Jesse A. Langer
(t) 203.786.8317
(f) 203.772.2037
jlanger@uks.com

March 9, 2021

VIA ELECTRONIC MAIL
AND FEDERAL EXPRESS

Ms. Melanie A. Bachman, Esq., Executive Director
Connecticut Siting Council
Ten Franklin Square
New Britain, CT 06051

Re: DOCKET NO. 496

Dear Attorney Bachman:

This office represents Tarpon Towers II, LLC ("Tarpon"). On behalf of Tarpon, I have enclosed one hardcopy of Tarpon's three Late-Filed Exhibits, which the Siting Council requested during the March 4, 2021 evidentiary hearing. The Late-Filed Exhibits include:

(A) Topographic Mapping from Initial Viewshed;
(B) Revised Site Search Excerpt and Rejected Sites Mapping; and
(C) Updated NDDB Determination Letter.

Please do not hesitate to contact me with any questions.

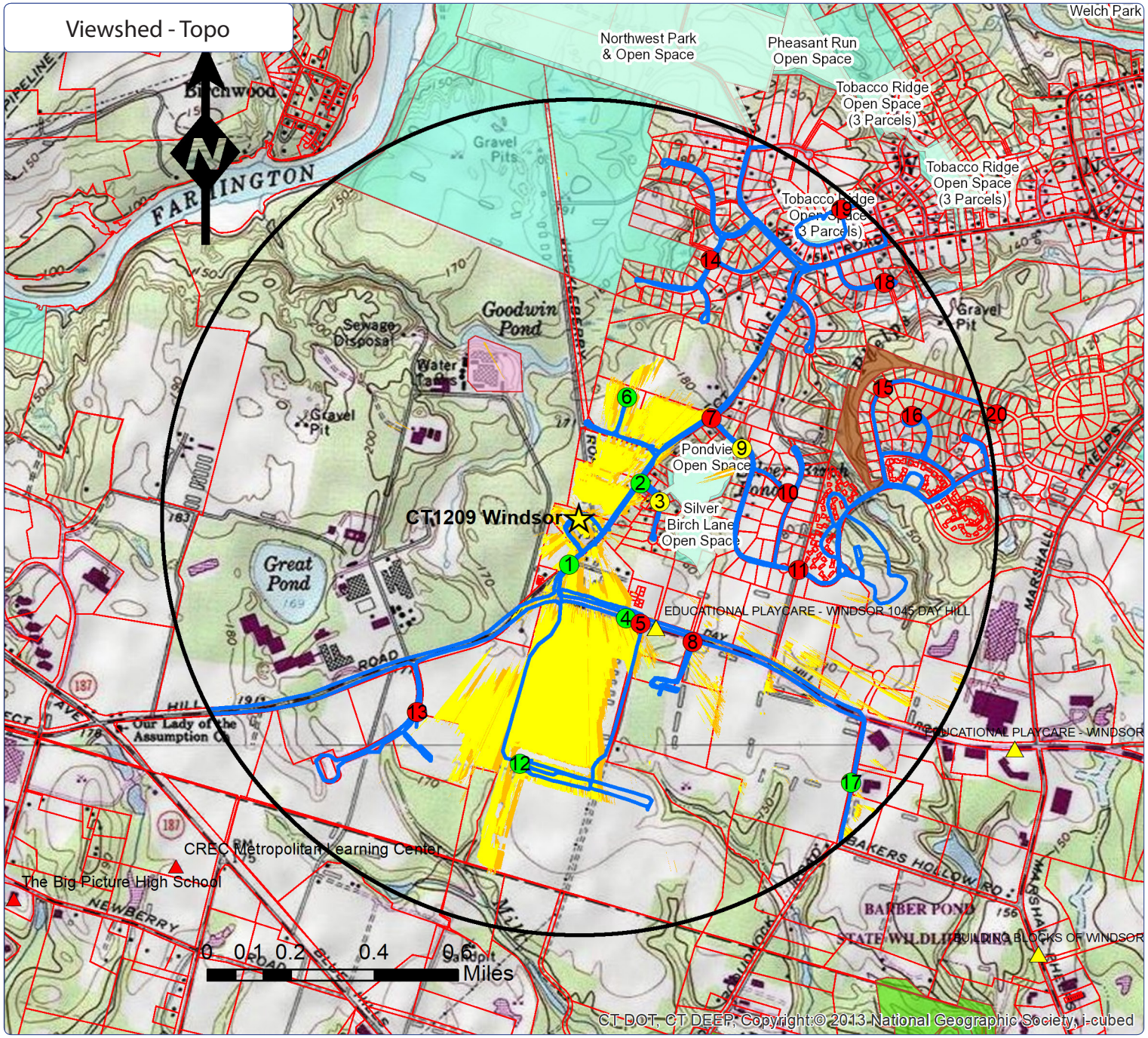
Very truly yours,

Jesse A. Langer

Enclosure

3101415

LATE-FILED EXHIBIT A



Proposed Wireless Telecommunications Facility:

CT1209 Windsor

780 Prospect Hill Rd

Windsor, CT 06095

Legend:

- Facility Location
- 2 Mile Diameter
- Track Log
- Plat Lot Lines
- Photo location -Balloon visible- Year Round
- Photo location -Balloon visible- Seasonal
- Photo location -Balloon NOT visible
- School Facilities
- Daycare Facilities
- CT Open Space (Conservation Land)
- CT Open Space (Municipal Land)
- CT Open Space (State Land)
- Predicted Visibility-Year Round(Leaf On)
- Predicted Visibility-Seasonal(Leaf Off)

Statistics:

