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In Re: Connecticut Siting Council Docket 543

I would like to supplement my pre-filed testimony in response to several topics that have been discussed extensively in the public hearing record.

**Vernal Pools:**

All vernal pools are wetlands, however not all wetlands are vernal pools. In light of the Applicant's assertion that there are no vernal pools on the property, one could reasonably question why I strongly suspect the seasonally flooded area within the intermittent watercourse lying between Rte. 341 and the toe of the nearby mountain on which the cell tower would be located as having a high probability of vernal pool function. Two major factors are biogeography and topography. **Biogeography** is an imitate understanding of what species could reasonably be expected to occur at a given site based on their documented presence in nearby areas, coupled with the overall vernal pool species richness of an area. This section of Washington and Warren has numerous documented sites for vernal pool species, including the State-listed Jefferson salamander (see Klemens et al. 2021; Steep Rock Association, Inc. Administrative Notice Items by Dennis Quinn). A contributing reason for the richness of vernal pool species within the area in question is **topography**. The rugged and unfragmented forested topography of the proposed cell tower site and its immediate environs gives rise to a large number of vernal pools, nestled within the in-folded ridges and narrow valleys. One of the most frequent locations of productive vernal pools lies at the toe of a steeply forested ridge exemplified by the intermittent seasonal wetland/watercourse on the subject parcel. Such topography creates optimal conditions for the establishment of vernal pools as the nearby forested ridges provide critical terrestrial habitat, and the ridge toes create hydrological conditions that facilitate pooling of seasonal waters. These factors, coupled with my observation of vernal pool signature features

from Rte. 341 previously described, give rise to my repeated requests that the potential for vernal pool creation and habitat use be seriously considered and addressed by the type of surveys I will detail in the following paragraphs.

It may be helpful to understand why vernal pools are such important resources. While quite small in comparison to many other wetlands and watercourses, vernal pools are integral to the food chain and nutrient cycling within the mixed deciduous and coniferous forests of the northeastern USA. These very small wetlands have a rich and unique biota, which are adapted to the breeding in these wetlands and utilizing large areas of upland forest surrounding the pools. The upland habitat required to sustain the vernal pool ecosystem is minimally 750 feet from the high-water mark of the vernal pool. Calhoun and Klemens (2002) provide a methodology to assess and rank vernal pools based on rare species, productivity, and landscape integrity. One of the common fallacies about vernal pools is that they are small and therefore their functions could be replicated in other larger wetlands. While portions of larger wetlands may contain small vernal pools (cryptic vernal pools) other vernal pools are discrete unique wetland features on the landscape.

It is well understood by field biologists and ecologists that conclusively proving the absence of a species or ecological feature takes far more field work than documenting a presence. When I was writing the USFWS Recovery Plan for the Northern Bog Turtle Population, one of the most vexing problems was the number of sites where cursory investigations revealed a purported absence. To ensure that absences were in fact real, in partnership with the various range states, we developed a methodology requiring: (1) an amount of qualified researcher effort per acre per visit; (2) requiring multiple visits under specific optimal weather conditions; and (3) that these visits be separated by a proscribed minimum time period. Only after that level of intensive field investigation was completed, could we consider the species reasonably likely to be absent.

In the case of documenting the absence of a vernal pool, repeated field visits would be required, and various methodologies employed including live interruption trapping (most often employing minnow traps), dip netting, larval sampling, coupled with visual and audial surveys. This would need to be conducted multiple times spread out during the vernal pool breeding season which can start in mid-February and extend into early April. Detailed field notes and photo documentation is needed to accompany any report of non-existence (absence) of vernal pool biota (which define a vernal pool). Simply stated, there is nothing in the record to indicate that level of diligence has been undertaken. My interest in this small wetland was only further heightened by a photograph in Mr. Quinn's bog turtle assessment showing an area of ponded water. If a vernal pool does occur in the depression at the toe of mountain atop which the cell tower is proposed, the new proposal for the roadway with extensive cuts and fills encircling part

