

July 11, 2016

Via Electronic Mail

Melanie A. Bachman
Acting Executive Director
Connecticut Siting Council
10 Franklin Square
New Britain, CT 06051

Re: **Docket No. 456 – Cellco Partnership d/b/a Verizon Wireless
33 Keegan Road, Plymouth, Connecticut – Development and Management Plan
Conditions of Approval**

Dear Ms. Bachman:

On January 7, 2016, the Connecticut Siting Council approved the above-referenced Development and Management (“D&M”) Plan for the Cellco Partnership cell site at 33 Keegan Road in Plymouth, Connecticut. The D&M Plan approval included as a condition a seasonal restriction on construction activity from May 1st to July 31st to reduce a potential impact of development activity on the *Whippoorwill*, a State bird species of special concern.

Earlier this year Dean Gustafson with All-Points Technologies Corporation conducted a formal *Whippoorwill* survey at the project site. The results of Mr. Gustafson’s survey did not reveal the presence of any *Whippoorwill*s on the subject property. The results of that study were presented to Dawn M. McKay, Environmental Analyst with the Connecticut Department of Energy and Environmental Protection (DEEP). In a letter dated June 3, 2016, Ms. McKay stated that the DEEP Program Biologists concurred with the results of Mr. Gustafson’s survey that project construction activity would not have an adverse effect on the *Whippoorwill*. Consequently, the DEEP lifted its proposed construction activity restriction.

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Based on Mr. Gustafson's survey and the concurrence of the DEEP, we respectfully request that the Council lift its seasonal restriction for *Whippoorwill* in its D&M Plan approval of January 7, 2016.

Sincerely,

A handwritten signature in black ink, appearing to read "Kenneth C. Baldwin". The signature is fluid and cursive, with a long horizontal stroke at the end.

Kenneth C. Baldwin

KCB/kmd



RARE SPECIES SURVEY

May 26, 2016

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

APT Project No.: CT1412300

Attn: Dawn McKay
via Email

Re: **Whip-poor-will Survey**
Proposed Telecommunications Facility
Plymouth West Relo.
33 Keegan Road
Plymouth, Litchfield County, Connecticut
Lat: 41° 39' 42.334" Long: 73° 2' 44.321"
Tower Type: Monopole Tower
Overall Height: 143-feet AGL
EnSite # 19735
NDDB No. 201502723

Dear Ms. McKay,

All-Points Technology Corporation, P.C. ("APT") had previously submitted a Natural Diversity Data Base ("NDDB") State Listed Species Review request to the Connecticut Department of Energy & Environmental Protection ("Department") on behalf of Cellco Partnership and its controlled affiliates doing business as Verizon Wireless ("Verizon Wireless") for a proposed wireless communications facility at 33 Keegan Road in Plymouth, Connecticut. APT subsequently provided a protection plan as a result of the following State-listed Species of Special Concern identified by the Department to be in the vicinity of the proposed project: eastern box turtle (*Terrapene carolina carolina*), wood turtle (*Glyptemys insculpa*) and whip-poor-will (*Caprimulgus vociferus*). The Department issued a letter dated April 20, 2015 concurring that the proposed protection strategies would help avoid unintentional mortality to these species.

The rare species protection plan originally proposed protection of whip-poor-will by imposing a seasonal restrictive period for construction during the nesting period May 1st through July 31st. Verizon Wireless initiated construction activities in late March 2016 and APT provided environmental awareness training to the contractor on March 31, 2016 for the turtles and whip-poor-will protection plan. Construction activities were halted on April 30, 2016 in observation of the whip-poor-will seasonal restrictive period.

In an attempt to seek relief from the whip-poor-will seasonal restrictive period, APT recently completed a whip-poor-will survey. The results of that survey are provided below.

Whip-poor-will Survey

Whip-poor-wills nest in forested habitat with an open understory, often adjacent to shrubby herbaceous areas¹. The birds are nocturnal and forage in open areas at dusk and dawn and during moonlit nights.² More often heard than seen, the birds call out loudly on moonlit nights, making them relatively easy to detect if conditions are appropriate.

