STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

IN RE:
APPLICATION OF HOMELAND TOWERS, LLC (HOMELAND) 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 IN RIDGEFIELD, CONNECTICUT

DOCKET NO. 445

MAY 27, 2014

HOMELAND TOWERS, LLC and NEW CINGULAR WIRELESS, PCS LLC (AT&T)
RESPONSES TO CONNECTICUT SITING COUNCIL QUESTIONS SET TWO

Q20. On page 5 of the SAI Radio Frequency Report behind Tab 1 of the application, North Salem Road and Route 116 are listed separately with different traffic counts. However, are not North Salem Road and Route 116 synonymous? Please clarify at which locations these traffic counts were taken.

A20. *North Salem Road and Route 116 are synonymous. The traffic counts shown are taken at two different stations on North Salem Road/Route 116 according to the data provided by the CT DOT.*
-The count of 3,400 on "Route 116" is taken at station number 2028 at the entry to Ridgefield, CT.
-The count of 9,900 listed as "North Salem Road" is taken at station number 64 near the intersection with Tackora Trail.

Q21. For the Visibility Analysis, why were no simulations done in the immediate neighborhood of the tower; for example from the access road, which is Town open space, or from Old Stagecoach Road or Aspen Ledges Road near where they meet?

A21. *With the exception of lower portions of the access road, no substantive year-round views of the Facility will occur from these areas. This was field verified as part of the Visibility Analysis.*

Q22. Why were no simulations with "leaf-off" conditions provided with the Visibility Analysis as recommended in the Council on Environmental Quality's comments dated April 17, 2014?

A22. *CEQ commented that "leaf-off" photosimulations are preferred generally as part of tower applications. The timing of all activities undertaken by tower applicants, including Homeland, is dependent on several factors including securing a lease, funding and other due diligence regardless of season. APT was asked by Homeland to conduct an evaluation of the visibility of the proposed facility in June 2013. The APT Visibility Analysis includes a seasonal assessment with areas of "leaf-off" visibility documented which has further been verified by subsequent in-field assessment. The Council also conducted a site visit with "leaf-off" conditions. No requests for additional field work on visibility were made since the time of filing the Application in February of 2014.*

Q23. On the Visibility Analysis-Topo Base map, why is Route 116 marked as Route 33?

A23. *The Route number was mislabeled and should be depicted as Route 116 on both the topographic and aerial photo base maps in the Visibility Analysis report.*

Q24. Please quantify the number of residences impacted, at least seasonally, around Mamanasco Lake. How can that impact be lessened? How does that number of impacted residences compare with other recent applications before the Siting Council?

A24. *Based on APT's reconnaissance of the Mamanasco Lake area during the balloon floats and as documented in the Visibility Analysis, views of the facility would be limited to the top 20 to 30 feet of the tower (see photographs 7 and 9 in the Visibility Analysis for examples) and restricted to select locations along the southwest-central shoreline and elevated areas to the southwest. With the exception of the immediate shoreline of the Lake, the area is heavily wooded and opportunities to gain unobstructed views towards the proposed facility site, at over one mile away, are not plentiful. APT estimates that approximately 20 residential properties have the potential to see at least part of the tower however this estimate is based solely on computer modeling (as APT did not have access to private properties for confirmation) which over predicts seasonal visibility. Therefore, although the "footprint" of visibility depicted on the viewshed maps covers several acres, experience in similar settings confirms that views will not be achieved from all locations within that area. Furthermore, most potential views would be obstructed during leaf-off conditions by intervening tree trunks and branches or structures. Its short profile above the tree canopy additionally diminishes the facility from becoming a focal point. Under these conditions and at distances of one-plus mile away, it is APT's opinion that the presence of the proposed facility would not have an impact on residences around Mamanasco Lake. Homeland Towers has noted a monopine design (though not preferred by the Town Conservation Commission) could be incorporated into the project as well. At points around Mamanasco Lake, such a structure could further blend the facility on the horizon. The number of residences with potential views at similar distances is relatively consistent with several recent applications, including Dockets 441 (Washington), 439 (New London), and 427 (Branford) for example. This approximate number is also consistent with numerous exiting facilities throughout the state of Connecticut.*

Q25. Were any State funds, directly or indirectly used for the purchase of the conservation lands over which an easement will be granted to the proposed tower site?

