

September 3, 2013

VIA EMAIL & OVERNIGHT DELIVERY

Hon. Robert Stein, Chairman
and Members of the Connecticut Siting Council
10 Franklin Square
New Britain, CT 06051

Re: Docket No. 439
Message Center Management, Inc. (MCM)
and New Cingular Wireless PCS, LLC (AT&T)
Application for Certificate of Environmental Compatibility
and Public Need for a Telecommunications Tower Facility at
Bates Woods Park, New London, Connecticut

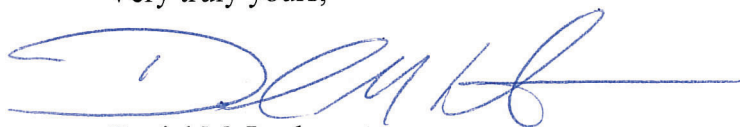
Dear Chairman Stein and Members of the Siting Council:

In connection with the above referenced Docket, we respectfully enclose an original and fifteen (15) copies of the following:

- 1) Response to Connecticut Siting Council Pre-Hearing Questions Set I;
- 2) Hearing Information including witness resumes, affidavit of sign posting with photos, and hardcopy of the Applicants' public presentation for the September 10, 2013 hearing; and
- 3) Applicants' Pre-Filed Statement of Facts in Lieu of Direct Testimony

Should you or staff have any questions regarding the foregoing, please do not hesitate to contact me.

Very truly yours,



Daniel M. Laub

cc: Virginia King, MCM
Christopher Gelinas, MCM
Michele Briggs, AT&T
Christopher B. Fisher, Esq.
Applicants' Witness List

STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

IN RE:

APPLICATION OF MESSAGE CENTER
MANAGEMENT, INC. (MCM) AND NEW
CINGULAR WIRELESS PCS, LLC (AT&T) FOR A
CERTIFICATE OF ENVIRONMENTAL
COMPATIBILITY AND PUBLIC NEED FOR
THE CONSTRUCTION, MAINTENANCE
AND OPERATION OF A TELECOMMUNICATIONS
TOWER FACILITY AT BATES WOODS PARK IN THE
CITY OF NEW LONDON, CONNECTICUT

DOCKET NO. 439

SEPTEMBER 3, 2013

RESPONSES OF MESSAGE CENTER MANAGEMENT AND NEW CINGULAR WIRELESS
TO CONNECTICUT SITING COUNCIL PRE-HEARING QUESTIONS, SET I

Q1. Were return receipts received for each abutting landowner identified in the application? If not, list the abutters that did not receive notice and describe any additional effort to serve notice. When was the abutter list compiled?

A1. *Receipt of the notices could not be confirmed for nine (9) abutting property owners. Follow up letters incorporating the original June 14 2013 mailing were sent on June 28, 2013 by First Class Mail to: Leo & Mary Archambault, Talia Campbell, Diana Bahamundi, Diane Sequist, Daniel E. Peters, Donald Linskens, Lorraine & Bilgehan Saglam, Sheri A. Speer, and Trading Cove Partners LLC. Both mailings to Daniel E. Peters were returned, however follow up research with the New London tax assessor's office confirmed the information used was both the correct address and addressee. Please see **Attachment 1**. The information used for the list of abutting property owners was originally obtained in the Spring of 2013 in advance of the May 20, 2013 public information meeting.*

Q2. Referring to the abutters map A-1, please clarify the following:
a) ID# C11-218-47 and C11-218-46 identify the same parcel.
b) Ownership of the lot between B11-220-4 and B11-220-7.

A2. *Clarifications are as follows:*

a) The leader (identification line) for lot C11-218-46 is shown incorrectly. It should be pointing to the adjacent property immediately to the southeast of lot CT-218-47.

b) The land mass located between lots B11-220-4 and B11-220-7 is part of the subject site B11-220-1. The drawing depicts a zoning demarcation line running along the back side of the abutting parcels and that area is not, in fact, a separate lot.

Q3. What is the status of the State Historic Preservation Office filing?

A3. *The State Historic Preservation Office has determined that the Facility will have no adverse effect on historic resources. Please find SHPO correspondence included as Attachment 2.*

Q4. What is the existing signal strength in those areas AT&T is seeking to cover from this site (please be specific)? How is service affected by this level of coverage?

A4. *The existing signal strength in the areas that would be covered by SR1876 range from -82 dBm and down to less than -100 dBm and does not provide reliable service in the area.*

Q5. Has T-Mobile indicated exactly when they would locate on the proposed tower?

A5. *No, T-Mobile has not indicated exactly when it would relocate to the proposed tower should it be approved. As per the May 22, 2013 letter, T-Mobile indicated only that it does not have an open project (i.e. has not budgeted or planned) for such relocation but will revisit same should a Facility be approved in this docket.*

Q6. The site plan depicts a tower expandable to 145 feet above ground level. Why was this height chosen? Besides T-Mobile, are other carriers interested in locating at the site?

A6. *MCM has provided for a foundation and tower which is expandable to allow for potential expansion in the future, if necessary and approved by the Siting Council. This design would allow for expansion to accommodate additional carriers or other equipment as needed without wholesale replacement of the tower. The Applicants are not aware of any other carriers currently interested in locating at this Facility other than T-Mobile's interest as stated in that carrier's May 22, 2013 letter. The area has a significant service demand profile and may be of interest in the future for other carriers.*

Q7. What City departments/emergency service units would utilize the whip antenna?

A7. *The City of New London has not identified a specific agency that would utilize the Facility. The space for a whip antenna was discussed as part of the negotiations and planning with the City and is reserved for its use.*

Q8. What is the fuel source and run time of AT&T's emergency generator? Can a generator be installed of sufficient size to accommodate three or more carriers?