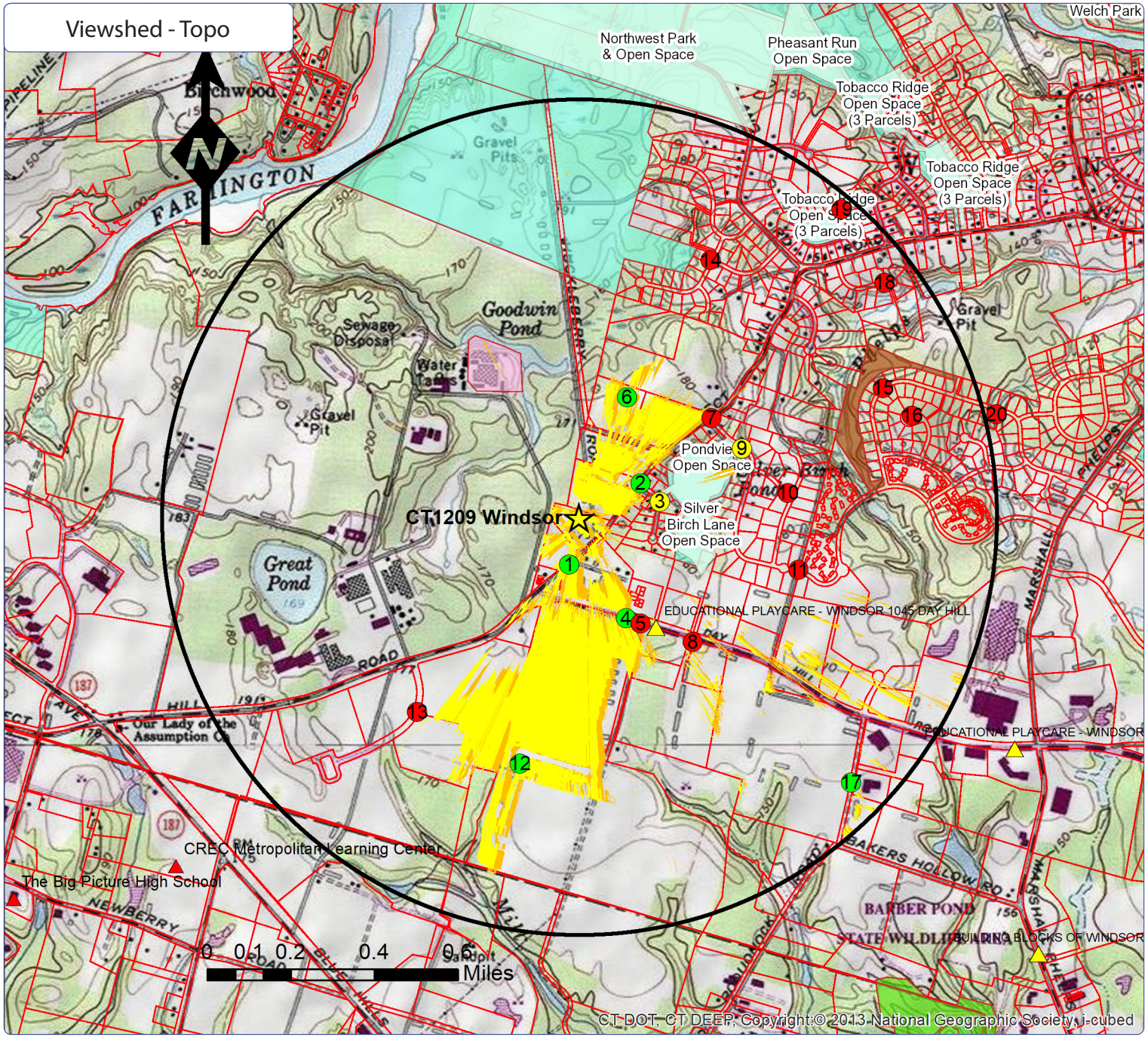
PROJ_DESC=Geographic (Lat/Long) / WGS84 / arc degrees
PROJ_DATUM=WGS84 PROJ_UNITS=arc degrees
PIXEL WIDTH=0.0000013 arc degrees (+/- .6 ft)
PIXEL HEIGHT=0.0000014 arc degrees(+/- .6 ft)
RADIUS (FT)= 1 Mile
TRANSMITTER_HEIGHT (Ft-AGL)= 139
RECEIVER_HEIGHT (Ft-AGL)= 5 Ft
PERCENT_VISIBLE (%) Year Round (Leaf On)= 6.02
PERCENT_VISIBLE (%) Seasonal (Leaf Off)= 6.41

Notes:
- map compiled by VSS, LLC on : 3/20/19
- Tower location(lat/long NAD 83):41.882925 -72.708104
- Data Sources noted on documentation page attached

Viewshed analysis maps and representations contained herein depict where proposed facility may potentially be visible based on the best data available and site conditions at the time data was collected. This study does not claim to depict all locations from where the facility may be potentially visible.

VSS
Your Visual Data Partner

TARPON TOWERS



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VSS
Your Visual Data Partner

TARPON TOWERS

LATE-FILED EXHIBIT B

SITE SELECTION NARRATIVE

Section 16-50j-74(10) of the Regulations of Connecticut State Agencies requires Tarpon to provide "[a] statement containing justification for the site selected including a description of siting criteria and the narrowing process by which other possible sites were considered and eliminated . . . ." In accordance with these requirements, Tarpon provides this site selection narrative, which details the description of the general site search process, the identification of the target search area and the alternative locations considered for development of the proposed Facility.

Generally, carriers licensed by the Federal Communications Commission ("FCC") investigate prospective sites in an area based upon the needs of its wireless network and infrastructure. A carrier, such as T-Mobile, chooses a target area central to the area in which it has identified coverage and/or capacity needs after extensive research of that particular area. The area targeted is the geographical location where the installation of a site would likely address the identified coverage or capacity need based on general radio frequency engineering and system design standards. The goal is to locate sites that will remedy coverage or capacity issues, cause the least environmental impact and avoid the unnecessary proliferation of towers.

