STATE OF CONNECTICUT CONNECTICUT SITING COUNCIL

IN RE:

APPLICATION OF HOMELAND TOWERS, LLC AND NEW CINGULAR WIRELESS PCS, LLC d/b/a AT&T FOR A CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED FOR THE CONSTRUCTION, MAINTENANCE, AND OPERATION OF A TELECOMMUNICATIONS FACILITY AT 16 COOTE HILL ROAD, TOWN OF SHERMAN, CONNECTICUT

DOCKET NO. 499

June 16, 2021

HOMELAND TOWERS, LLC AND NEW CINGULAR WIRELESS PCS, LLC d/b/a AT&T RESPONSES TO CONNECTICUT SITING COUNCIL PRE-HEARING INTERROGATORIES SET TWO

and

LATE-FILED EXHIBITS

RESPONSES TO CONNECTICUT SITING COUNCIL PRE-HEARING INTERROGATORIES SET TWO

- Q.39. Provide details of facility decommissioning at the end of its useful life.
- A.39. Decommissioning would include the removal of the tower and all associated equipment on the tower (antennas, cables, RRHs, etc.) as well as the removal of all equipment within the compound.
- Q.40. Referring to the Council's pre-remote hearing teleconference memorandum dated April 29, 2021, item #4, submit a sign posting affidavit.
- *A40.* Please see the sign posting affidavits included in Attachment 1.
- Q.41. Referring to Application Attachment 4, is the TOWAIR tool a Federal Aviation Administration (FAA) program to determine if a filing is required to the FAA? Does this project require a Form FAA 7460- Notice of Proposed Construction or Alteration filing to the FAA?
- A41. TOWAIR is an FCC tool that allows a user to determine whether or not registration of a proposed antenna facility with the FCC is necessary.

Included in Attachment 2 is the FAA determination of no hazard to air navigation for the proposed Facility.

Homeland has also filed a Form 7460-Notice of Proposed Construction or Alteration with the FAA.

- Q.42. Referring to Application Attachment 1, p. 3, provide the referenced drive test data.
- A42. The drive test data maps are included in Attachment 3.
- Q.43. Referring to the Applicants' response to Council interrogatory #8, provide a map that shows the location of the Deerfield Shores and Timber Trails residential developments.
- A.43. An aerial map showing the location of the Deerfield Shores and Timber Trails residential developments are included in Attachment 4.

LATE-FILED EXHIBITS

1. Provide the anticipated schedule for Litchfield County Dispatch to locate on the facility, if it is approved;

The LCD and the Sherman Volunteer Fire Department both advised Homeland that they would install their respective facilities as soon as construction of the facility is completed.

2. Submit revised coverage plots that show legible AT&T site ID numbers for existing facilities;

Please see the plots included in Attachment 5.

3. Provide information regarding Town of Sherman requirements for site blasting; and

Homeland contacted David Lathrop, the Fire Marshal, and he advised that the Town of Sherman follows the Federal Bureau of Mining Rules and Regulations with respect to blasting. Should blasting be required, a pre-conference meeting with the blasting company, Homeland and Fire Marshal will take place. Based on that pre-conference/site visit, a pre-blast survey may be requested by the Fire Marshal. If a pre-blast survey is required, a 3rd party would be engaged by the blasting company to survey nearby homes for any damage. Should a homeowner refuse entry, they have no recourse should damage occur. A general letter is sent to abutters by the Fire Marshal indicating dates/times of blasting. Mr. Lathrop indicated that pre-blast surveys are typically done when a structure is 150' or less from the blast site.

4. Submit the Slimy Salamander survey report.

Included in Attachment 6 is a copy of the Slimy Salamander Habitat Assessment and Impact Analysis dated January 8, 2021.