A8. *AT&T's proposed backup generator is a diesel generator to serve its facility. AT&T will also have a battery backup required to prevent the facility from experiencing a "re-boot"*

condition during the generator start-up delay period thus allowing for continued or “seamless” provision of service where signal levels allow. The run time is approximately 48 hours based on a 200 gallon supply.

With respect to a shared generator, the Applicants refer the Council to its 432 Docket Findings and Report. While technically feasible to deploy at significant cost, the Applicants would need to understand why a shared generator is believed to address adverse environmental impacts related to the proposed facility before considering development of same at the site.

Q9. Does AT&T anticipate the use of the backup generator as a temporary power source until permanent electrical service is provided?

A9. *No, AT&T does not anticipate the use of the backup generator as a temporary power source until permanent electrical service is provided.*

Q10. Identify the nearest licensed day care facility to the proposed site.

A10. *The nearest known licensed day care facility to the Site is Carelot Children's Center, 203 Boston Post Road, New London Connecticut which is approximately 1.25 miles southwest of the Site.*

Q11. Would the proposed facility comply with recommended guidelines of the United States Fish and Wildlife Service for minimizing the potential for telecommunications towers to impact bird species? Please explain.

A11. *Yes. Please find an Avian Resources Evaluation prepared by APT dated August 28, 2013 included as **Attachment 3**.*

Q12. Identify the safety standards and/or codes by which equipment, machinery, or technology would be used or operated at the proposed facility.

A12. *OSHA and ET docket 93-62 and 47 CFR parts 1,2,15,42 and 97 as well as OET Bulletin 65, Edition 97-01.*

Q13. Identify the operational equipment and associated noise levels produced by such equipment that would generate noise outside of the compound area. Would the operation of this equipment have a cumulative noise level that exceeds Connecticut and City of New London noise control regulations?

A13. *A noise study has been conducted and is included as **Attachment 4**. The study concludes that in all cases, the projected noise levels would be below the allowable noise levels set forth in the New London Noise Regulations. As the report further notes, use of generators during power outages are exempt from regulation as it is “Noise created as a result of, or relating to an emergency.” See, **Attachment 4**.*

Q14. What is the tower design wind speed in New London?

A14. *The tower design wind speed in New London is 85 mph faster mile wind speed (EIA/TIA 222F).*

CERTIFICATE OF SERVICE

I hereby certify that on this day, an original and fifteen copies of the foregoing was sent electronically and by overnight delivery to the Connecticut Siting Council:

Dated: September 3, 2013

A handwritten signature in blue ink, appearing to read "D. Laub", is written over a horizontal line. The signature is fluid and cursive.

Daniel M. Laub

Attachment 1

Powered by Vision Government Solutions, Inc.



MBLU : B10/ 222/ 13/ / /
Location: 19 CHESTER ST
Owner Name: PETERS DANIEL E JR
Account Number: 42/ 222/ 13/ /

Parcel Value

Item	Appraised Value	Assessed Value
Buildings	159,400	111,580
Xtra Bldg Features	10,000	7,000
Outbuildings	0	0
Land	55,500	38,850
Total:	224,900	157,430

Owner of Record

PETERS DANIEL E JR
 3 CAMBRIDGE COURT E
 OLD SAYBROOK, CT 06475

Ownership History

Owner Name	Book/Page	Sale Date	Sale Price
PETERS DANIEL E JR	1410/ 093	12/29/2003	223,000
MAHONEY FRANK E+BEVERLY O	554/ 255	1/1/1700	0

Land Line Valuation

Size	Zone	Appraised Value	Assessed Value
0.26 AC	R-3	55,500	38,850

Construction Detail

Building # 1		
STYLE Family Flat	Stories: 2 Stories	Exterior Wall 1 Vinyl Siding
Exterior Wall 2 Brick Veneer	Roof Structure: Gable/Hip	Roof Cover Asph/F Gls/Cmp
Interior Wall 1 Drywall/Sheet	Interior Flr 1 Carpet	Interior Flr 2 Hardwood
Heat Fuel Electric	Heat Type: Electr Basebrd	AC Type: None
Total Bedrooms: 04	Total Bthrms: 4	Total Half Baths: 0

Building Valuation

Replacement Cost: 192,074	Year Built: 1980	Building Value: 159,400
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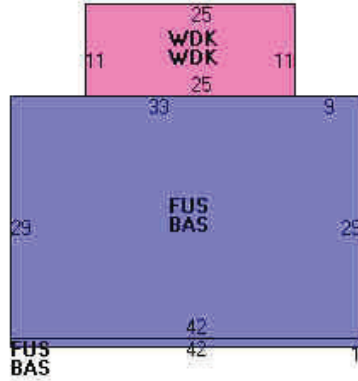
Extra Features

Code	Description	Units	Appraised Value
XKT	XTRA KITCHEN	3 UNITS	10000

Outbuildings

Code	Description	Units	Appraised Value
No Outbuildings			

Building Sketch



Subarea Summary

Code	Description	Gross Area	Living Area
BAS	First Floor	1260	1260
FUS	Upper Story, Finished	1260	1260
WDK	Deck, Wood	550	0

Attachment 2



Department of Economic and
Community Development

Connecticut
still revolutionary

July 12, 2013

Mr. Michael Libertine
All-Points Technology Corporation
3 Saddlebrook Drive
Killingworth, CT 06457-1847

Subject: Proposed New Tower Project
Bates Woods Park
New London, CT
AT&T

Dear Mr. Libertine:

The State Historic Preservation Office is in receipt of the proposal for the above-referenced project, submitted for review and comment pursuant to the National Historic Preservation Act and in accordance with Federal Communications Commission regulations.

After completing review of Bates Woods Park, All-Points Technology Corporation has in their professional opinion stated that there will be no historic properties affected by the project to develop a new wireless telecommunications facility, which consists of a 150' monopole to replace a 90' light pole and appropriate associated equipment shelter enclosed by an irregularly shaped fenced compound measuring approximately 125' x 20' x 127' x 46'.