A25. *The easement that extends over what is now Town owned land and which benefits the parcel on which the tower is proposed was granted by the Town's predecessor in title, a private property owner in 2011. This occurred prior to Homeland's acquisition of a leasehold interest in the tower parcel and also the Town's own acquisition of land that is now managed by the Town's Conservation Commission's as open space. Homeland understands that a separate easement was granted by the bank in 2013, Insite's predecessor in title, for the benefit of and at the request of the Conservation Commission in 2013 and which does not impact development of the tower site as proposed in this Application. While not germane to this Application, a review of public records indicates the Town's acquisition was made with funds in the Town's Open Space Fund which is from private donations and levies on developers.*

Q26. Regarding bog turtles, please comment on whether an incidental take permit from the US Fish and Wildlife Service, under the Endangered Species Act, is required or not, bearing in mind that take is both the loss of individual turtles and/or loss of their habitat.

A26. *Consultation with the U.S. Fish and Wildlife Service New England Field Office ("USFWS") in accordance with FCC rules implementing the National Environmental Policy Act ("NEPA") and section 7 of the Endangered Species Act has been initiated for the proposed Homeland Towers activity. The USFWS will determine if the proposed project will result in a "take" and if so, what design modifications could be recommended (i.e., seasonal restrictions on construction) to minimize disturbance to a federally-listed species). Correspondence from the USFWS will be forwarded upon receipt. However, based on consultation with the Connecticut Department of Energy & Environmental Protection ("DEEP") Wildlife Division, it is unlikely that bog turtles will be in the project area and the management concern if any would be erosion control during construction and maintaining water quality.[1] In addition, the Federal Recovery Plan for Bog Turtle identifies major impediments that significantly reduce the chance of a turtle successfully moving between wetland sites to include: steeply graded, rocky streams and two-lane paved roads crossing wetland at grade with moderate-heavy traffic[2]. The occurrence of bog turtle in proximity to the proposed site is understood to be associated with the Titicus River/Mopus Brook calcareous wetland system[3],located 1,200± feet south of the proposed tower facility. Ledges Road and its associated residential development and traffic separates the Titicus River/Mopus Brook calcareous wetland system from the subject property. In addition, the subject property wetland flows to the southwest over steep grades, resulting in sections of the wetland system confined to a rocky intermittent watercourse channel with narrow bordering wetlands. Both of these conditions would represent major impediments to migrating bog turtle. Therefore, due to a low probability of occurrence of bog turtle at the subject property, an incidental take permit from the USFWS for the proposed project is not anticipated to be required for the proposed Homeland Towers project.*

Q27. For the record, please identify the compiler of the Federal Recovery Plan for the Bog Turtle.

A27. *The citation for the Federal Recovery Plan for the Bog Turtle is: USFWS 2001 (M.W. Klemens, compiler). Bog Turtle (Clemmys muhlenbergii)—Northern Population Recovery Plan. U.S. Fish and Wildlife Service, Northeast Region.*

Q28. The Recovery Plan lists three zones of management concern for the Bog Turtle. Please identify the management zone in which the proposed tower site lies.

A28. *Bog turtle conservation zones consist of Zone 1: generally small, open-canopy, calcareous, herbaceous sedge meadows and fens bordered by more thickly vegetated and wooded areas occupied by bog turtles; Zone 2: 300 feet from the edge of Zone 1; and, Zone 3: upland, wetland, and riparian areas extending either to the geomorphic edge of the drainage basin or at least one-half mile beyond the boundary of Zone 2.*[4]

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[1] Applicant Exhibit 9, Tab 3. March 25, 2014 email from Laura Saucier, DEEP Wildlife Biologist.

[2] USFWS 2001 (M.W. Klemens, compiler). "Bog Turtle (*Clemmys muhlenbergii*)—Northern Population Recovery Plan". U.S. Fish and Wildlife Service, Northeast Region Appendix C.

[3] Klemens, M.W., Davison, E.R., Oko, B.K. *Ridgefield Natural Resource Inventory*. April 2012. Map 14: Bog Turtle Habitat.

[4] USFWS 2001 (M.W. Klemens, compiler). "Bog Turtle (*Clemmys muhlenbergii*)—Northern Population Recovery Plan". U.S. Fish and Wildlife Service, Northeast Region Appendix A.