As a general matter, site acquisition personnel study the area in and near the search area to determine whether any suitable structures exist. If a structure of appropriate height and structural capabilities cannot be found, then site acquisition personnel focus on industrial and commercial areas, or other areas that comport to local zoning ordinances that have appropriate environmental and land use characteristics. The list of potential locations is limited by the willingness of property owners to make their properties available for a telecommunications facility. Radio frequency ("RF") engineers study potentially suitable and available locations to determine whether those locations will meet the technical requirements for a telecommunications facility. The list of possible alternative sites may be further narrowed by potential environmental effects and benefits. The weight given to relevant factors varies for each search, depending on the nature of the area and the availability of potential sites.

There are no existing towers, transmission line structures or other suitable structures in the area of the Town of Windsor that was the subject of this site search. The nearest towers and suitable structures are already in use by T-Mobile. Moreover, any other existing towers are too far from the target area to provide sufficient coverage specifically to the target area. *See* Attachment 7 - Map of Facilities within a Four Mile Radius.

Based upon a comprehensive review of the surrounding area, Tarpon did not find a site that would be more suitable than the Property. A map of rejected sites is appended hereto. The reasons Tarpon did not select any of the other locations are outlined below:

1. 825 Prospect Hill Road (Parcel ID 8306). This parcel is approximately 11 acres and hosts a residential dwelling. The property owner was not interested in a potential lease.

2. 740 Prospect Hill Road (Parcel ID 8298). This parcel is 7 acres and hosts a farm. The property owner was not interested in a potential lease. The owner indicated they were previously approached by AT&T and executed an option to lease which was not exercised.

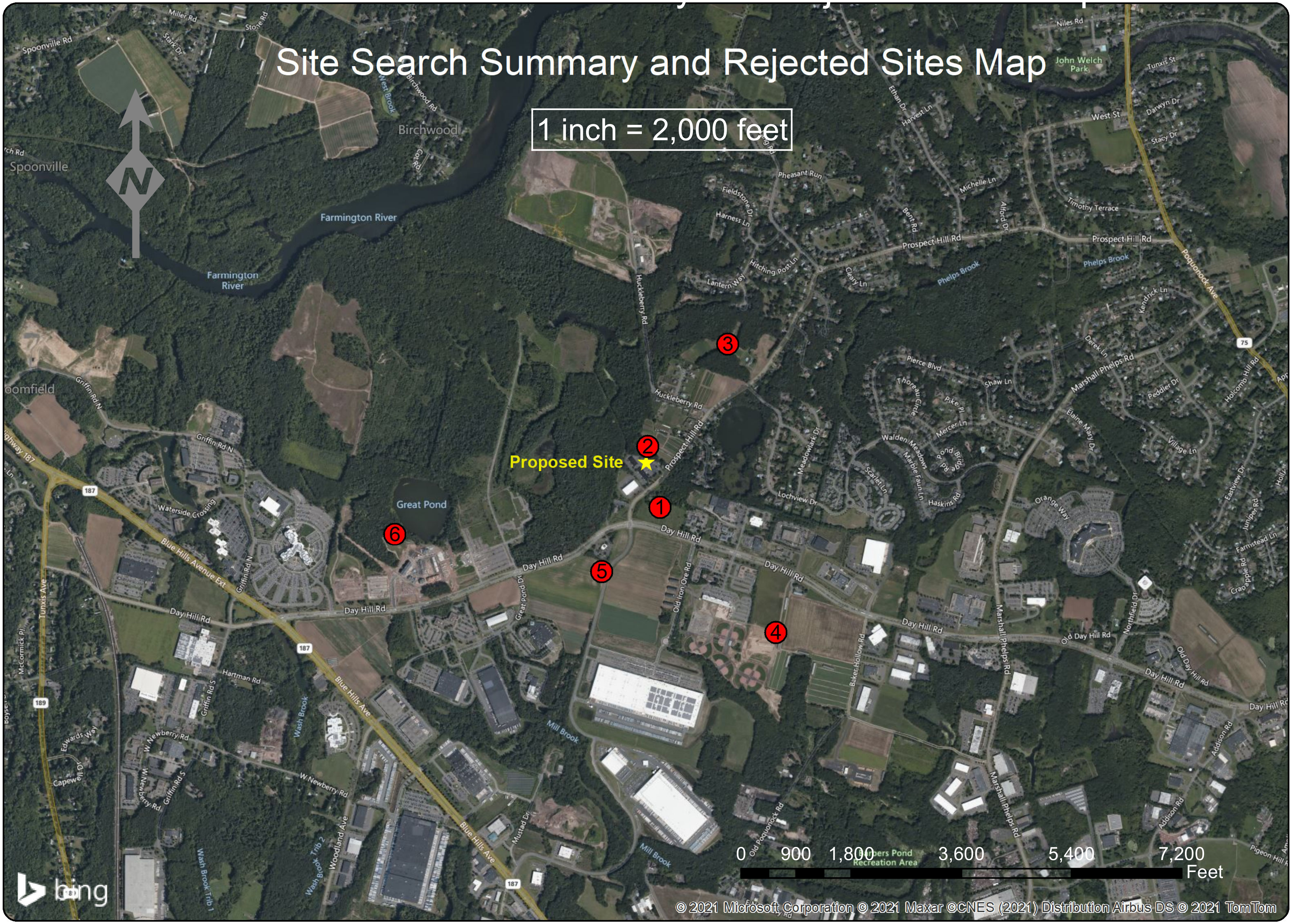
3. 630 Prospect Hill Road (Parcel ID 8464). This is a 30 acre parcel, which hosts a residential dwelling. The property owner was not interested in a potential lease.