Based on the information provided to this office, SHPO concurs that no historic properties will be affected by this project.

The State Historic Preservation Office appreciates the opportunity to review and comment upon this project. These comments are provided in accordance with the Connecticut Environmental Policy Act and Section 106 of the National Historic Preservation Act. For further information please contact Todd Levine, Environmental Reviewer, at (860) 256-2759 or todd.levine@ct.gov.

Sincerely,

Daniel T. Forrest
State Historic Preservation Officer

State Historic Preservation Office

One Constitution Plaza | Hartford, CT 06103 | P: 860.256.2800 | Cultureandtourism.org

An Affirmative Action/Equal Opportunity Employer An Equal Opportunity Lender

Attachment 3



AVIAN RESOURCES EVALUATION

Date: August 28, 2013

**Ms. Virginia King
Message Center Management, Inc.
40 Woodland Street
Hartford, CT 06105**

APT Project No.: CT424290

**Re: Proposed Bates Woods Park Facility – CT502
Bates Woods Park
New London, Connecticut**

Message Center Management, Inc. (“MCM”) proposes to construct a new wireless telecommunications Facility (“Facility”) at Bates Woods Park in New London, Connecticut (the “host Property”), identified as Tax Assessor Parcel ID # B11-220-1. The host Property consists of approximately 124.75 acres occupied by a municipal recreational park including athletic fields and various outbuildings. Much of the southern extent of the host Property is a complex of upland and wetland forest. The proposed Facility location is at the edge of a baseball field. MCM proposes to replace an existing 90-foot tall light stanchion with a 115-foot tall monopole and ground equipment enclosure within an irregularly shaped $\pm 3,190$ square-foot gravel compound area surrounded with an 8-foot tall chain link fence. AT&T will place ground equipment within the compound and install antenna at the top of the monopole. The existing light apparatus will be re-attached to the monopole at 90 feet above ground level. A 12-foot wide, approximately 1,000-foot long gravel access along an existing travel way is proposed in order to gain admission to the facility.

This evaluation is provided in response to *Pre-hearing Questions Set One* submitted by the Connecticut Siting Council (the “Council”) for Docket No. 439, specifically:

- Question #11 – *Would the proposed tower comply with recommended guidelines of the United States Fish and Wildlife Service for minimizing the potential for telecommunications towers to impact bird species?*

USFWS Communications Towers Compliance

The U.S Fish and Wildlife Service (“USFWS”) prepared its *Interim Guidance on the Siting, Construction, Operation and Decommissioning of Communications Towers* (September 14, 2000), which recommends the 12 voluntary actions below be implemented in order to mitigate potential bird strikes that could result by the construction of telecommunications towers. With respect to the Council’s Interrogatory Question 11, All-Points Technology Corporation, P.C. (“APT”) offers the following responses to each of the recommended actions.

1. *Any company/applicant/licensee proposing to construct a new communications tower should be strongly encouraged to collocate the communications equipment on an existing communications tower or other structure (e.g., billboard, water tower, or building mount). Depending on tower load factors, from 6 to 10 providers may collocate on an existing tower.*

Collocation opportunities on existing towers, buildings or non-tower structures are not available in the area while achieving the required radio frequency (“RF”) coverage objectives of wireless service providers.

2. *If collocation is not feasible and a new tower or towers are to be constructed, communications service providers should be strongly encouraged to construct towers no more than 199 feet above ground level (AGL), using construction techniques which do not require guy wires (e.g., use a lattice structure, monopole, etc.). Such towers should be unlighted if Federal Administration regulations permit.*

The proposed Facility would consist of a 115-foot monopole structure which requires neither guy wires nor lighting. The new monopole would replace an existing 90-foot tall light stanchion that has been in use for several years as part of a recreational athletic complex, consisting of numerous similar lighting stanchions providing illumination to the ball fields. The existing lighting apparatus would be re-positioned on the new monopole at the current height of 90 feet above grade.

3. *If constructing multiple towers, providers should consider the cumulative impacts of all of those towers to migratory birds and threatened and endangered species as well as the impacts of each individual tower.*

Multiple towers are not proposed as part of this project.

4. *If at all possible, new towers should be sited within existing “antenna farms” (clusters of towers). Towers should not be sited in or near wetlands, or other known bird concentration areas (e.g., state or Federal refuges, staging areas, rookeries), in known migratory or daily movement flyways, or in habitat of threatened or endangered species. Towers should not be sited in areas with a high incidence of fog, mist, and low ceilings.*

There are no existing “antenna farms” in the area. The proposed Facility is not within wetlands, known bird concentration area, migratory or daily movement flyway, or habitat of threatened/endangered species. According to a June 5, 2013 letter from the CTDEEP Natural Diversity Data Base NDDDB, there are no known extant populations of state or federal threatened or endangered avian species or state special concern avian species at or proximate to the host Property.

In Connecticut, seasonal atmospheric conditions can occasionally produce fog, mist and/or low ceilings. However, high incidences of these meteorological conditions, relative to the region, are not known to exist in the vicinity of the host Property.

5. *If taller (>199 feet AGL) towers requiring lights for aviation safety must be constructed, the minimum amount of pilot warning and obstruction avoidance lighting required by the FAA should be used.*

ALL-POINTS TECHNOLOGY CORPORATION, P.C.

The proposed Facility height (115 feet AGL) is less than 199 feet and would not require any aviation safety lighting.

6. *Tower designs using guy wires for support which are proposed to be located in known raptor or waterbird concentration areas or daily movement routes, or in major migratory bird movement routes or stopover sites, should have daytime visual markers on the wires to prevent collisions by these diurnally moving species.*

The proposed Facility would be free-standing and would not require guy wires or visual marking.