The subject property is underlain by Manhattan Schist, an acidic dark-gray to silvery, rusty-weathering, generally coarse grained, foliated but poorly layered to massive gneiss or schistose gneiss, composed of quartz, oligoclase, microcline, biotite, and muscovite, and generally sillimanite and garnet.[5] Areas of bedrock outcrops located on and surrounding the site were field identified as schist. Refer to Photo 6 in the enclosed Photo Documentation. Therefore, the forested wetland seep located on the subject property would not be considered Zone 1. As described in the response to Question 26, which identifies the location of nearby bog turtle habitat, the conservation zone in which the proposed tower site lies is classified as Zone 3. Please refer to the attached Bog Turtle Conservation Zone Map.

Q29. Reviewing the criteria for minimizing impact to bog turtles and their habitat within the appropriate management zone, please describe in detail how the proposed activities comply or do not comply with each criteria or recommendation of the appropriate zone within the Recovery Plan.

A29. *Within conservation Zone 3, the focus on avoiding impact to bog turtle habitat is associated primarily with hydraulic alternations to wetland areas and water quality (e.g., via nutrient loading, sedimentation, and contaminants).[6] Proposed development of the access road and tower compound will not alter existing drainage patterns and both stormwater quantity and quality will be properly treated.[7] In addition, an Eastern Box Turtle and Wetland Protection Program will be implemented during construction to provide additional water quality protection during construction.[8] This protection program was reviewed by DEEP Wildlife Division and found to be protective of bog turtle habitat.[1] Therefore, the proposed Homeland Towers development complies with the conservation recommendations in Zone 3.*

Q30. Is the Applicant familiar with the content of the Ridgefield Natural Resources Inventory (NRI)? For the record, please attribute authorship of that NRI.

A30. *Yes, the Applicant is familiar with the content of the Ridgefield Natural Resource Inventory ("NRI"). In 2010 the Ridgefield Conservation Commission partnered with the Metropolitan Conservation Alliance, a program of the Cary Institute of Ecosystem Studies, to create the first-ever comprehensive NRI of the town of Ridgefield. The Ridgefield Natural Resource Inventory, dated April 2012, was authored by Michael W. Klemens, PhD, Eric R. Davison, BSc, and Benjamin K Oko, MD.*

Q31. Please examine the account on Page 43 of the NRI and opine on what is, in your best professional judgment, the likelihood that bog turtles are still extant in the Titicus River/Mopus Brook wetlands.

A31. *Although the USFWS (2001) still lists Fairfield County (and adjacent Westchester County NY) as within the bog turtle's range, it is assumed by most turtle biologists that populations in both these counties are at or near localized extinction (i.e., they are extirpated). Habitat loss and fragmentation, wetland loss, conversion, and succession to*

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[5] Rogers, John, compiler. *Bedrock Geologic Map of Connecticut.* Connecticut Geological and Natural History Survey. 1985.

[6] USFWS 2001 (M.W. Klemens, compiler). "Bog Turtle (*Clemmys muhlenbergii*)—Northern Population Recovery Plan". U.S. Fish and Wildlife Service, Northeast Region A-3.

[7] Applicant Exhibit 1, Tab 4. All-Points Technology Corp. *Site Drainage Report.* January 31, 2014.

[8] Applicant Exhibit 4, Attachment 4. All-Points Technology Corp. *Wetland Evaluation Report.* March 27, 2014.

wooded swamp, as well as collection, have all been implicated in the decline of bog turtle populations within Connecticut.[9] *This account on Page 43 of the Town of Ridgefield's NRI states that data supplied by DEEP NDDB and from the collections and field notes of Dr. Michael W. Klemens indicates an historical record (ca. 1993) of bog turtles existing within the Titicus River/Mopus Brook watershed. A checklist of Ridgefield amphibians and reptiles observed since 2010 reveals no accounts of bog turtle since 1993 by Dr. Michael W. Klemens.*[10] *The Titicus River/Mopus Brook wetland corridor, particularly in proximity to the proposed tower site, is well developed with residences and institutions (e.g., Ridgefield High School, Middle School and Elementary School) and is further fragmented by several two-lane roads. Therefore, it appears there is a low probability that bog turtles are still extant in this portion of the Titicus River/Mopus Brook wetland system.*

Q32. On page 7 of 7 in the wetlands functions and values report received on April 1, 2014, it is stated that a principal function of the wetland is that it contains State or Federally listed threatened and endangered species. Is that comment concerning the on-site sloping, forested seepage wetland observed on the Council's Site walk? If so, what species are we discussing? Is the function and values report for the on-site wetland, or the entire wetland/watershed system that extends westward for several miles into North Salem, NY?