CERTIFICATE OF SERVICE

I hereby certify that on this day one original and 15 hard copies of the foregoing were sent to the Connecticut Siting Council and one electronic copy was sent on June 17th to the Siting Council and to:

Stan Greenbaum 9 Peace Pipe Lane Sherman, CT 06784 Phone (860) 354-2454 sgreenbaum@uchicago.edu

Dated: June 16, 2021

Lucia Chiocchio, Esq. Cuddy & Feder LLP

445 Hamilton Ave,14th Floor

White Plains, NY 10601

(914)-761-1300

cc: Manny Vicente, Homeland Towers

Ray Vergati, Homeland Towers

Harry Carey, AT&T Brian Leyden, AT&T

Christopher B. Fisher, Esq., Cuddy & Feder LLP

Kristen Motel, Esq., Cuddy & Feder LLP

APT

C Squared

SIGN POSTING AFFIDAVIT **CONNECTICUT SITING COUNCIL DOCKET NO. 499**

IN RE:

APPLICATION OF HOMELAND TOWERS, LLC AND NEW CINGULAR WIRELESS PCS, LLC d/b/a

DOCKET NO. 499

AT&T FOR A CERTIFICATE OF

ENVIRONMENTAL COMPATIBILITY AND

May 24_, 2021

PUBLIC NEED FOR THE CONSTRUCTION, MAINTENANCE, AND OPERATION OF A TELECOMMUNICATIONS FACILITY AT 16 COOTE HILL ROAD, TOWN OF SHERMAN, CONNECTICUT

- I, Raymond Vergati, Regional Manager of Homeland Towers, being duly sworn, deposes and states that:
- I am over eighteen years of age and I understand the obligations of a statement 1. under oath.
- On May 12, 2021, I supervised and witnessed the posting of a public notice sign at RT 37 South/Coote Hill Road intersection, Sherman, CT, noticing the Connecticut Siting Council application filing and details of the hearing for Docket 499 scheduled on May 25, 2021.
- The public notice sign measures four (4) feet by eight (8) feet and was posted along Route 37 South on May 10, 2021 and relocated on May 12, 2021 to provide unobstructed site lines for vehicles pulling out from Coote Hill Rd onto RT 37 South. The text of the posted sign is as set forth in the Council's Telecommunications Facility Application Guide. Photographs of the signs posted are attached to this affidavit.

Raymond Homeland Towers

Subscribed and sworn to before me

Lucia Chiocchio NOTARY PUBLIC, STATE OF NEW YORK Registration No. 02CH6100353

Westchester County Commission Expires October 14, 20 6

Notary Public
My Commission Expires: 10/14/2023

View of public notice sign posted just south of Coote Hill entrance off Route 37 South, Sherman CT.



View of public notice sign content looking east from Route 37 South



SIGN POSTING AFFIDAVIT CONNECTICUT SITING COUNCIL DOCKET NO. 499

IN RE:

CONNECTICUT

APPLICATION OF HOMELAND TOWERS, LLC AND NEW CINGULAR WIRELESS PCS, LLC d/b/a AT&T FOR A CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED FOR THE CONSTRUCTION, MAINTENANCE, AND OPERATION OF A TELECOMMUNICATIONS FACILITY AT 16

COOTE HILL ROAD, TOWN OF SHERMAN,

DOCKET NO. 499

I, Jon Longobardi, of Graphix Edge, being duly sworn, deposes and states that:

- I am over eighteen years of age and I understand the obligations of a statement 1. under oath.
- On May 10, 2021, I supervised and witnessed the posting of a public notice sign at RT 37 South/Coote Hill Road intersection, Sherman, CT, noticing the Connecticut Siting Council application filing and details of the hearing for Docket 499 scheduled on May 25, 2021.
- The public notice sign measures four (4) feet by eight (8) feet and was posted along Route 37 South. The text of the posted sign is as set forth in the Council's Telecommunications Facility Application Guide. Photographs of the signs posted are attached to this affidavit.

Subscribed and sworn to before me

this 24 day of May

Notary Public

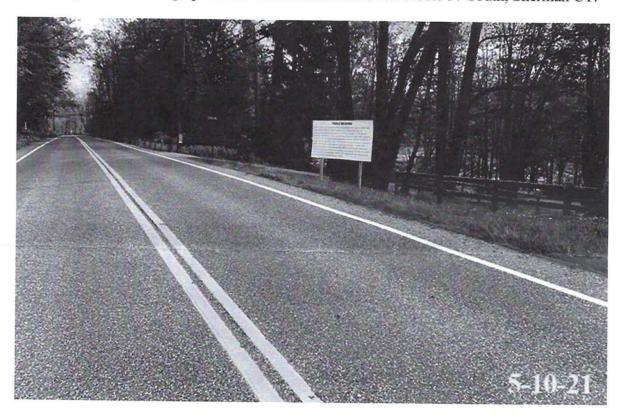
My Commission Expires:

