

STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

APPLICATION OF OPTASITE TOWERS LLC
AND OMNIPOINT COMMUNICATIONS, INC.
FOR A CERTIFICATE OF ENVIRONMENTAL
COMPATIBILITY AND PUBLIC NEED FOR
THE CONSTRUCTION, MAINTENANCE AND
OPERATION OF A TELECOMMUNICATIONS
FACILITY AT 52 STADLEY ROUGH ROAD,
DANBURY, CONNECTICUT

DOCKET NO. 366

FEBRUARY 18, 2009

APPLICANTS' RESPONSE TO CITY'S POST HEARING INTERROGATORIES ON
KLEINFELDER'S REBUTTAL REPORT AND TESTIMONY REGARDING WETLANDS

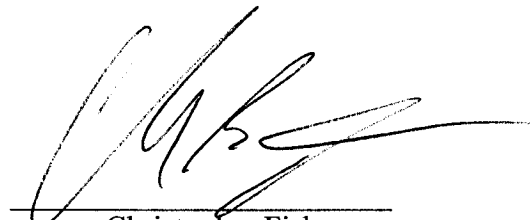
Annexed hereto is a report prepared by Kleinfelder and dated February 13, 2009 which responds to the City's Interrogatories.

CERTIFICATE OF SERVICE

I hereby certify that on this day, an original and twenty copies of the Applicants Responses to City of Danbury's Post-Hearing Interrogatories regarding Kleinfelder's Rebuttal Report and Testimony Regarding Wetlands were served on the Connecticut Siting Council by overnight mail hand with an electronic copy sent via email and copy served via overnight mail and email to:

City of Danbury
Laslo L. Pinter, Esq.
Robin L. Edwards, Esq.
City of Danbury
Office of the Corporation Counsel
155 Deer Hill Avenue
Danbury, Connecticut 06810
(203) 797-4518
R.Edwards@ci.danbury.ct.us
L.Pinter@ci.danbury.ct.us

Dated: Feb 18, 2009



Christopher Fisher

cc: Charles Regulbuto
Hans Fiedler
Benjamin Rieger



February 13, 2009

Connecticut Siting Council
Ten Franklin Square
New Britain, CT 06051

Re: Docket Number 366
Response to February 10, 2009 Post-hearing Interrogatories of City of Danbury to Optasite Towers LLC and Omnipoint Communications Re: Exhibit 14.

To Whom It May Concern:

We are writing on behalf of Optasite Towers LLC in response to the Post-hearing Interrogatories of the City of Danbury to Optasite regarding exhibit 14, dated February 10, 2009.

Q1. See attached response from Mr. Shamas, dated February 12, 2009, regarding his qualifications.

Q2. Please see the previously submitted URS Soil Report for the site inspection completed by URS on October 19, 2005. As indicated in that report the "Delineated Methodologies" are "Inland and Watercourses Act, Sections 22a-36 through 22a-45, General Statutes of CT, 1974." The method for identification of map units and methods for soil identification is also included in that report. The signatory to that report, Rodger J Gibson, Jr., signed the report as a registered soil scientist. Mr. Gibson is listed in the Society of Soil Scientists of Southern New England Registry of Soil Scientists, 2008. Additionally, he was listed in the 2005 edition of the same registry. Both registries can be found on the Society of Soil Scientists of Southern New England Registry of Soil Scientists web site, <http://nesoil.com/ssssne/registry2005.htm> and <http://nesoil.com/ssssne/registry2008.htm>. His listing with this non-profit professional organization indicates that he meets the educational requirements of the United States Office of Personnel Management (OPM) Qualification Standards for General Schedule Positions Individual Occupational Requirements for GS-470: Soil Science Series.



Q3. The report dated January 21, 2009 does not state that “the two wetlands are typically dry through the spring season”. Rather that report states “Due to the observation of no inundation in March 2008 and the above average precipitation for that year combined with the lengthy sustained duration of inundation required by most amphibians to reproduce we do not believe these wetlands provide routine breeding habitat for amphibians.”

This statement was based on four factors, not solely on the two site visits. These factors are:

1. An understanding of vernal pool flooding patterns: “Fed by melting snow and spring rainfall, northeastern vernal pools reach their largest surface area and contain their greatest volume of water in spring. This seasonal maximum in water levels, as well as the springtime burst in biological activities, is the reason that the term “vernal pool” is applied to these habitats.”²
2. An understanding of the breeding habits of amphibians.
3. A review of precipitation data for 2008 as published by the National Oceanographic and Atmospheric Administration, which classified precipitation totals for 2008 in CT as much above normal.
4. A spring 2008 observation of the wetlands during which no surface water was observed.

