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**Memorandum**

To: Mr. Jesse A. Langer  
Cohen and Wolf, P.C.  
1115 Broad Street  
Bridgeport, Connecticut 06604

Date: January 4, 2010

Project No.: 40505.05

From: Dean Gustafson  
Senior Environmental Scientist

Re: Connecticut Siting Council Late File  
Docket No. 385 - T-Mobile Site CT11436  
23 Stonybrook Road  
Stratford, Connecticut

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At your request, Vanasse Hangen Brustlin, Inc. (VHB) is pleased to provide the following responses to questions posed by the Connecticut Siting Council during the December 8, 2009 hearing.

Q. *Confirm regulations regarding buffer (upland review area) for Bruce Brook.*

A. According to the Town of Stratford Inland Wetlands and Watercourses Regulations, the upland review area for wetlands and watercourses is 100 feet. The 100 foot upland review area also applies to Bruce Brook.

Q. *Confirm that an Environmental Assessment (EA) is not required to be filed with the Federal Communications Commission (FCC) under the National Environmental Policy Act (NEPA) for the facility's proposed location in a floodplain.*

A. Please find enclosed CFR 47 Section 1.1311, which deals with implementation of NEPA for telecommunication facilities; subsection (e) has been highlighted for emphasis. This states "An EA need not be submitted to the [Federal Communications] Commission if another agency of the Federal Government has assumed responsibility for determining whether of the facilities in question will have a significant effect on the quality of the human environment and, if it will, for invoking the environmental impact statement process."

Under Federal Emergency Management Agency (FEMA) rules, each state is responsible for designating a National Flood Insurance Policy coordinator, which determines floodplain compliance for a variety of floodplain activities on behalf of the responsible federal agency, FEMA. A floodplain compliance request is submitted to the National Flood Insurance Program (NFIP) State Coordinator, which in Connecticut is under the Department of Environmental Protection Flood Division. The floodplain compliance request should include documentation that the facility (and foundations) have been designed to occur within a floodplain (engineering calculations, design compliance letters, scour analysis, equipment elevated one foot above the base flood elevation, etc.). The NFIP State Coordinator would then review the request to determine compliance with the federal requirements under FEMA rules. Since the state regulations with respect to floodplain impact are at least as stringent as the federal regulations, the NFIP State Coordinator can determine if the project is compliant with FEMA regulations and if it will result in a significant effect on floodplain resources. Upon receipt of a no adverse effect letter from the NFIP State Coordinator, compliance with respect to floodplain impacts is provided and no EA is required to be filed with the FCC.

Enclosure

[Home Page](#) > [Executive Branch](#) > [Code of Federal Regulations](#) > [Electronic Code of Federal Regulations](#)



**e-CFR Data is current as of July 31, 2009**

## **Title 47: Telecommunication**

### PART 1—PRACTICE AND PROCEDURE

#### Subpart I—Procedures Implementing the National Environmental Policy Act of 1969

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### **§ 1.1311 Environmental information to be included in the environmental assessment (EA).**

(a) The applicant shall submit an EA with each application that is subject to environmental processing ( see §1.1307). The EA shall contain the following information:

(1) For antenna towers and satellite earth stations, a description of the facilities as well as supporting structures and appurtenances, and a description of the site as well as the surrounding area and uses. If high intensity white lighting is proposed or utilized within a residential area, the EA must also address the impact of this lighting upon the residents.

(2) A statement as to the zoning classification of the site, and communications with, or proceedings before and determinations (if any) made by zoning, planning, environmental or other local, state or Federal authorities on matters relating to environmental effect.

(3) A statement as to whether construction of the facilities has been a source of controversy on environmental grounds in the local community.

(4) A discussion of environmental and other considerations which led to the selection of the particular site and, if relevant, the particular facility; the nature and extent of any unavoidable adverse environmental effects, and any alternative sites or facilities which have been or might reasonably be considered.

(5) Any other information that may be requested by the Bureau or Commission.

(6) If endangered or threatened species or their critical habitats may be affected, the applicant's analysis must utilize the best scientific and commercial data available, see 50 CFR 402.14(c).

(b) The information submitted in the EA shall be factual (not argumentative or conclusory) and concise with sufficient detail to explain the environmental consequences and to enable the Commission or Bureau, after an independent review of the EA, to reach a determination concerning the proposal's environmental impact, if any. The EA shall deal specifically with any feature of the site which has special environmental significance (e.g., wilderness areas, wildlife preserves, natural migration paths for birds and other wildlife, and sites of historic, architectural, or archeological value). In the case of historically significant sites, it shall specify the effect of the facilities on any district, site, building, structure or object listed, or eligible for listing, in the National Register of Historic Places. It shall also detail any substantial change in the character of the land utilized (e.g., deforestation, water diversion, wetland fill, or other extensive change of surface features). In the case of wilderness areas, wildlife preserves, or other like areas, the statement shall discuss the effect of any continuing pattern of human intrusion into the area (e.g., necessitated by the operation and maintenance of the facilities).

(c) The EA shall also be accompanied with evidence of site approval which has been obtained from local or Federal land use authorities.

(d) To the extent that such information is submitted in another part of the application, it need not be duplicated in the EA, but adequate cross-reference to such information shall be supplied.

(e) An EA need not be submitted to the Commission if another agency of the Federal Government has assumed responsibility for determining whether of the facilities in question will have a significant effect on the quality of the human environment and, if it will, for invoking the environmental impact statement process.

[51 FR 15000, Apr. 22, 1986, as amended at 51 FR 18889, May 23, 1986; 53 FR 28394, July 28, 1988]

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