DAVIA ANNE NAPIERKOWSKI NOTARY PUBLIC

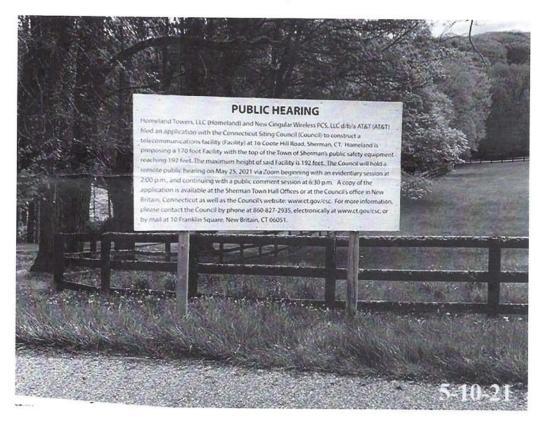
State of Connecticut

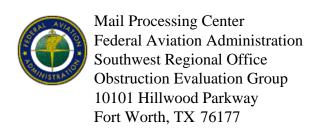
My Commission Expires 12/31/2023

View of public notice sign posted at Coote Hill entrance off Route 37 South, Sherman CT.



View of public notice sign content looking east from Route 37 South





Issued Date: 05/11/2021

Christine Vergati Homeland Towers, LLC 9 Harmony Street 2nd Floor Danbury, CT 06810

** DETERMINATION OF NO HAZARD TO AIR NAVIGATION **

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Monopole DT009 Sherman 2

Location: Sherman, CT

Latitude: 41-32-02.50N NAD 83

Longitude: 73-29-34.45W

Heights: 879 feet site elevation (SE)

192 feet above ground level (AGL) 1071 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 M.

This determination expires on 11/11/2022 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO

SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

A copy of this determination will be forwarded to the Federal Communications Commission (FCC) because the structure is subject to their licensing authority.

If we can be of further assistance, please contact our office at (816) 329-2525, or natalie.schmalbeck@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2021-ANE-2214-OE.

Signature Control No: 477929194-480459492

(DNE)

Natalie Schmalbeck Technician

Attachment(s) Frequency Data Map(s)