A32. *The comment in the March 27, 2014 Wetland Evaluation Report regarding a principal function as State or Federally listed threatened and endangered species habitat is related to the on-site wetland, though related to the occurrence of eastern box turtle (Terrapene carolina carolina), which the Connecticut Department of Energy & Environmental Protection ("DEEP") Natural Diversity Database ("NDDB") identified as occurring in the vicinity of the project in a January 10, 2014 letter*[11]*. Box turtles favor a mosaic of habitats, with edge areas for sunning, wetlands for hydration, and forested areas for hibernation and protection from summer heat.*[12] *Due to the potential for this state-listed Special Concern species to occur on the site and possibly use the on-site wetland habitat, this wetland function was recognized in our report. The focus of the Wetland Evaluation Report is the on-site portion of the wetland system.*

Q33. Could the proposed site be characterized as mature moist second growth forest?

A33. *The proposed site and surrounding subject property is dominated by an uneven-aged deciduous oak-sugar maple dominant forest occurring on very rocky well drained to excessively drained (dry thin glacial till soils with exposed bedrock common) steep slopes with trees having an average diameter at breast height ("DBH") of 14.5± inches with over 50 percent of the surveyed trees ranging from 6 to 12 inches DBH (poletimber sized tree stand). Please refer to the Tree Registry provided on Site Plan, Sheet No. SP-1*[13]*, which represents a survey of 106 trees located within and proximate to the proposed development. Also refer to Photos 1 through 5 in the enclosed Photo Documentation. Therefore, the forest occupying the site and surrounding area would be classified as a young to moderate age dry second growth forest. The location of the*

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[9] Klemens, M.W., Davison, E.R., Oko, B.K. *Ridgefield Natural Resource Inventory.* April 2012. Pg. 43

[10] http://www.ridgefieldct.org/filestorage/52/124/Checklist_of_Amphibians_and_Reptiles_Seen_in_Ridgefield.pdf

[11] Applicant Exhibit 1, Tab 6

[12] Klemens, M.W., Davison, E.R., Oko, B.K. *Ridgefield Natural Resource Inventory.* April 2012. Pg. 44

[13] Applicant Exhibit 1, Tab 3.

proposed tower and compound is primarily cleared of mature trees and is currently dominated by goldenrods (Solidago spp.), warm season grasses, and brambles (primarily Rubus sp.).

Q34. Is the duff layer thick?

A34. *No, the duff layer was found to be fairly thin with most areas on the subject property having less than 2 inches of dry duff with significant areas of exposed ground. Refer to Photos 4 and 5 in the enclosed Photo Documentation. Downed logs were found to be primarily characterized as dry with relatively low levels of decomposition and humus.*

Q35. On page 2 of his testimony, Dr. Danzer refers to the site having a southwestern exposure. Please reconcile the exposure of the site with the preferred habitat for slimy salamanders described earlier (Page 6 of 7).

A35. *Habitat requirements for Plethodon glutinosus are restricted to mature second growth deciduous or hemlock forest located on steep, moist, rocky slopes, covered with a thick duff layer and rotten logs.[14] A single record for slimy salamander in Ridgefield is associated with the West Mountain area of Ridgefield approximately 3 miles south of the subject property. A key habitat characteristic for slimy salamander habitat is the thickness of duff layer (typically greater than 6 inches associated with well decomposed logs with high levels of humus) with slope aspect another determining factor (higher probability of occurrence on north-aspect slopes with southwest facing slopes representing the least likely probability of occurrence) and moist mature hemlock dominant forests generally considered prime habitat.*

Q36. Are there any known locations for slimy salamanders in Connecticut located on southwest facing slopes?