7. *Towers and appendant facilities should be sited, designed and constructed so as to avoid or minimize habitat loss within and adjacent to the tower "footprint." However, a larger tower footprint is preferable to the use of guy wires in construction. Road access and fencing should be minimized to reduce or prevent habitat fragmentation and disturbance, and to reduce above ground obstacles to birds in flight.*

The proposed Facility is sited, designed, and would be constructed to accommodate proposed equipment and to allow for future collocations within the smallest footprint possible. The site is located proximate to existing development associated with athletic fields and facilities and therefore will not result in habitat fragmentation.

8. *If significant numbers of breeding, feeding, or roosting birds are known to habitually use the proposed tower construction area, relocation to an alternate site should be recommended. If this is not an option, seasonal; restrictions on construction may be advisable in order to avoid disturbance during periods of high bird activity.*

Significant numbers of breeding, feeding, or roosting birds are not known to habitually use the proposed tower construction areas at the host Property.

9. *In order to reduce the number of towers needed in the future, providers should be encouraged to design new towers structurally and electrically to accommodate the applicant/licensee's antennas and comparable antennas for at least two additional users (minimum of three users for each tower structure), unless this design would require the addition of lights or guy wires to an otherwise unlighted and/or unguyed tower.*

The proposed Facility has been designed in accordance with this guidance, as it could accommodate a total of five antenna platform positions and the Town's emergency communications system antennas. The proposed, free-standing Facility would be neither lighted for aviation nor guyed.

10. *Security lighting for on-ground facilities and equipment should be down-shielded to keep light within the boundaries of the site.*

Security lighting for on-ground facilities would be down-shielded using Dark Sky compliant fixtures set on motion sensor with timer.

ALL-POINTS TECHNOLOGY CORPORATION, P.C.

11. *If a tower is constructed or proposed for construction, Service personnel or researchers from the Communication Tower Working Group should be allowed access to the site to evaluate bird use, conduct, dead-bird searches, to place net catchments below the towers but above the ground, and to place radar, Global Positioning System, infrared, thermal imagery, and acoustical monitoring equipment as necessary to assess and verify bird movements and to gain information on the impacts of various tower sizes, configurations, and lighting systems.*

With prior notification to MCM, USFWS personnel would be allowed access to the proposed Facility to conduct evaluations.

12. *Towers no longer in use or determined to be obsolete should be removed within 12 months of cessation of use.*

If the proposed Facility was no longer in use or determined to be obsolete, it would be removed within 12 months of cessation of use.

To substantiate the responses above, APT reviewed several publicly-available sources of avian data for the state of Connecticut to provide the following information with respect to potential impacts on migratory birds associated with the proposed development. This desktop analysis and attached graphics identify avian resources and their proximities to the host Property. Information within an approximate 4-mile radius of the host Property is graphically depicted on the attached Avian Resources Map. Some of the avian data referenced herein are not located in proximity to the project area and are therefore not visible on the referenced map due to its scale. However, in those cases the distances separating the host Property from the resources are identified in the discussions below.

Proximity to Important Bird Areas

The National Audubon Society has identified 27 Important Bird Areas (“IBAs”) in the state of Connecticut. IBAs are sites that provide essential habitat for breeding, wintering, and/or migrating birds. The IBA must support species of conservation concern, restricted-range species, species vulnerable due to concentration in one general habitat type or biome, or species vulnerable due to their occurrence at high densities as a result of their congregatory behavior¹. The closest IBA to the host Property is the Connecticut College Arboretum in Waterford and New London located approximately 1.2 miles to the north. The Bolleswood Natural Area, a mature hemlock-hardwood forest habitat within the arboretum, is important primarily because it is the site of one of the longest studies of bird populations in the country. The plant collection area provides a buffer area for the natural area and an important stopover site for migrating songbirds during spring and fall. Due to its distance from the site, this IBA would not experience an adverse impact resulting from the proposed development of the Facility.

¹ http://web4.audubon.org/bird/iba/iba_intro.html

Supporting Migratory Bird Data

Beyond Audubon's IBAs, the following analysis and attached graphics also identify several additional avian resources and their proximities to the host Property. Although these data sources may not represent habitat indicative of important bird areas, they may indicate possible bird concentrations² or migratory pathways.

Critical Habitat

Connecticut Critical Habitats depict the classification and distribution of 25 rare and specialized wildlife habitats in the state. It represents a compilation of ecological information collected over many years by state agencies, conservation organizations and individuals. Critical habitats range in size from areas less than one acre to areas that are tens of acres in extent. The Connecticut Critical Habitats information can serve to highlight ecologically significant areas and to target areas of species diversity for land conservation and protection but may not necessarily be indicative of habitat for bird species. The nearest Critical Habitat to the proposed Facility is an estuarine beachshore area, denoted as Mitchell College Dunes located approximately 2.1 miles to the southeast. Based on the distance separating this resource from the proposed Facility, no adverse impacts are anticipated.

Avian Survey Routes and Points

Breeding Bird Survey Route

The North American Breeding Bird Survey is a cooperative effort between various agencies and volunteer groups to monitor the status and trends of North American bird populations. Routes are randomly located to sample habitats that are representative of an entire region. Each year during the height of the avian breeding season (June for most of the United States) participants skilled in avian identification collect bird population data along roadside survey routes. Each survey route is approximately 24.5 miles long and contains 50 stops located at 0.5-mile intervals. At each stop, a three-minute count is conducted. During each count, every bird seen or heard within a 0.25-mile radius is recorded. The resulting data is used by conservation managers, scientists, and the general public to estimate population trends and relative abundances and to assess bird conservation priorities. The nearest survey route to the host Property is the Uncasville Breeding Bird Survey Route (Route #18004) located approximately 4.4 miles to the north. This ±26-mile long bird survey route begins near the Waterford/Montville town line and generally winds its way north through Montville, Bozrah, Franklin, and Lebanon before terminating in Windham. Since bird survey routes represent randomly selected data collection areas, they do not necessarily represent a potential restriction to development projects, including the proposed Facility.