4. 903 Day Hill Road (Parcel ID 8496). This is a 67 acre parcel. This property would overlap with another existing site located at 482 Pigeon Hill Rd, Windsor, Connecticut, which is approximately 1.53 miles to the southeast.

5. 35 Great Pond Drive (Parcel ID 12274). This is an approximately 28 acre. The property owner was not interested in a potential lease.

6. 2000 Day Hill Road (Parcel ID 8207). This is approximately 360 acre parcel with a mix of previously improved areas, forest and ponds. The property owner was not interested in a potential lease.

Tarpon has determined that the Property is superior to the other parcels in the area. The Property is developed and located in an Industrial Zone. There are no wetlands or other environmental concerns.



Site Search Summary and Rejected Sites Map
1 inch = 2,000 feet
N
Proposed Site
1
2
3
4
5
6
Farmington River
Farmington River
Spoonville
Birchwood
Great Pond
Huckleberry Rd
Prospect Hill Rd
Day Hill Rd
Blue Hills Avenue Ext
Blue Hills Ave
Griffin Rd N
Hartman Rd
W Newberry Rd
Marshall Phelps Rd
Poquonock Ave
Phelps Brook
Mill Brook
Old Iron Ore Rd
Great Pond Dr
Tunxis Ave
John Welch Park
0
900
1,800
3,600
5,400
7,200
Feet
bing
© 2021 Microsoft Corporation © 2021 Maxar ©CNES (2021) Distribution Airbus DS © 2021 TomTom

LATE-FILED EXHIBIT C

Connecticut Department of

ENERGY &
ENVIRONMENTAL
PROTECTION

February 7, 2021

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

Project: Construction of a Cell Tower Facility and Monopole at 780 Prospect Hill Rd in Windsor, Connecticut
NDDB Determination No.: 202101549

Dear Dean Gustafson,

I have reviewed Natural Diversity Data Base maps and files regarding the area delineated on the map you provided for the proposed Construction of a Cell Tower Facility and Monopole at 780 Prospect Hill Rd in Windsor, Connecticut. According to our information there are extant known populations of state special concern *Terrapene carolina carolina* (Eastern box turtle) and *Heterodon platirhinos* (eastern hognose snake) within the project boundaries.

