



STATE OF CONNECTICUT

COUNCIL ON ENVIRONMENTAL QUALITY

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Executive Director

DATE: January 27, 2009

TO: S. Derek Phelps, Executive Director  
Connecticut Siting Council

FROM: Karl Wagener, Executive Director

RE: Proposed Telecommunications Facilities in Old Lyme at  
232 Shore Rd. (Docket # 391)  
387 Shore Rd. (Docket # 392)  
61-1 Buttonball Rd. (Docket # 393)

In response to the request for consultation regarding the above referenced telecommunications facilities, the Council on Environmental Quality (CEQ) has reviewed the applications. The CEQ offers comments for all three in this memo. It is the recommendation of the CEQ that a decision on the siting of these facilities should not be made until the following two deficiencies in the applications have been addressed by the applicant.

**1. The visual impact of towers that are very close to the Long Island Sound shoreline cannot be fully assessed without a virtual simulation of their appearance from the waters of this major recreational resource.**

This same deficiency was noted and commented on by the CEQ in the Branford application of November 2009 (Docket #386). The CEQ affirms its recommendation that when proposed facilities are known to be visible from a significant water resource, applicants should be requested to provide a visual representation of the proposed structure(s) as viewed from the water.

The Long Island Sound is a recreational and scenic resource of regional significance. Because of that its waters and shore are protected under the Connecticut Coastal Management Act (CGS 22a-90). These towers will be visible from more than 2,400 acres of the Sound. For the Siting Council to fulfill its obligation under CGS 16-50p(3)(B) to determine the "*probable environmental impact of the facility*" including "*conflict with the policies of the state concerning ... scenic, historic and recreational values....*" The applicant should provide the Siting Council with the information needed to determine the visual effect of these towers on the recreational experience of the boaters and sportsmen who currently enjoy the Sound.

**2. The proximity of multiple tall structures to preserved lands, refuges and coastal marshes raises the issues of possible impacts on resident and transient bird populations.**

In addition to scenic and recreational concerns, the above referenced CGS 16-50p (3) (B) directs the Siting Council to consider “*the nature of the probable environmental impact of the facility alone and cumulatively with other existing facilities including specification of every adverse effect ... on and in conflict with the policies of the state concerning, the natural environment, ecological balance, ... and wildlife;*” [emphasis added]

As you know, the question of bird strikes has been the subject to extensive research, and usually is not a major factor in your deliberations. However, these specific towers (along with others being proposed along the shoreline) raise questions that have not been addressed in the application. Aside from the general problem of migratory birds striking towers when visibility is low, there is the regular movement of waterfowl, shorebirds and other water birds from feeding spots along the shore to roosting areas in and near marshes. Typically, flocks of these birds fly at low altitude, often to time their feeding with the tides. The CEQ urges the Siting Council to request of the applicant an estimate of the avian populations that could be at risk from these towers. Without such a report, how will the Siting Council fully evaluate impacts to wildlife? Where applicable, the applicants should report on the most recent research on mitigation techniques to protect bird populations. If lights, paint, sound, height restrictions or other techniques are effective measures they should be identified and included in the design of these towers and of other towers similarly situated in the future.

I would be pleased to answer any questions you may have about these comments.

CC: Amey Marrella, Commissioner of Environmental Protection