² "bird concentrations" is related to the USFWS *Interim Guidance on the Siting, Construction, Operation and Decommissioning of Communications Towers* (September 14, 2000) analysis provided at the end of this document

Hawk Watch Site

The Hawk Migration Association of North America (“HMANA”) is a membership-based organization committed to the conservation of raptors through the scientific study, enjoyment and appreciation of raptor migration. HMANA collects hawk count data from almost 200 affiliated raptor monitoring sites throughout the United States, Canada and Mexico, identified as “Hawk Watch Sites.” In Connecticut, Hawk Watch Sites are typically situated on prominent hills and mountains that tend to concentrate migrating raptors. The nearest Hawk Watch Site, Beelzebub Street, is located in South Windsor, approximately 37 miles to the northwest of the proposed Facility. Based on the distance separating this possible raptor migratory route from the proposed Facility, no adverse impacts are anticipated.

Bald Eagle Site

Bald Eagle Sites consist of locations of midwinter Bald Eagle counts from 1986 to 2005 with an update provided in 2008. This survey was initiated in 1979 by the National Wildlife Federation. This database includes information on statewide, regional and national trends. Survey routes are included in the database only if they were surveyed consistently in at least four years and where at least four eagles were counted in a single year. A Bald Eagle Site is located at the delta of the Thames River in the Town of New London approximately 4.5 miles south of the host Property.

Flyways

The project area is located in New London County, approximately 3 miles north of Long Island Sound. The Connecticut coast lies within the Atlantic Flyway, one of four generally recognized regional primary migratory bird flyways (Mississippi, Central and Pacific being the others). This regional flyway is used by migratory birds travelling to and from summering and wintering grounds. The Atlantic Flyway is particularly important for many species of migratory waterfowl and shorebirds, and Connecticut’s coast serves as vital stopover habitat. Migratory land birds also stop along coastal habitats before making their way inland. Smaller inland migratory flyways (“secondary flyways”) are often concentrated along major riparian areas as birds use these valuable stopover habitats to rest and refuel as they make their way further inland to their preferred breeding habitats. The Connecticut Migratory Bird Stopover Habitat Project (Stokowski, 2002)³ identified potential flyways along the Housatonic, Naugatuck, Thames, and Connecticut Rivers. This study paralleled a similar earlier study conducted by the Silvio O. Conte National Fish & Wildlife Refuge (Neotropical Migrant Bird Stopover Habitat Survey⁴), which consisted of collection of migratory bird data along the Connecticut River and the following major Connecticut River tributaries: Farmington, Hockanum, Scantic, Park, Mattabeset, Salmon, and Eight Mile Rivers. Of these potential flyways, the nearest to the host Property is the Thames River, located approximately 1.5 miles to the east.

Siting of tower structures within flyways can be a concern, particularly for tall towers and even more particularly for tall towers with guy wires and lighting. The majority of studies on bird mortality due to

³ Stokowski, J.T. 2002. Migratory Bird Stopover Habitat Project Finishes First Year. Connecticut Wildlife, November/December 2002. P.4.

⁴ The Silvio O. Conte National Fish & Wildlife Refuge Neotropical Migrant Bird Stopover Habitat Survey <http://www.science.smith.edu/stopoverbirds/index.html>

towers focuses on very tall towers (greater than 1000 feet), illuminated with non-flashing lights, and guyed. These types of towers, particularly if sited in major migratory pathways, do result in significant bird mortality (Manville, 2005)⁵. The proposed Facility is not this type of tower, being an unlit, unguyed monopole structure only 115 feet in height. More recent studies of short communication towers (<300 feet) reveal that they rarely kill migratory birds⁶. Studies of mean flight altitude of migrating birds reveal flight altitudes of 410 meters (1350 feet), with flight altitudes on nights with bad weather between 200 and 300 meters above ground level (656 to 984 feet)⁷.

No adverse impacts to migrating bird species are anticipated with the Project, based on the distance separating the host Property from the Thames River potential flyway corridor and the short (115-foot) height of the unlit⁸ and unguyed Facility.

Waterfowl Focus Areas

The Atlantic Coast Joint Venture (“ACJV”) is an affiliation of federal, state, regional and local partners working together to address bird conservation planning along the Atlantic Flyway. The ACJV has identified waterfowl focus areas recognizing the most important habitats for waterfowl along the Atlantic Flyway. Connecticut contains several of these waterfowl focus areas. The nearest waterfowl focus area to the host Property is the Lower Thames River System area, located approximately 1.3 miles to the east. Please refer to the attached Connecticut Waterfowl Focus Areas Map. Based on the distance of these resources to the project area, no direct impacts would occur from development of the proposed Facility.

CTDEEP Migratory Waterfowl Data

The Connecticut Department of Energy and Environmental Protection (“CTDEEP”) created a Geographic Information System (“GIS”) data layer in 1999 identifying concentration areas of migratory waterfowl at specific locations in Connecticut. The intent of this data layer is to assist in the identification of migratory waterfowl resource areas in the event of an oil spill or other condition that might be a threat to waterfowl species. This data layer identifies conditions at a particular point in time and has not been updated since 1999.

No migratory waterfowl areas are located within the City of New London. The nearest migratory waterfowl area (Greens Harbor in New London, CT) is located approximately 1.6 miles to the southeast of the proposed Facility. The associated species are identified as American wigeon, American black duck, bufflehead, gadwall, and mallard. Based on its distance to the site, no impacts to migratory waterfowl habitat are anticipated to result from development of the proposed Facility.