Eastern Box Turtle

Eastern box turtles inhabit old fields and deciduous forests, which can include power lines and logged woodlands. They are often found near small streams and ponds. The adults are completely terrestrial but the young may be semiaquatic, and hibernate on land by digging down in the soil from October to April. They have an extremely small home range and can usually be found in the same area year after year. Eastern box turtles have been negatively impacted by the loss of suitable habitat. Some turtles may be killed directly by construction activities, but many more are lost when important habitat areas for shelter, feeding, hibernation, or nesting are destroyed. As remaining habitat is fragmented into smaller pieces, turtle populations can become small and isolated. Reducing the frequency that motorized vehicles enter box turtle habit**a**t would be beneficial in minimizing direct mortality of adults.

Recommended Protection Strategies for Turtles:
Work should occur when these turtles are active (April 1st to September 30th). Conducting land clearing while the turtle is active will allow the animal to move out of harm's way and minimize mortality to hibernating individuals. I recommend the additional following protection strategies in order to protect these turtles:

- Hiring a qualified herpetologist to be on site to ensure these protection guidelines remain in effect and to prevent turtles from being run over when moving heavy equipment. This is especially important in the month of June when turtles are selecting nesting sites.
- Exclusionary practices will be required to prevent any turtle access into construction areas. These measures will need to be installed at the limits of disturbance.
- Exclusionary fencing must be at least 20 in tall and must be secured to and remain in contact with the ground and be regularly maintained (at least bi-weekly and after major weather events) to secure any gaps or openings at ground level that may let animal pass through. Do not use plastic or netted silt-fence.
- All staging and storage areas, outside of previously paved locations, regardless of the duration of time they will be utilized, must be reviewed to remove individuals and exclude them from re-entry.
- All construction personnel working within the turtle habitat must be apprised of the species description and the possible presence of a listed species, and instructed to relocate turtles found inside work areas or notify the appropriate authorities to relocate individuals.
- Any turtles encountered within the immediate work area shall be carefully moved to an adjacent area outside of the excluded area and fencing should be inspected to identify and remove access point.

- In areas where silt fence is used for exclusion, it shall be removed as soon as the area is stable to allow for reptile and amphibian passage to resume.
- No heavy machinery or vehicles may be parked in any turtle habitat.
- Special precautions must be taken to avoid degradation of wetland habitats including any wet meadows and seasonal pools.
- The Contractor and consulting herpetologist must search the work area each morning prior to any work being done.
- When felling trees adjacent to brooks and streams please cut them to fall away from the waterway and do not drag trees across the waterway or remove stumps from banks.
- Avoid and limit any equipment use within 50 feet of streams and brooks.

- Any confirmed sightings of box, wood or spotted turtles should be reported and documented with the NDDB (nddbrequestdep@ct.gov) on the appropriate special animal form found at (http://www.ct.gov/deep/cwp/view.asp?a=2702&q=323460&depNav_GID=1641)

Eastern Hognose Snake

The eastern hognose snake has been declining due to loss of suitable habitat. It favors areas of well drained sandy and gravelly soils along the edges of second-growth deciduous forest. This species is dormant from November 1st to April 15th.

Recommended Protection Strategies for Eastern Hognose Snake:

• Any snakes observed should be moved, unharmed, to an area immediately outside of the work area, and positioned in the same direction that it was traveling;
• Vehicles and heavy machinery should operate at slower speeds to allow animals the time to move out of harm's way on their own;
• Work conducted during early morning, evening hours or shortly after rain events shall occur with special care not to harm basking or foraging individuals;
• Vehicles shall be parked on graveled surfaces only;
• Material used for this project should only be placed on existing graveled surfaces

If these protection strategies are followed then the proposed activities will lessen the impact on these state-listed species. This determination is good for two years. Please re-submit an NDDB Request for Review if the scope of work changes or if work has not begun on this project by February 7, 2023.

