

STATE OF CONNECTICUT  
SITING COUNCIL

New Cingular Wireless PCS, LLC : DOCKET # 447  
Application for a Certificate of Environmental  
Compatibility and Public Need for the construction,  
Maintenance, and operation of a telecommunications  
Facility located at  
Stamford Tax Assessor Map 1, Parcel 1379  
560 West Hill Road, Stamford, Connecticut.

: APRIL 3, 2014

**MOTION FOR ACCESS TO PROPOSED SITE BY INTERVENOR'S WETLANDS  
EXPERT**

The West Hill Environmental Trust, pursuant to §16-50j-22-a(b) and (c), hereby moves the Council for access at a reasonable time to the site of the facility proposed in this matter to allow Intervenor's wetlands expert to perform non-destructive evaluation of the onsite wetlands.

Pursuant to 16-50(j)3, the Council has the authority to deviate from the procedures set forth in UAPA and Siting Council rules of practice for good cause shown in order to allow for a fundamentally fair proceeding. Intervenor asserts that there is good cause for its request to allow its expert to have reasonable access to the site for non-destructive wetlands assessment .

Further, this CEPA Intervenor has alleged a particular interest in wetlands resources, and the Application materials show that the facility construction is proposed in close proximity to wetlands – in this case closer than 3 feet from the wetlands (see e.g. Application Tab 3 “Abutters Map” Sheet C01” and “Compound Plan” dated 12-11-13. Under 16-50(j)(15)-a, the Council has the authority to the ability to limit an Intervenor to designated issues in which the intervenor has an interest including “physical evidence”. Intervenor requests reasonable access to the site to which the Applicant has

control so that Intervenor may present an independent presentation of wetlands impacts for consideration by the Council in carrying out its duty to balance public need with environmental compatibility. See, §16-50p(3)(B).<sup>1</sup>

The purpose of discovery “is to provide the Council, parties and intervenors access to all relevant information in an efficient and timely manner to ensure that a complete and accurate record is compiled”. §16-50j-22-a(c). This motion is filed for that purpose so that the Council’s record and decision may be as complete as the protection of the state’s natural resources is required.

The Application notes that a “comprehensive evaluation of functions and values supported by Wetland 1 has not been performed.” (Application, “Preliminary Wetland Impact Analysis” dated October 7, 2013.) That wetland review was conducted on June 22<sup>nd</sup>, 2013 – outside of the peak vernal pool migration and breeding period (March 1 to May 30) [Application, “Preliminary Wetland Impact Analysis” p.4] – that good cause exists that a wetlands assessment at the present time would more accurately depict the functions and values which may be impacted.

This requested access should not unduly burden, nor prejudice the Applicant as the Applicant in recent days allowed access by the Stamford wetlands enforcement officer to the site.

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<sup>1</sup> 16-50p-(3)(B)- The nature of the probable environmental impact of the facility alone and cumulatively with other existing facilities, including a specification of every significant adverse effect, including, but not limited to, electromagnetic fields that, whether alone or cumulatively with other effects, impact on, and conflict with the policies of the state concerning the natural environment, ecological balance, public health and safety, scenic, historic and recreational values, forests and parks, air and water purity and fish, aquaculture and wildlife.

Wherefore, Intervenor's request for reasonable access of one day for no more than 3 hours during business hours (8 to 6pm) to perform non-destructive wetlands assessment by Intervenor's certified soil scientist and natural resources consultant should be granted as soon as practical as vernal pool and wetlands obligate species are currently breeding and egg-laying.

Respectfully Submitted,  
West Hill Environmental Trust,

By \_\_\_\_\_  
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CERTIFICATE OF SERVICE

This is to certify that a true copy of the foregoing was deposited in the United States mail, first-class, postage pre-paid this 3rd day of April, 2014 and addressed to:

Ms. Melanie Bachman, Executive Director, Connecticut Siting Council, 10 Franklin Square, New Britain, CT 06051 (1 orig, 15 copies, plus 1 electronic) (US Mail/electronic).

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