⁵ Manville, A.M. II. 2005. Bird strikes and electrocutions at power lines, communications towers, and wind turbines: state of the art and state of the science - next steps toward mitigation. Bird Conservation Implementation in the Americas: Proceedings 3rd International Partners in Flight Conference 2002. C.J. Ralph and T.D. Rich, editors. USDA Forest Service General Technical Report PSW-GTR-191. Pacific Southwest Research Station, Albany CA. pp. 1-51-1064.

⁶ Kerlinger, P. 2000. Avian Mortality at Communication Towers: A Review of Recent Literature, Research, and Methodology. Prepared for U.S. Fish and Wildlife Service Office of Migratory Bird Management.

⁷ Mabee, T.J., B.A. Cooper, J.H. Plissner, D.P. Young. 2006. Nocturnal bird migration over an Appalachian ridge at a proposed wind power project. Wildlife Society Bulletin 34:682-690.

⁸ Existing ball field lights will be replaced on the proposed tower at their current elevation. APT understands that lights will only be used during athletic events, which include the use of other light stanchions in the park. No FAA red or white strobe lighting is required for this Facility.

CTDEEP Natural Diversity Data Base

CTDEEP's Natural Diversity Data Base ("NDDB") program performs hundreds of environmental reviews each year to determine the impact of proposed development projects on state listed species and to help landowners conserve the state's biodiversity. State agencies are required to ensure that any activity authorized, funded or performed by a state agency does not threaten the continued existence of endangered or threatened species. Maps have been developed to serve as a pre-screening tool to help applicants determine if there is a potential impact to state listed species.

The NDDB maps represent approximate locations of endangered, threatened and special concern species and significant natural communities in Connecticut. The locations of species and natural communities depicted on the maps are based on data collected over the years by CTDEEP staff, scientists, conservation groups, and landowners. In some cases an occurrence represents a location derived from literature, museum records and/or specimens. These data are compiled and maintained in the NDDB. The general locations of species and communities are symbolized as shaded areas on the maps. Exact locations have been masked to protect sensitive species from collection and disturbance and to protect landowner's rights whenever species occur on private property.

According to a June 5, 2013 letter from the CTDEEP NDDB, "there are no known extant populations of Federal or State Endangered, Threatened or Special Concern Species that occur on this property."

Summary and Conclusions

Based on the results of this desk-top evaluation, the proposed Facility would comply with the USFWS guidelines for minimizing the potential impacts to birds. The proposed Facility is not proximate to an Important Bird Area or other significant avian resource areas. As a result, no migratory bird species are anticipated to be impacted by MCM's proposed development.

Figures

- Avian Resources Map
- Connecticut Waterfowl Focus Areas Map

Avian Resources Map

Proposed MCM Wireless Telecommunications Facility

Bates Woods Park
New London, Connecticut

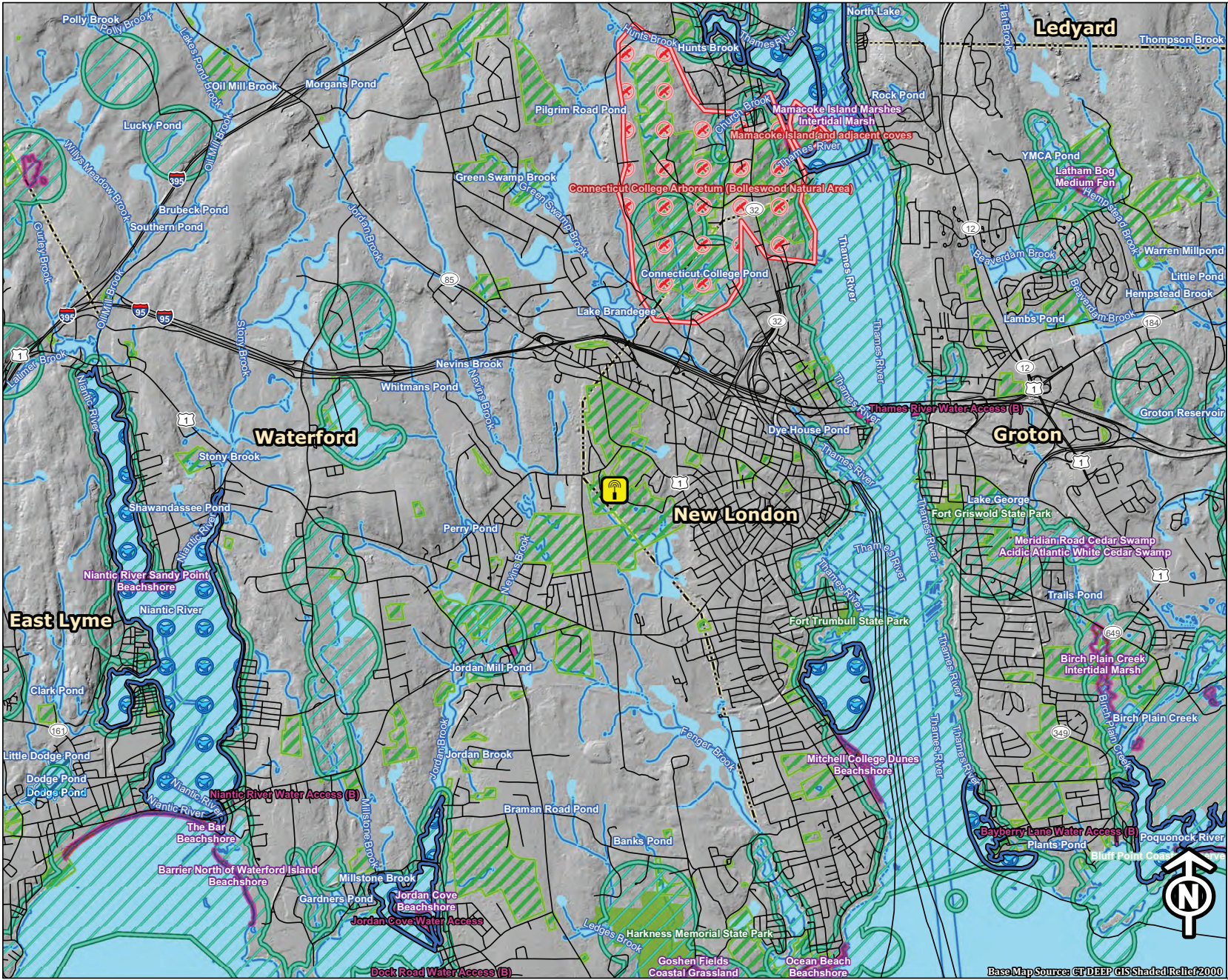
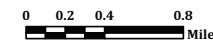
Legend