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.

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. A more detailed review may be conducted as part of any subsequent environmental permit applications submitted to DEEP for the proposed site.

Sincerely,

Dawn M. McKay

Dawn M. McKay
Environmental Analyst 3

WILDLIFE IN CONNECTICUT

STATE SPECIES OF SPECIAL CONCERN

Eastern Box Turtle

Terrapene carolina carolina

Description

The eastern box turtle is probably the most familiar of the 8 species of turtles found in Connecticut's landscape. It is known for its high-domed carapace (top shell). The carapace has irregular yellow or orange blotches on a brown to black background that mimic sunlight dappling on the forest floor. The plastron (under shell) may be brown or black and may have an irregular pattern of cream or yellow. The length of the carapace usually ranges from 4.5 to 6.5 inches, but can measure up to 8 inches long. The shell is made up of a combination of scales and bones, and it includes the ribs and much of the backbone.

Each individual turtle has distinctive head markings. Males usually have red eyes and a concave plastron, while females have brown eyes and a flat plastron. Box turtles also have a horny beak, stout limbs, and feet that are webbed at the base. This turtle gets its name from its ability to completely withdraw into its shell, closing itself in with a hinged plastron. Box turtles are the only Connecticut turtle with this ability.

Range

Eastern box turtles are found throughout Connecticut, except at the highest elevations. They range from southeastern Maine to southeastern New York, west to central Illinois, and south to northern Florida.

Habitat and Diet

In Connecticut, this terrestrial turtle inhabits a variety of habitats, including woodlands, field edges, thickets, marshes, bogs, and stream banks. Typically, however, box turtles are found in well-drained forest bottomlands and open deciduous forests. They will use wetland areas at various times during the season. During the hottest part of a summer day, they will wander to find springs and seepages where they can burrow into the moist soil. Activity is restricted to mornings and evenings during summer, with little to no nighttime activity, except for egg-laying females. Box turtles have a limited home range where they spend their entire life, ranging from 0.5 to 10 acres (usually less than 2 acres).

Box turtles are omnivorous and will feed on a variety of food items, including earthworms, slugs, snails, insects, frogs, toads, small snakes, carrion, leaves, grass, berries, fruits, and fungi.

Life History

From October to April, box turtles hibernate by burrowing into loose soil, decaying vegetation, and mud. They tend to hibernate in woodlands, on the edge of woodlands, and sometimes near closed canopy wetlands in the forest. Box turtles may return to the same place to hibernate year after year. As soon as they come out of hibernation, box turtles begin feeding and searching for mates.

The breeding season begins in April and may continue through fall. Box turtles usually do not breed until they are about 10 years old. This late maturity is a result of their long lifespan, which can range up to 50 to even over 100 years of age. The females do not have to mate every year to lay eggs as they can store sperm for up

to 4 years. In mid-May to late June, the females will travel from a few feet to more than a mile within their home range to find a location to dig a nest and lay their eggs. The 3 to 8 eggs are covered with dirt and left to be warmed by the sun. During this vulnerable time, skunks, foxes, snakes, crows, and raccoons often raid nests. Sometimes, entire nests are destroyed. If the eggs survive, they will hatch in late summer to early fall (about 2 months after being laid). If they hatch in the fall, the young turtles may spend the winter in the nest and come out the following spring.

As soon as the young turtles hatch, they are on their own and receive no care from the adults. This is a dangerous time for young box turtles because they do not develop the hinge for closing into their shell until they are about 4 to 5 years old. Until then, they cannot entirely retreat into their shells. Raccoons, skunks, foxes, dogs, and some birds will prey on young turtles.

Conservation Concerns

The eastern box turtle was once common throughout the state, mostly in the central Connecticut lowlands. However, its distribution is now spotty, although where found, turtles may be locally abundant. Because of the population decline in Connecticut, the box turtle was added to the state's List of Endangered, Threatened, and Special Concern Species when it was revised in 1998. It is currently listed as a species of special concern. The box turtle also is protected from international trade by the 1994 CITES treaty. It is of conservation concern in all the states where it occurs at its northeastern range limit, which includes southern New England and southeastern New York.