A36. *It is unknown if there are any occurrences of slimy salamander on southwest facing slopes in Connecticut. As discussed in the response to Question 35, this slope aspect is least likely to find suitable slimy salamander habitat due to the higher solar gain and resulting high soil temperature levels and higher levels of evaporation typically leading to drier soil conditions for a southwest slope aspect.*

Respectfully submitted,

By: _____

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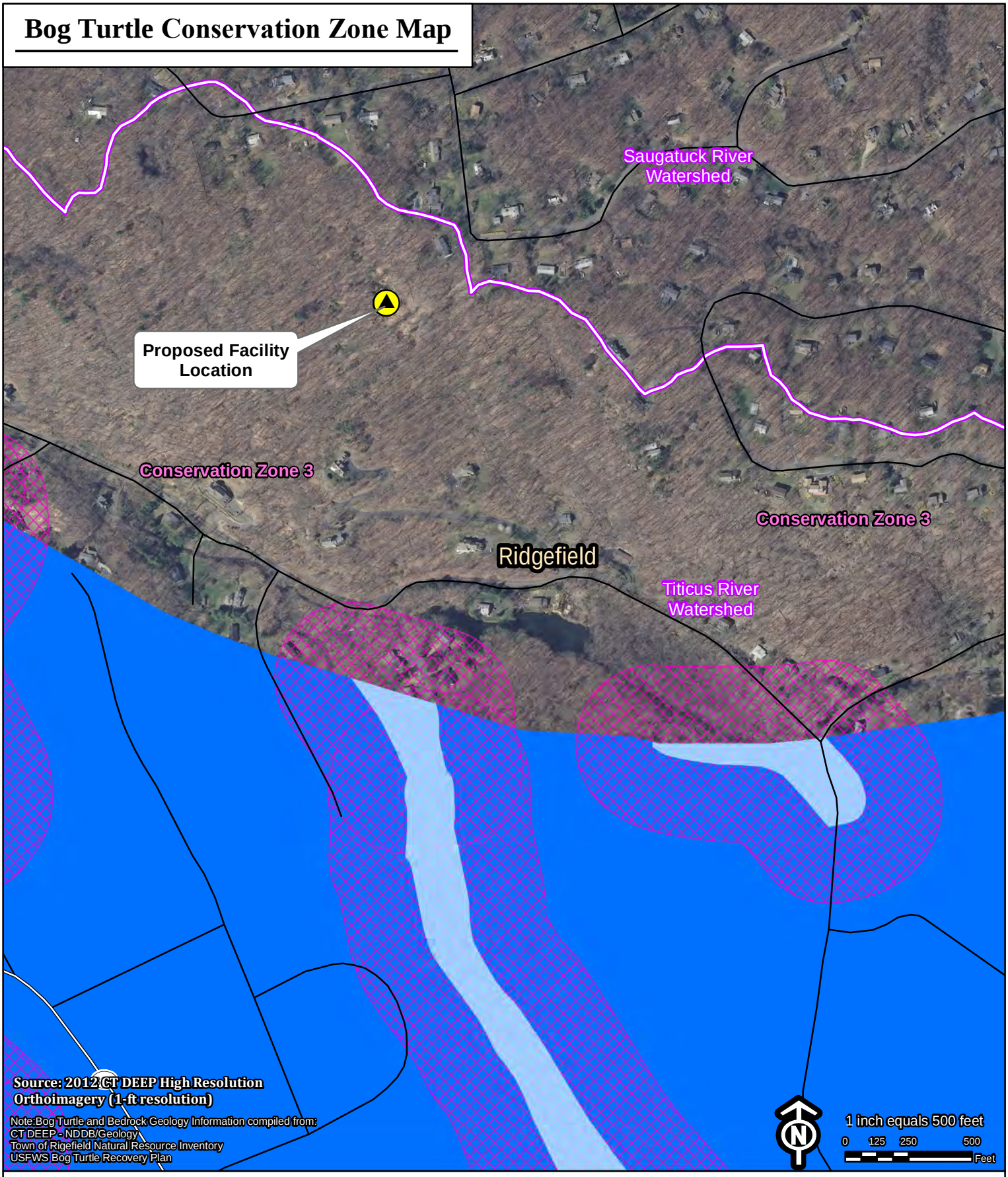
[14] Klemens, M.W. *Amphibians and Reptiles of Connecticut and Adjacent Regions.* State Geological and Natural History Survey of Connecticut. Bulletin No. 112. 1993. Pg. 81.