-  Proposed Tower Location
-  Hawk Watch Site*
-  Bald Eagle Watch Site*
-  Important Bird Site*
-  Watercourse
-  Waterbody
-  Breeding Bird Survey Route*
-  Important Bird Area
-  Migratory Waterfowl (CT DEEP, 1999)
-  Natural Diversity Database Area (CT DEEP, 6/2013)
-  Critical Habitat (CT DEEP, 07/2009)
-  Federal Property (CT DEEP, 2004)*
-  Municipal and Private Open Space (CT DEEP, 1997)
- DEP Property (CT DEEP, 2010)**
-  State Forest*
-  State Park
-  State Park Scenic Reserve
-  State Park Trail*
-  Natural Area Preserve*
-  Wildlife Area*
-  Wildlife Sanctuary*
-  Historic Preserve*
-  Flood Control*
-  Fish Hatchery*
-  DEP Owned Waterbody
-  Water Access
-  Other*
- Road
- Town Line
- *None within mapped extents

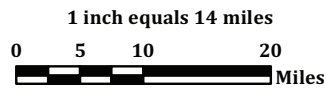
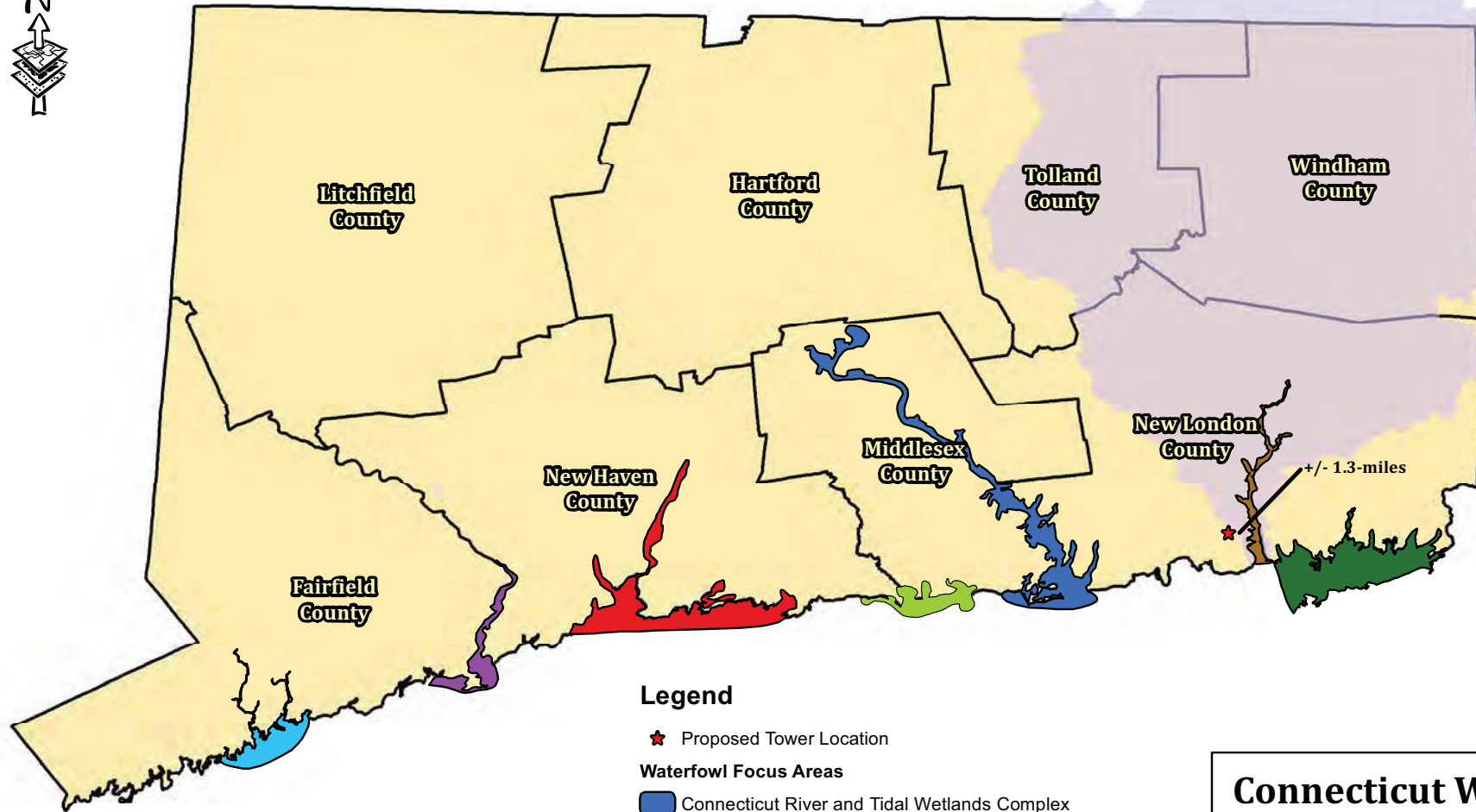
Last Updated Friday, August 23, 2013

