

Thank you for your review of this project and we look forward to your response. Please feel free to contact me at (860) 984-9515 or [dgustafson@allpointstech.com](mailto:dgustafson@allpointstech.com) with any questions or if additional information is required.

Sincerely,



Digitally signed by Dean Gustafson  
DN: cn=Dean Gustafson, o=Senior Environmental  
Scientist, email=dgustafson@allpointstech.com, c=US  
Date: 2013.08.01 16:26:38 -0400

Dean Gustafson  
Senior Environmental Scientist





**STATE OF CONNECTICUT**  
**DEPARTMENT OF ENVIRONMENTAL PROTECTION**



Inland Fisheries Division-Natural History Survey  
Natural Diversity Data Base  
79 Elm Street, 6<sup>th</sup> floor  
Hartford, CT 06106-5127

September 2, 2010

Mr. Dean Gustafson  
Vanasse Hangen Brustlin, Inc.  
54 Tuttle Place  
Middletown, CT 06457-1847

Subject: Proposed AT&T Cingular Wireless Telecommunications Facility, Canaan, CT  
State/Federal Listed Species

Dear Mr. Gustafson:

I have reviewed Natural Diversity Data Base maps and files regarding the area delineated on the map you provided and listed above. According to our information, there are no known extant populations of Federal or State Endangered, Threatened or Special Concern Species that occur at the site in question.

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 Geological and Natural History Survey and cooperating units of the DEP, 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 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.

Please contact me if you have further questions ([nancy.murray@ct.gov](mailto:nancy.murray@ct.gov); 860-424-3589). Thank you for consulting the Natural Diversity Data Base and continuing to work with us to protect State listed species.

Sincerely,

Nancy M. Murray  
Biologist/Senior Environmental Analyst  
NDDDB Program Coordinator

cc: NDDDB File # 17984

NM:hw

