



COUNCIL ON ENVIRONMENTAL QUALITY

Janet P. Brooks

Lee E. Dunbar

Karyl Lee Hall

Alison Hilding

Michael W. Klemens

Susan D. Merrow

James O'Donnell

Richard Sherman

Karl J. Wagener
Executive Director

April 25, 2013

Robert Stein, Chairman
Connecticut Siting Council
Ten Franklin Square
New Britain, CT 06051

RE: Docket #409A, Proposed Telecommunications Facility at 8 Barnes Rd,
Canaan

Dear Chairman Stein:

I am writing in response to the Connecticut Siting Council's (CSC) solicitation of written comments and consultation regarding Docket #409A. The Council on Environmental Quality (CEQ) offers the following comments.

In its February 15, 2013 motion to the CSC to reverse the final decision on Docket 409, the applicant states that consideration of a revised tower site is warranted by changed conditions. The CEQ understands that the Siting Council will hear evidence on the question of changed conditions and the substance of the motion simultaneously.

Changed Conditions

The CEQ acknowledges respectfully that this is a determination that you must make in accordance with the CSC's own expertise and experience. Nonetheless, statements such as this one in the application materials strike the CEQ as preposterous:

“Because it achieves a substantive reduction in total year-round visibility and would be less visible from residential properties and roadways within Falls Village, the proposed Modified Location appears to represent a changed condition when compared to the original proposal and warrants a new review.” [Attachment 4]

The relocation of a proposed tower site on paper might constitute a new application, but the CEQ does not see it as a changed condition when actual conditions on and around Cobble Hill, “*a relatively undisturbed area that possesses scenic quality of local, regional, or state-wide significance,*” have not changed.

The CEQ has reviewed the original application, the information submitted in support of Docket 409A and its own comments of February 7, 2011 and finds the relevant conditions unchanged.

In the event the Siting Council finds changed conditions, the CEQ offers the following comments on the modified proposed location.

Modified Proposed Location

Please see the attached comments from February 7, 2011, which remain the CEQ's comments and are annotated to take into account the modified proposed location. The CEQ would add the following two points.

1. **Forest fragmentation**, an important negative impact, probably would be greater at the proposed modified location than at the rejected site. Cobble Hill is mostly forested, and many parts of the existing forest road appear to be narrow enough to avoid significant disruption of the canopy. In contrast, the proposed modified location would likely cause fragmentation of the forest habitat in two ways. First, the cut-and-fill slopes of the proposed road will disrupt the canopy, though the extent of the disruption does not appear to be analyzed in the application materials. In several places, the cut and fill apparently would disturb the entire thirty foot width of the proposed easement. In some places, the plans appear to show a disturbance of forty-five or more feet in width (for example, Site Access Map, Section D).

Second, the proposed site is close to the center of the wooded habitat. It would be difficult to select a site with more disruption of core forest. The following is from the CEQ's most recent report, *Environmental Quality in Connecticut*:

“Core forests are defined as being at least 300 feet from non-forest development such as roads, buildings and farms. Core forests provide habitat for many species of native forest wildlife that cannot tolerate significant disturbance. In contrast, forests that are fragmented or divided by roads and buildings serve some forest purposes but are not fully-functioning forest ecosystems. Fragmented forests are known to provide substandard habitat for some species of wildlife and, in many cases, less opportunity for hunting and other types of recreation. Invasive species of plants and animals frequently appear in the wake of activities that fragment the forests.”

The same report notes that core forests are declining in Connecticut at a greater rate than forests overall. The CSC has noted the importance of avoiding forest fragmentation in the past, and concluded that the original site in Docket 409 would not have resulted in significant effects upon forest fragmentation [Final Decision, p. 9]. The CEQ suggests that the proposed modified location, in contrast, could have a significant effect upon forest fragmentation because it is proposed for the center of the forest. Whereas the final decision (p. 9) noted the potential for temporary disturbances of forest birds caused by construction at the original site, the width and length of the road cutting for the proposed modified location and the placement of the facility deep in the forest likely could result in permanent reduction in habitat; it is difficult to anticipate any other result.

State policies urge avoidance of forest fragmentation. The following is from the Connecticut Forest Resource Assessment and Strategy (p. 18, available on the website of the Department of Energy and Environmental Protection):

“Also important is the degree to which the remaining forest is fragmented, or broken into smaller contiguous blocks. Forest fragmentation leads to additional challenges that degrade forest health and sustainability. Invasive plant species that displace native plants often become established around forest edges, and reduced forest parcel size results in less interior forest for plants and animals that require this specific habitat. “

The final decision for Docket 409 (p. 9) notes the presence of invasive species along the edges of the existing access drive. This is a predictable consequence of disrupting native forested habitat that should be taken into account and given considerable weight by the Siting Council.

2. Scenic and Biological Values of Cobble Hill. The CEQ’s February 7, 2011 comments, which call attention to the undisturbed and scenic value of Cobble Hill and surrounding lands, do not, upon review, give those values adequate weight. The statutory phrase, “*a relatively undisturbed area that possesses scenic quality of local, regional, or state-wide significance,*” could have been adopted with Cobble Hill in mind. Cobble Hill is a unique landform that rises out of relatively flat terrain, much of it wetland. This characteristic makes it unlike the other hills of northwestern Connecticut. Its unique, highly visible and unspoiled profile gives it an iconic status. (See, for example, The Town of Canaan (Falls Village) 2002 Plan of Conservation and Development, which features Cobble Hill prominently in its introductory pages.)

The final decision for Docket 409 notes the nearby presence of wetlands (especially Robbins Swamp), ten significant natural communities and 72 species that are listed by Connecticut as endangered, threatened or of special concern. The final decision does not appear to take into account the extent to which certain wildlife species depend on both the upland habitat of Cobble Hill and the adjoining wetlands. This is an important ecological relationship that should be examined very closely.

Cobble Hill merits extraordinary regulatory protection from visual and ecological disturbances. As the CEQ’s original comments note, the citizens of Connecticut have invested considerable sums to keep surrounding lands in an undisturbed state.

Thank you for your consideration of these comments. Please do not hesitate to contact me if you have any questions.

Sincerely,

Karl J. Wagener
Executive Director

CC: Linda Roberts, Executive Director, Connecticut Siting Council
Daniel C. Esty, Commissioner of Energy and Environmental Protection