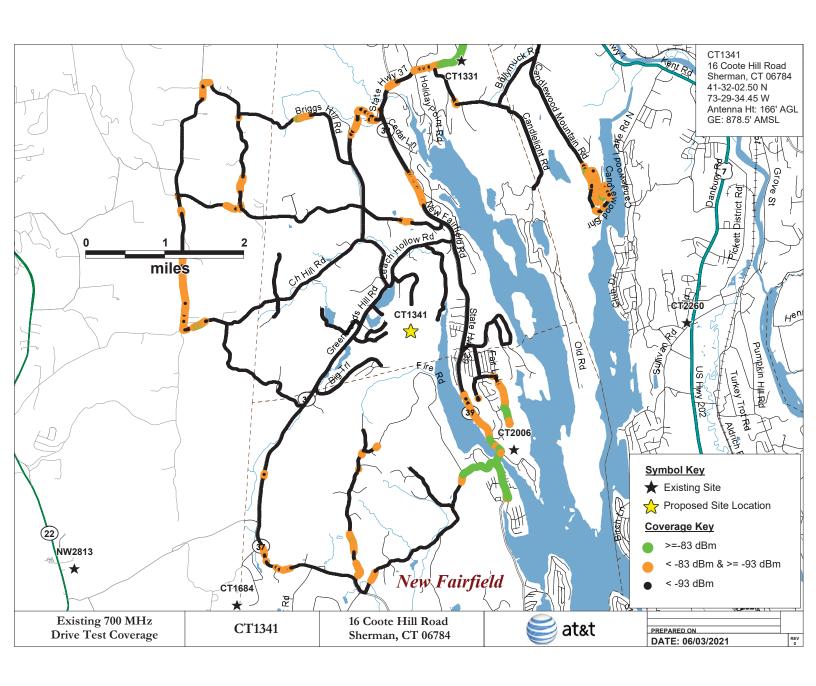
cc: FCC

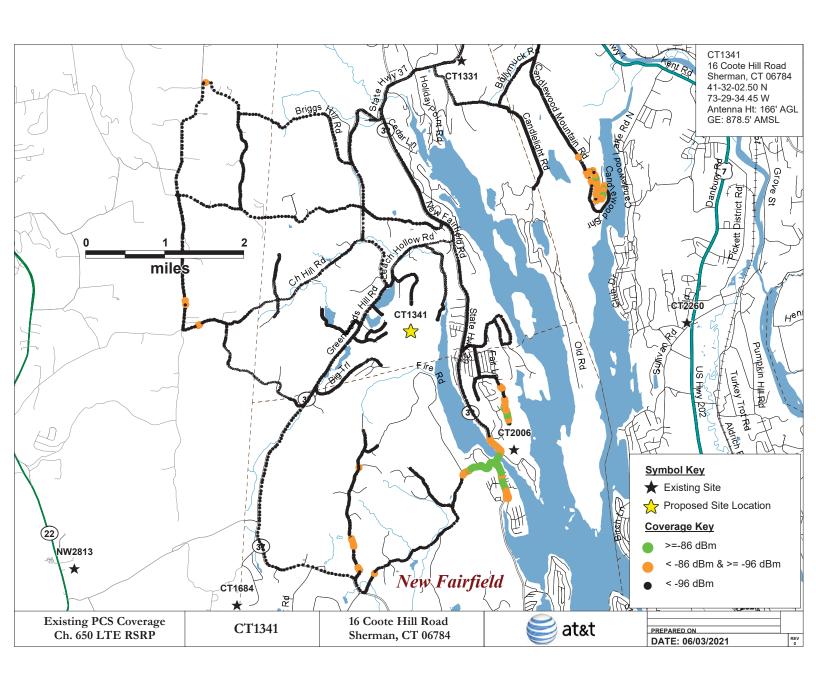
Frequency Data for ASN 2021-ANE-2214-OE

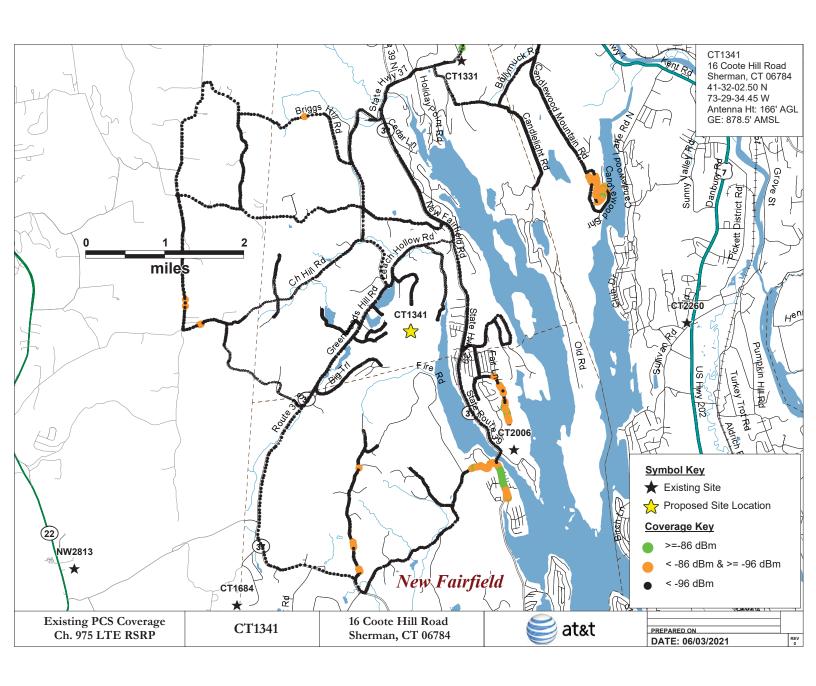
LOW FREQUENCY	HIGH FREQUENCY	FREQUENCY UNIT	ERP	ERP UNIT
				-
6	7	GHz	55	dBW
6	7	GHz	42	dBW
10	11.7	GHz	55	dBW
10	11.7	GHz	42	dBW
17.7	19.7	GHz	55	dBW
17.7	19.7	GHz	42	dBW
21.2	23.6	GHz	55	dBW
21.2	23.6	GHz	42	dBW
614	698	MHz	1000	W
614	698	MHz	2000	W
698	806	MHz	1000	W
806	901	MHz	500	W
806	824	MHz	500	W
824	849	MHz	500	W
851	866	MHz	500	W
869	894	MHz	500	W
896	901	MHz	500	W
901	902	MHz	7	W
929	932	MHz	3500	W
930	931	MHz	3500	W
931	932	MHz	3500	W
932	932.5	MHz	17	dBW
935	940	MHz	1000	W
940	941	MHz	3500	W
1670	1675	MHz	500	W
1710	1755	MHz	500	W
1850	1910	MHz	1640	W
1850	1990	MHz	1640	W
1930	1990	MHz	1640	W
1990	2025	MHz	500	W
2110	2200	MHz	500	W
2305	2360	MHz	2000	W
2305	2310	MHz	2000	W
2345	2360	MHz	2000	W
2496	2690	MHz	500	W