A nocturnal field survey for whip-poor-will was performed on the evening of April 24th until the early morning of April 25th, 2016 to determine if whip-poor-wills were utilizing the proposed Verizon Wireless development area or surrounding woodlands on the subject property. ATP followed CTDEEP protocol for whip-poor-will surveys: moon needs to be at least 50 percent illuminated, above the horizon, and not obscured by cloud cover, with low wind conditions.³ The whip-poor-will survey window permitted by CTDEEP extends from May 15 through June 30, 2016, under the appropriate moon cycle and weather conditions. The survey consisted of a stationary, six-minute point count conducted at the proposed Verizon Wireless Facility (rough access road and compound pad had already been completed when construction was halted on April 30th). The six-minute survey point count consisted of 3 minutes of silent listening followed by playing an approximate 20 second whip-poor-will call and 3 minutes of listening following the call. The survey point was located at the compound pad surrounded by upland deciduous oak-dominant forest habitat, providing a relatively open area to detect whip-poor-will calls from the proposed facility location and surrounding areas. Because of whip-poor-will detection probabilities, three surveys are required for the findings to have statistical significance. Surveys can be performed during the same nighttime provided they are separated by at least an hour, and only when moon and weather conditions are satisfied.

A whip-poor-will field survey data sheet adapted from Massachusetts Audubon's whip-poor-will survey form⁴ is enclosed. Information collected included any bird species heard during the survey along with wind speed, background noise volume, sky conditions and surrounding habitat. Weather conditions were optimal during the whip-poor-will survey with a waning gibbous moon at 98% illumination, clear skies, none to slight background noises and calm wind experienced during the entire survey period.

The results of the whip-poor-will survey did not reveal the presence of whip-poor-will on the subject property or within auditory range of the survey point during any of the three time block periods as well as periods between the survey point counts. Bird species heard during the survey included: barred owl (*Strix varia*) and northern mockingbird (*Mimus polyglottos*).

As a result of these findings, the proposed development at this property would not have an adverse effect on whip-poor-will or potential nesting habitat. Therefore, we respectfully request that the Department review the information contained herein, concur with the survey findings and remove the whip-poor-will seasonal restriction so that construction activities and recommence.

Please feel free to contact me by phone at (860) 663-1697 ext. 201 or via email at dgustafson@allpointstech.com with any questions or if additional information is required.

Sincerely,



Dean Gustafson
Senior Environmental Scientist

Enclosures

cc: Shannon Kearney, CTDEEP

¹ Cink, C. L. 2002. Whip-poor-will (*Caprimulgus vociferus*), The Birds of North America Online (A. Poole, Ed.). Ithaca: Cornell Lab of Ornithology; Retrieved from the Birds of North America Online: <http://bna.birds.cornell.edu/bna/species/620> [Accessed 5/20/16].

² Cink, C. L. 2002. Ibid.

³ S. Kearney (CTDEEP), pers. comm. via e-mail, 03/01/16 & 05/16/16.

⁴ http://www.massaudubon.org/PDF/whippoorwill/driving_data_card.pdf. [Accessed 6/08/09].

Whip-poor-will Survey Data Sheet

Whip-poor-will Survey Data Sheet

Project Name: VZW Plymouth West Relo			
Address: 33 Keegan Road, Plymouth, CT			
Observer: Dean Gustafson			
Date: 5/24/16 – 5/25/16			
Start Time: 11:40 pm			
End Time: 2:20 am			
Moonrise: 10:36 pm			
Moonset: 7:46 am			
Twilight: 8:48 pm			
Sunrise: 5:24 am			
Moon Phase: waning gibbous – 93% illuminated			
Survey Coordinates:	Lat.: 41.661758		
	Lon.: -73.045761		
Survey Conditions at Each Survey Point			
Point:	A1	A2	A3
Wind	0	0	0
Sky	0	0	1
Noise	1	1	1
Moon Visible	4	4	4
# Houses Visible	1-5	1-5	1-5
Point Habitat	DF	DF	DF
Adjacent Habitat	D (south)	D (south)	D (south)
Adjacent Habitat	-	-	-