Many states have laws that protect box turtles and prohibit their collection. In Connecticut, eastern box turtles **cannot** be collected from the wild (DEP regulations 26-66-14A). Another regulation (DEP regulations 26-55-3D) "grandfathers" those who have a **box turtle collected before 1998**. This regulation limits possession to a single turtle collected before 1998. These regulations provide some protection for the turtles, but not enough to combat some of the even bigger threats these animals face. The main threats in Connecticut (and other states) are loss and fragmentation of habitat due to deforestation and spreading suburban development; vehicle strikes on the busy roads that bisect the landscape; and indiscriminate (and now illegal) collection of individuals for pets.

Loss of habitat is probably the greatest threat to turtles. Some turtles may be killed directly by construction activities, but many more are lost when important habitat areas for shelter, feeding, hibernation, or nesting are destroyed. As remaining habitat is fragmented into smaller pieces, turtle populations can become small and isolated.

Adult box turtles are relatively free from predators due to their unique shells. The shell of a box turtle is extremely hard. However, the shell is not hard enough to survive being run over by a vehicle. Roads bisecting turtle habitat can seriously deplete the local population. Most vehicle fatalities are pregnant females searching for a nest site.

How You Can Help

- *Leave turtles in the wild. They should never be kept as pets. Whether collected singly or for the pet trade, turtles that are removed from the wild are no longer able to be a reproducing member of a population. Every turtle removed reduces the ability of the population to maintain itself.*
- *Never release a captive turtle into the wild. It probably would not survive, may not be native to the area, and could introduce diseases to wild populations.*
- *Do not disturb turtles nesting in yards or gardens.*
- *As you drive, watch out for turtles crossing the road. Turtles found crossing roads in June and July are often pregnant females and they should be helped on their way and not collected. Without creating a traffic hazard or compromising safety, drivers are encouraged to avoid running over turtles that are crossing roads. Also, still keeping safety precautions in mind, you may elect to pick up turtles from the road and move them onto the side they are headed. Never relocate a turtle to another area that is far from where you found it.*
- *Learn more about turtles and their conservation concerns. Spread the word to others on how they can help Connecticut's box turtle population.*

State of Connecticut
Department of Environmental Protection
Bureau of Natural Resources
Wildlife Division
www.ct.gov/dep

The production of this Endangered and Threatened Species Fact Sheet is made possible by donations to the Connecticut Endangered Species/Wildlife Income Tax Checkoff Fund.

5/2008

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Regulations of CT State Agencies
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Eastern Hognose Snake

(Heterodon platirhinos)

IDENTIFICATION: A medium-size stoutly built snake with a distinctive upturned rostral scale, given the appearance of an upturned "nose." The dorsum is highly variable in pattern, some animals are uniformly brown or olive green, others have vivid banding of black alternating with brick red or yellow. The dorsal scales are keeled, the venter yellow with black pigment, the tail quite short. Adult total length 530-820 mm.

The hognose snake's center of distribution in Connecticut is the extensive glacial sand and gravel deposits that span the central portions of the eastern and western hills. It has been found up to 1,200 feet. In the Central Connecticut Lowland and coastal zone, there are far more historical records than recent sightings, indicating that this species has declined in this more intensely developed part of the state. Hognose snakes appear to occur at very low population levels when compared with other snakes. Declines of hognose snakes have been reported along the entire northern limit of their range, from New England westward to Michigan. The hognose is a "Special Concern" species in Connecticut, and under the Connecticut Code (Sec. 26-55-3-E) possession is limited to a single specimen.

Snakes | Amphibians and Reptiles in Connecticut

Printable Version

79 Elm Street, Hartford, CT 06106-5127 / Phone: 860-424-3000