Verified Map for ASN 2021-ANE-2214-OE











Legend



Subject Property



Municipal Boundary

Approximate Parcel Boundary

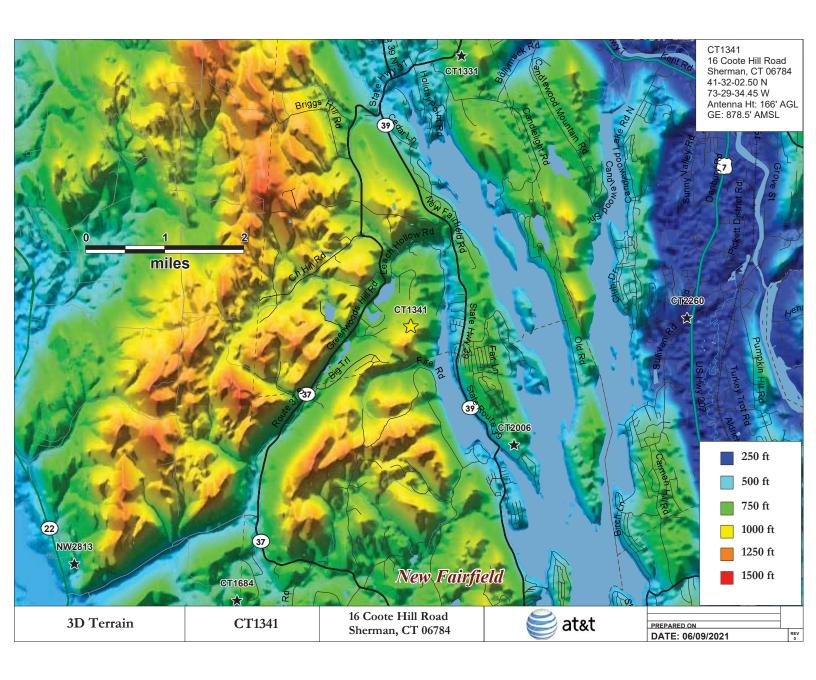
Street Name Deer Run Shores Community

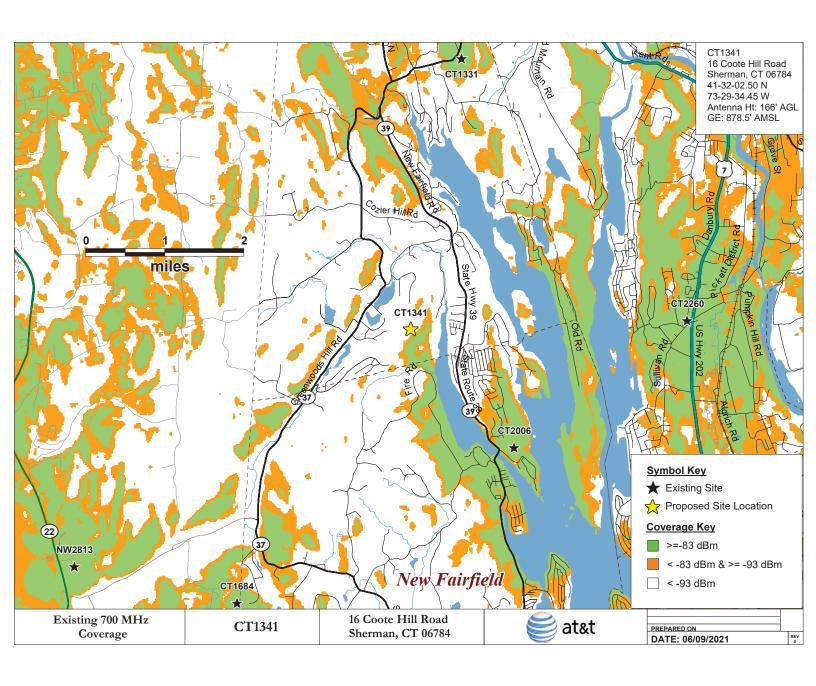
Street Name Timber Trails Community

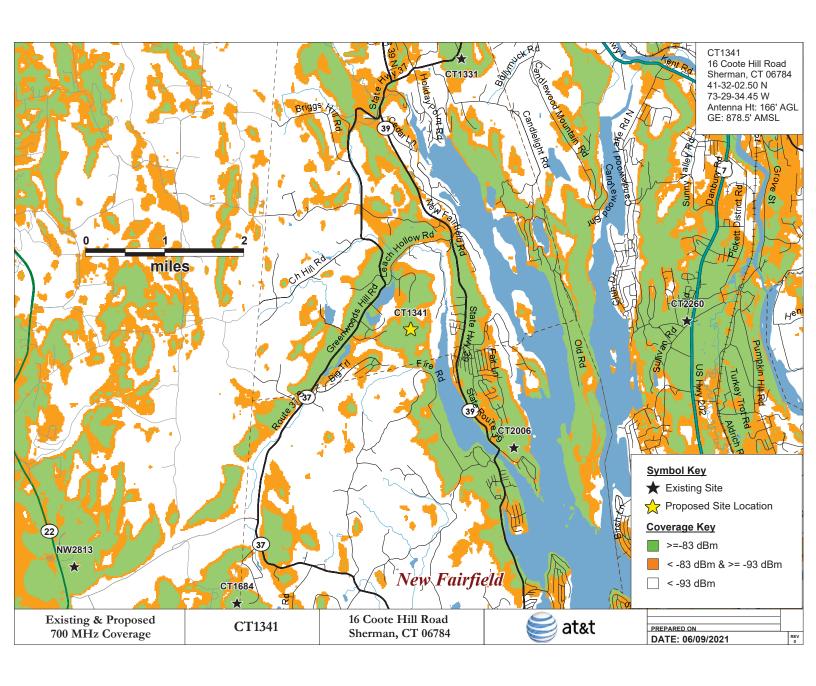
Response to Interrogatory 43

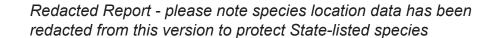
Proposed Wireless Telecommunications Facility CT009 Sherman II 16 Coote Hill Road Sherman, Connecticut













Slimy Salamander Habitat Assessment and Impact Analysis: Findings and Species Impact Avoidance Measures

16 Coote Hill, Sherman Connecticut

January 8, 2021

Prepared by:

Dennis P. Quinn – Owner/Herpetologist Quinn Ecological, LLC

Northern Slimy Salamander (Plethodon glutinosus)

The northern slimy salamander is an Appalachian species that reaches the periphery of its northeastern geographic range in Connecticut and New York. In Connecticut, slimy salamanders occur in widely scattered populations restricted to the extreme western portions of the State, west of the Housatonic River. Outside of Connecticut and west of the Hudson River in New York, this species becomes increasingly widespread and more tolerant of a wider range of forest types and environmental conditions (Klemens et al, in press). From the west bank of the Hudson River and southwestward, slimy salamanders become a relatively common, ecologically tolerant woodland species not reliant on the specialized microhabitat characteristics required at the extreme periphery of this species northeastern range. Northern slimy salamanders are listed as threatened in Connecticut and designated as Most Important in Connecticut's Wildlife Action Plan (CT Endangered Species Act and CTDEEP 2015 Wildlife Action Plan).