Avian Source Information:
 Bald Eagle Sites: Midwinter Bald Eagle Count Survey website
http://ocid.nacse.org/nbi/eagles/state.php?php_screen=first&state=Connecticut
 Hawk Watch Sites: Hawk Migration Association of North America
 (HMANA), Hawk Count website:
<http://hawkcount.org/sites.php?country=USA&state=provs=Connecticut>
 Migratory Waterfowl: CDEP GIS, 1999
 Important Bird Sites/Areas: National Audubon Society,
 Audubon Connecticut
<http://ct.audubon.org/BirdSci/JBA.html>
 Breeding Bird Survey Routes: Patuxent Wildlife Research Center
 of the U.S. Geological Survey and the Canadian Wildlife Service's
 National Wildlife Research Centre
<http://www.nationalatlas.gov/mid/bbrsrl.html>

1 inch equals 3,333 feet



Base Map Source: CT DEEP GIS Shaded Relief 2000



Legend

★ Proposed Tower Location

Waterfowl Focus Areas

Connecticut River and Tidal Wetlands Complex

Fishers Island Sound Complex

Greater Hammonasset Complex

Lower Housatonic River - Great Meadows

Lower Thames River System

New Haven Harbor

Norwalk Islands

Waterfowl Planning Area

Upper Thames River

Connecticut Waterfowl Focus Areas Map

Proposed MCM Wireless Telecommunications Facility

Bates Woods Park
New London, Connecticut



Waterfowl Focus Areas Developed by the Atlantic Coast Joint Venture Partnership

Attachment 4



HMB Acoustics LLC

3 Cherry Tree Lane, Avon, Ct. 06001

860-677-5955

Noise Evaluation Report

Message Center Management and AT&T
A Proposed Emergency Generator
And An Equipment Shelter
At Bates Woods Park
New London, Ct. 06320

August 31, 2013

Prepared For:
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Introduction

The purpose of this evaluation is to determine whether the noise levels from the back-up generator and air-conditioning units adversely impact on the surrounding community, and exceeds the allowable noise limits in the New London Noise Code.

The Applicants Message Center Management and AT&T have proposed a wireless telecommunications facility to be located inside the Bates Woods Park in New London, Ct. Equipment associated with the facility will be housed in an equipment shelter. The shelter maintains two wall mounted Marvair air-conditioning units to cool the radio equipment. Typically, only one of the two air-conditioner units operates at any one time. A 50 kw emergency generator will be located outdoors, and mounted on a concrete pad; and will run only when commercial power to the site is interrupted.

It is important to note that the back-up generator operates for approximately 15-20 minutes each week for testing. All testing is done during the daytime hours. Other than these testing periods, the generator runs only in times of emergency, when commercial power to the facility is interrupted. Future equipment that may be proposed will include two additional emergency generators, and two additional equipment shelters with Marvair air-conditioners. The compound area will be surrounded by an 8 foot high chain link fence. Evergreen screening is being proposed for the North, East, and West areas. Most of the trees and shrubs in the Southerly direction will remain in tact.

In rendering this report, I have visited the site and took existing background noise measurements. These levels ranged from 38-40 dBA at all residential areas. The dBA scale is used because it closely approximates the response characteristic of the human ear to loudness, and is the scale most commonly used in the measurement of community noise. I have also reviewed site plans, and generator specifications. The

areas surrounding the proposed site are all residential, except for the New London High School which is located in a commercial noise zone.

Noise Regulations

The City of New London, Ct. has enacted regulations which limit the amount of noise which may be transferred from one property to another. In pertinent part, the Regulations provide as follows:

A. Definitions

2. "Daytime hours" shall mean the hours between 7:00 a.m. and 10:00 p.m. Monday through Saturday, and between 8:00 a.m. and 10:00 p.m. on Sunday (local time).
5. "Nighttime hours" shall mean the hours between 10:00 p.m. and 7:00 a.m. Sunday through Friday, and between 10:00 p.m. and 8:00 a.m. Saturday (local time).

C. Noise Zone Standards

"No person shall cause or allow the emission of excessive noise beyond the boundaries of his / her noise zone as measured at any point on the receptor's tract or parcel of land, so as to exceed the levels stated herein."

A Class "B" Emitter (proposed Telecom site) to a Class "B" Receptor (New London H.S.) = 62 dBA (day and night).

A Class "B" Emitter (proposed Telecom site) to a Class "A" Receptor (residential property lines) = 55 dBA (daytime) and 45 dBA (nighttime).

E. Exemptions

Exempted from this Regulation is the following:

3. "Noise created as a result of, or relating to, an emergency."

Acoustical Evaluation

In all cases, the projected noise levels, from the proposed telecommunications facility, demonstrate that these levels would be below the allowable noise levels set forth in the New London Noise Regulations, and therefore, these levels will meet the conditions for compliance. I have concluded that the generator(s) are exempt from the Regulation as stated in Section E (Exemptions); “Noise created as a result of, or relating to an emergency.”

TABLE 1 lists the projected noise levels from the generator(s) and from the Marvair air-conditioner(s) to all residential and commercial noise zones. These noise levels take into account the acoustical shielding effect provided by existing and proposed structures.

TABLE 1

From the generator and air-conditioner to:	# of units running Generator Marvair		Projected noise level (dBA)
The high school property line - commercial noise zone (Northeast)	1	1	30
	3	3	34
The closest high school building - commercial noise zone (Northeast)	1	1	22
	3	3	27
Nearest residential property line on Chester Street (North)	1	1	26
	3	3	32
Nearest residential property line on Davis Farm Way (Northwest)	1	1	25
	3	3	31
Nearest residential property line on Edge Road (Northeast)	1	1	30
	3	3	34
Nearest residential property line to the Southwest - which is the New London / Waterford property line.	1	1	21
	3	3	27