Q4. The marbled salamander is not afforded any special protection by either the State of Connecticut or the US Fish and Wildlife Service.

The marbled salamander is a fall breeding salamander that deposits eggs in dry basins. Egg deposition in New England typically occurs in September and October. These eggs can remain dormant until the basin fills, exhibiting higher survival rates in fall filling pools. The larval form develops slowly over the winter under the ice in fall filling pools. The rate of development increases as water temperatures increase in the spring. To reach the adult life form, larva need between 3 and 6 months of sustained inundation within the pool. Six months is typical for the northern edge of this species range. New England is the northern edge of the species distribution.²



Studies conducted in Massachusetts show emigration of young of year from pools between July and October.¹

Based on our understanding of the hydrology of these wetlands, which are periodically inundated following precipitation events without long periods of sustained inundation, it is unlikely that marbled salamanders are successfully reproducing in these wetlands.

It should also be noted that the wetland resources are outside of the areas of proposed activities and that a large portion of the upland habitat area surrounding the wetlands is also being maintained.

Works Cited

1. Timm, Brad C., McGarigal, Kevin, and Gamble, Lloyd R. "Emigration Timing of Juvenile Pond-Breeding Amphibians in Western Massachusetts" Journal of Herpetology Vol 41, No. 2, pp. 243-250. (2007)
2. Colburn, Elizabeth A. PHd. Vernal Pools. Natural History and Conservation. The McDonald & Woodward Publishing Company, Blacksburg, Virginia, and Granville, Ohio, 2004.

Sincerely,

Kleinfelder, Inc.

A handwritten signature in black ink, appearing to read "Benjamin Rieger". The signature is stylized and somewhat cursive, with a long horizontal stroke extending to the right.

Benjamin Rieger, LEED AP

Attachments

Letter from Mr. Shamas dated February 12, 2009



February 12, 2009

Mr. Benjamin Rieger
Kleinfelder, Inc
99 Lambertson Rd
Windsor, CT 06095

Dear Mr. Rieger:

In response to your inquiry regarding my soil science qualifications, the following information is provided. As required under Section 22a-38 of the Connecticut General Statutes, a Soil Scientist is a person qualified as such with the federal Office of Personnel Management ("OPM"). In 2000, I received the attached certification from the New England Regional Soil Science Certification Program. In addition, I was classified as a **GS-12 Soil Scientist** in 2002 by the OPM. There are no state requirements to have a particular "certification" or be a member of any society, group or other organization to be considered a qualified soil scientist.

For information purposes, the GS-12 classification by the government was for a GS-470-12 Soil Scientist position applied for in 2002. The GS-470 basic requirements include the following: (The text below is from the <http://www.opm.gov/qualifications/standards/1ORs/g0400/0470.htm> website)

- A. Degree: soil science or a closely related discipline that included 30 semester hours or equivalent in biological, physical, or earth science, with a minimum of 15 semester hours in such subjects as soil genesis, pedology, soil chemistry, soil physics, and soil fertility.
OR
- B. Combination of education and experience—courses equivalent to a major in soil science or a related discipline that included at least 30 semester hours in the biological, physical, or earth sciences. At least 15 of these semester hours must have been in the areas specified in A above, plus appropriate experience or additional education.

GRADE/ POSITIONS	EDUCATION	SPECIALIZED EXPERIENCE
GS-7	1 year of graduate-level education <i>or</i> superior academic achievement	1 year equivalent to at least GS-5
GS-9	2 years of progressively higher level graduate education leading to a master's degree <i>or</i> master's or equivalent graduate degree	1 year equivalent to at least GS-7
GS-11	3 years of progressively higher level graduate education leading to a Ph.D. degree <i>or</i> Ph.D. or equivalent doctoral degree	1 year equivalent to at least GS-9
GS-12 and above		1 year equivalent to at least next lower grade level

355 Research Parkway Meriden, CT 06450 Tel.(203) 630-1406 Fax (203) 630-2615 Toll Free (800) 301-3077

Mr. Benjamin Rieger

Feel free to contact me at (203) 630-1406 ext. 2552 should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jeffrey R. Shamas', with a stylized flourish extending to the right.

Jeffrey R. Shamas

THE NEW ENGLAND LAND GRANT UNIVERSITIES

New England Regional Soil Science Certificate Program

CERTIFICATE OF COMPLETION

is awarded to

JEFFREY SHAMAS

University of Connecticut
University of Maine
University of Massachusetts

University of New Hampshire
University of Rhode Island
University of Vermont

August 10, 2000
Date

Alice E. Sjostek
Program Coordinator