The northern slimy salamander is a member of the lungless salamanders in the family Plethodontidae. Because these salamanders are lungless, they are dependent upon cutaneous respiration. Their moist and permeable skin renders them highly vulnerable to desiccation, and these physiological constraints restrict their distribution and activity to environments that feature cool and moist microhabitats (Feder 1983, Spotila 1972). Being one of only two salamander species in Connecticut that reproduce terrestrially, slimy salamanders do not rely on aquatic habitats, such as vernal pools or other wetlands. Instead, they use cool and moist terrestrial microhabitats for egg deposition. Slimy salamanders do not have a gilled aquatic larval stage, such as spotted or Jefferson salamanders, but instead undergo development inside the egg. During the development process, the female broods her eggs in these cool moist microhabitats to protect them from desiccation and predation.

Understanding the Biogeography and Specialized Habitat Requirements of the Slimy Salamander

The northern slimy salamander is geologically restricted to the Hudson Highlands bedrock geological formations within micro-habitat patches situated in larger core forests characterized by the presence of abundant rock ledge, forested talus, thick layers of leaf litter, numerous rotting logs, high moisture content, cool temperatures, and minimal sun exposure. Cool, moist microhabitats within core forests are essential to the survival of slimy salamanders providing them with refuge from desiccation and predation and serve as brooding sites for females (Rissler et al 2000). These microhabitats also likely serve as critical hibernacula, maintaining stable environmental conditions that enable the salamanders to successfully over-winter at the northern periphery of their range. Slimy salamanders have very limited dispersal capabilities and occupy small home ranges, with maximum movements of up to 300 feet (Gibbs et al 2007; Wells and Wells 1976; Merchant 1972). Species that require specialized habitats and have limited dispersal capabilities are especially vulnerable to habitat loss and fragmentation. Ultimately, such fragmented populations may be doomed to extirpation over time (Cushman 2006).

Identifying and Delineating Slimy Salamander Habitat

An analysis conducted by Gruner and Quinn, on all known slimy salamander populations in Connecticut, showed that all occur within core forest as defined by UConn CLEAR. When delineating slimy salamander habitat, it is important to not only identify the primary micro-habitat patches, but also the supporting core forest. This surrounding core forest protects and maintains the critical micro-climatic and environmental conditions within micro-habitat patches that make them suitable for slimy salamanders. The surrounding core forest also serve as foraging grounds and dispersal zones between slimy salamander micro-habitat patches, making them critical in maintaining ecological connectivity. Because the core forest maintains the cool, moist conditions and ecological connectivity between slimy salamander micro-habitat patches, it is critical to conserve the core forest surrounding micro-habitat patches. To achieve this, core forest should be protected by a minimum 300-foot edge forest buffer as recommended by CLEAR.

To effectively identify and delineate the totality of slimy salamander habitat a zonal approach, akin to the methods currently used to conserve vernal pool resources, is required. This zonal approach is outlined below:

- 1. Zone 1 Primary Habitat Zone: This zone contains all micro-habitat patches. Zone 1 habitats are most frequently occupied by slimy salamanders and where slimy salamanders are often encountered. Zone 1 provides salamanders with foraging grounds, refuge from desiccation and predation, brooding sites for females and primary habitat for hibernation. Characteristics of Zone 1 are defined by steeply sloped rocky topographies (talus pockets and/or outcrops), thick leaf litter, a high density of rotting logs, high moisture content, cool temperatures, and mature forest cover with a high percent of canopy closure.
- 2. **Zone 2 The 300-foot Core Forest Zone:** This zone supports foraging, dispersal, and ecological connectivity between Zone 1 primary habitats. Zone 2 is critical in maintaining the microclimatic and environmental conditions that support Zone 1 slimy salamander habitat. Zone 2 is based on the maximum recorded 300-foot movements reported by Wells and Wells 1976.

3. **Zone 3 - The 300-foot Core Forest Interface Zone:** The primary purpose of Zone 3 is to maintain the core forest in Zone 2 by conserving the minimum edge forest requirement recommended by CLEAR. This zone typically does not support regular slimy salamander activity but can serve to accommodate long distance dispersal between primary habitat patches in Zone 1.

Habitat Assessment Results

On November 18th, 2020, a habitat assessment was conducted on the subject property to delineate the Zone 1 – Primary Habitat for slimy salamanders. Because this assessment was conducted outside of the primary active season with limited access to adjacent private properties a very conservative approach to delineating Zone 1 habitat was employed. This conservative approach ensured that Zone 1 habitat was overestimated to prevent potential impacts to the slimy salamander population. Although no Zone 1 habitat was documented on the subject property, slimy salamander populations are known to occur

Additionally, no extensive on-the-ground surveys could be conducted in the adjacent private property parcel parcel



Figure 1. Representative photos of forest habitat surrounding the proposed cell tower location.