Wind Codes	Sky Codes	Noise Codes
0 = None	0 = Clear	0 = None
1 = Light	1 = M Clear	1 = Slight
2 = Moderate	2 = M Cloudy	2 = Medium
3 = Strong	3 = Cloudy	3 = Excessive

Dominant Habitat Codes	
PF = Pine/Conifer/Mixed Forest	SH = Shrubland/Managed ROW
DF = Deciduous Forest	M = Marsh/Wetland
OF = Old Field	O = Open (fields, lawn)
D = Developed (residential)	AG = Agriculture
W = Water	

Bird Abbreviations

Great Horned Owl – GHOW
 Barred Owl – BAOW
 Eastern Screech Owl – ESOW
 Long-eared Owl – LEOW
 Northern saw-whet Owl – NSWO
 Whip-poor-will – WPWI
 Common Nighthawks – CONI
 Chuck-wills-widow – CWWI
 Northern Mockingbird – NOMO
 No birds detected – NONE

Point	Survey #	Start Time	Species	# birds/time block			Direction of Observation
				1	2	3	Compass Points
A	1-Silent	11:52 PM	BAOW	2	1	2	N; E; E; E
	1-Callback	11:56 PM	BAOW	1	1	0	E; E;
A	2-Silent	1:01 AM	NOMO	1	1	0	W; W;
	2-Callback	1:04 AM	NOMO	1	0	0	S
A	3-Silent	2:11 AM	NONE	0	0	0	-
	3-Callback	2:15 AM	NOMO	1	0	1	W; W

Comments:



Connecticut Department of

**ENERGY &
ENVIRONMENTAL
PROTECTION**

June 3, 2016

Mr. Dean Gustafsen
All-Points Technology Corporation, P.C.
3 Saddlebrook Drive
Killingworth, CT 06419
dgustafson@allpointstech.com

Project: Re-review of a Construction of a Wireless Telecommunications Facility for AT&T with Minor Change in the Access Road at 33 Keegan Road in Plymouth, Connecticut
NDDDB Determination No.: 201502723

Dear Dean,

I have re-reviewed Natural Diversity Data Base maps and files regarding the area delineated on the map you provided for the proposed Wireless Telecommunications Facility for AT&T with a minor change in the access road located at 33 Keegan Road in Plymouth, Connecticut. According to our records there are known extant populations of State Special Concern *Terrapene carolina carolina* (eastern box turtle), *Glyptemys insculpta* (wood Turtle) and *Caprimulgus vociferous* (whippoorwill) in the vicinity of the subject property.

Thank you for providing, with your updated application, the site survey results for the rare species survey done for whippoorwill using protocol and guidelines suggested by one of our program biologists, Ms. Shannon Kearney. Ms. Kearney concurs with your survey results and concurs with your conclusion that this proposed project would not have an adverse effect on whippoorwill. Consequently there are no time of year restrictions relative to this bird and this project. We would ask that you continue to utilize protection strategies and protocols to protect wood turtles and box turtle from project impacts. If these protection strategies are followed then the proposed activities will help avoid unintentional mortality to these turtle species. This determination is good for one year. Please re-submit an NDDDB Request for Review if the scope of work changes or if work has not begun on this project by June 3, 2017.

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 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 Data Base should not be substitutes 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. A more detailed review may be conducted as part of any subsequent environmental permit applications submitted to DEEP for the proposed site.

Please contact me if you have further questions at (860) 424-3592, or dawn.mckay@ct.gov. Thank you for consulting the Natural Diversity Data Base.

Sincerely,

Dawn M. McKay
Environmental Analyst 3