of the putative vernal pool would constitute a significant impact to the upland habitat used by vernal pool breeding amphibians. I stated previously that based on data (Klemens et al. 2021) it would be reasonable to anticipate three species of Ambystomid salamanders could occur at this site. The springtime breeding Jefferson and spotted salamanders and the autumnal breeding marbled salamander. The Jefferson salamander is a State-listed species. It is also reasonable to anticipate that the wood frog—integral to nutrient and energy cycling--would occur. See *River Sound Development, LLC v. Inland Wetlands and Watercourses Commission of Town of Old Saybrook*, 122 Conn. App. 644 2 A.3d 928 (2010), where substantial evidence supported the Commission's finding that the loss of wood frogs would have a negative consequential effect on physical characteristics of wetlands.

The presence of a vernal pool at the toe of this mountain would create challenges in accessing the site without significant adverse environmental impact. The earlier iterations of the access road would have had far less impact than the current iteration. Although we were informed at the January 13, 2026 public hearing session that the Siting Council would not consider the previous access roadway alternatives, I can state without hesitation that if this vernal pool occurs on this property the latest iteration of the road access, wrapping around the pool and with large areas of cuts and fills destroying upland amphibian habitat, is undoubtedly the most damaging (compared to the other two previously proposed accessways) to a vernal pool ecosystem lying at the base of the mountain.

**Wood Turtle:** After Mr. Gustafson's unequivocal statement that wood turtles were not a candidate for federal Endangered Species Act listing, I reached out to colleagues. All confirmed it is a candidate for listing. While there have been no actions to further its listing under the current administration, there have been no actions to remove it from the candidate list either, therefore it remains a candidate species.

**USFWS "Key" Reviews:** The NDDB protocol is quite clear that site-specific biological surveys are needed for this type of land use review. The Applicant has repeatedly stated that the voluminous USFWS automatic "key" reviews are all it needs to do. I respectfully disagree and urge the Siting Council to hold the Applicant to as high a standard of review as would the inland wetlands and watercourses agencies of the towns of Washington or Warren. While the Siting Council supplants municipal authority, there is a reasonable expectation that the Siting Council will conduct its review with the same rigor and diligence that the local authorities would. The Siting Council has great power to substitute its judgments for those of the local municipalities, but with that power comes a great responsibility to do so judiciously and with scientific rigor.

To further my point concerning the complete inadequacy of using the USFWS "key" review process, let me use the bog turtle "key" review as illustrative of the problems on relying upon this system. Despite efforts by the Army Corps of Engineers and myself (and others) to bring

some sensibleness to the “key” review of bog turtles in Connecticut, the USFWS insists that the county is the lowest geographical unit they will consider. Therefore, bog turtle surveys are required on all projects in Fairfield and Litchfield counties, despite the fact that the species is extinct from all but one town (the most northern town) in Fairfield County, and no populations of this species in Connecticut have ever been found east of the Housatonic River. All Connecticut populations, current and extinct, are or were found in the limestone valleys on the west side of the Housatonic River (Klemens 1993; Klemens et al. 2021). In short, no one with any knowledge of bog turtles in Connecticut would have expected any other outcome than that reported by Quinn at this site.

The USFWS “key” review process is focused on a very small subset of species, i.e., those that are listed by the federal Endangered Species Act. Therefore, sole reliance on the USFWS “key” review leads to lack of consideration for other important species which may likely occur at a site, such as the wood turtle in this instance. The Siting Council cannot rely solely on these “key” reviews as fulfilling their obligations under CEPA. This is why the Siting Council should look to the advice of their sister agencies within the DEEP, the NDDB and the Wildlife Division, in ensuring that a credible biological review is conducted. These Federal paper-pushing exercises are no substitute for the site-specific field work that the NDDB clearly recommends be conducted.

A handwritten signature in black ink, appearing to read "Richard W. Klemens". The signature is written in a cursive style with a large, stylized initial 'R'.