Bog Turtle Conservation Zone Map



Legend

- Proposed Facility Location
- Subject Parcel
- Marble Bedrock Geology
- Subregional Watershed Boundary
- Conservation Zone 1
- Conservation Zone 2

Proposed Homeland Towers Wireless Communications Facility
Old Stagecoach Road
Ridgefield, Connecticut

Thursday, May 22, 2014

HOMELAND TOWERS

ALL-POINTS TECHNOLOGY CORPORATION

Photo 1: View of proposed tower and compound site (center and right side of photo in tree canopy opening), looking west/northwest.

Photo 2: View of existing path (proposed gravel access) near the turn into the proposed compound (right side of photo), looking west.

Photo 3: View of the existing path (proposed paved access), looking east.

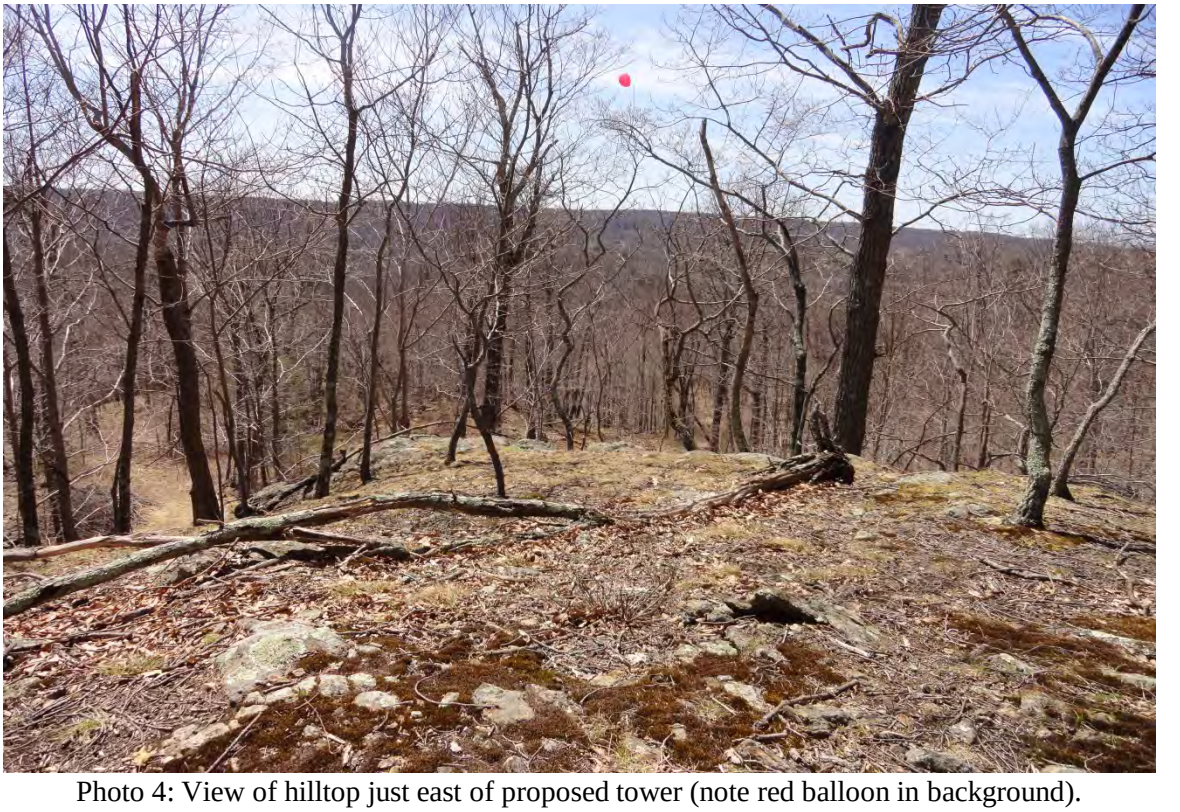


Photo 4: View of hilltop just east of proposed tower (note red balloon in background). Photo represents typical thin duff layer observed on subject property and dry forest and exposed bedrock habitat.

Photo 5: View of steep slope just west of proposed tower (wetland located at toe of slope – green skunk cabbage visible in background). Photo represents typical thin duff layer observed on subject property and dry forest and exposed bedrock habitat.

Photo 6: View of Manhattan Schist, representative of exposed bedrock located on and adjacent to the subject property (reddish blotches are garnets).