In evaluating core forest impacts and applying Zonal Conservation measures to the conservatively delineated Zone 1 Primary Habitat the following direct and indirect impacts were calculated for the proposed cell tower location¹:

Direct Impacts to Core Forest = 1.58 acres

Indirect Impacts to Core Forest = 27.44 acres

Direct Impacts to Zone 1 – Primary Habitat Zone = 0.00 acres

Indirect Impacts to Zone 1 – Primary Habitat Zone = 0.00 acres

Direct Impacts to Zone 2 - The 300-foot Core Forest Zone = 0.00 acres

Indirect Impacts to Zone 2 - The 300-foot Core Forest Zone = 1.56 acres

Direct Impacts to Zone 3 - The 300-foot Core Forest Interface Zone = 0.38 acres

Indirect Impacts to Zone 3 - The 300-foot Core Forest Interface Zone = 3.56 acres

To preserve Zone 1 slimy salamander habitat, you effectively need a cumulative buffer of 600-feet as represented in Zone 2 and Zone 3 of the zonal conservation method. Northern slimy salamander habitat in both Zones 1 and 2 are incompatible with direct and indirect impacts resulting from development and most forestry operations, including locating access roads or staging areas. Impacts within these zones can alter temperature and moisture regimes critical for maintaining suitable habitat for the long-term persistence of northern slimy salamander populations. These impacts can facilitate the spread invasive plants and earthworms, which can significantly alter leaf litter composition and volume, and forest floor moisture regimes, critical components of slimy salamander habitat. These impacts cannot be mitigated with typical protection/avoidance measures and therefore must be avoided to prevent impacts to slimy salamander populations and their habitats. To avoid impacts within Zones 2, an alternate tower location was proposed outside of Zone 3. In evaluating core forest impacts and applying Zonal Conservation measures to the delineated Zone 1 Primary Habitat the following direct and indirect impacts were calculated for the alternate cell tower location as follows:

Direct Impacts to Core Forest = 1.12 acres

Indirect Impacts to Core Forest = 23.66 acres

Direct Impacts to Zone 1 – Primary Habitat Zone = 0.00 acres

Indirect Impacts to Zone 1 – Primary Habitat Zone = 0.00 acres

Direct Impacts to Zone 2 - The 300-foot Core Forest Zone = 0.00 acres

Indirect Impacts to Zone 2 - The 300-foot Core Forest Zone = 0.00 acres

Direct Impacts to Zone 3 - The 300-foot Core Forest Interface Zone = 0.00 acres

¹ Impacts to core forest are based on UConn CLEAR's 2009 Forest Fragmentation Model, actual core forest impacts would be far less due to recent residential development in this area.

Indirect Impacts to Zone 3 - The 300-foot Core Forest Interface Zone = 3.39 acres

This alternate location effectively eliminates all direct and indirect impacts within Zones 1 and 2, meeting the no direct impact guidelines within the slimy salamander conservation model. In addition, all direct impacts within the Zone 3 – Core Forest Interface Zone will be eliminated, there will however be a total of 3.39-acres of indirect impacts within Zone 3. Because these are indirect impacts and restricted within Zone 3, we do not anticipate any adverse impacts to the slimy salamander population, Zone 1 habitats, or Zone 2 habitats.

Summary

Based on the habitat assessment conducted on November 18th, 2020, subsequent impact analysis, and alternate location of the proposed cell tower it is not anticipated that the proposed project will impact any slimy salamanders or their Zone 1 or 2 habitats. Although this assessment was conducted during the inactive season, the conservative mapping (over-estimating) of Zone 1 has captured all potential Zone 1 slimy salamander habitat within proximity to proposed footprint of disturbance. No further slimy salamander surveys or conservation actions are recommended.



Figure 2. Site map showing alternate tower location with corresponding indirect impacts within the delineated slimy salamander conservation zones.

Literature Cited

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www.ct.gov/deep/cwp/view.asp?a=2723&q=329520&deepNav GID=1719#Review

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