

**STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL**

**RE: APPLICATION OF SBA TOWERS II LLC DOCKET NO. 396
FOR A CERTIFICATE OF ENVIRONMENTAL
COMPATIBILITY AND PUBLIC NEED FOR
THE CONSTRUCTION, MAINTENANCE AND
OPERATION OF A TELECOMMUNICATIONS
FACILITY AT 49 BRAINERD ROAD,
NIANTIC (EAST LYME), CONNECTICUT Date: February 12, 2010**

PRE-FILED TESTIMONY OF MICHAEL LIBERTINE

Q1. Mr. Libertine, please state your name and position.

A. Michael Libertine and I am Director of Environmental Services for Vanasse Hangen Brustlin, Inc. (“VHB”). I am also a Licensed Environmental Professional in the State of Connecticut. VHB is located at 54 Tuttle Place in Middletown, Connecticut.

Q2. Please state your qualifications.

A. I have a Bachelor of Science degree from the University of Connecticut with a concentration in Natural Resources Management and Bachelor of Arts degree from Stonehill College in Business. My background includes over 25 years of professional experience, including 18 years of environmental engineering consulting. I have been Project Manager for more than 1,600 environmental site assessments and field investigations for property transfers in Connecticut, Rhode Island, New Hampshire, Massachusetts, New Jersey, New York, Florida and Canada. In addition, I have assisted in the permitting of more than 500 wireless telecommunication facilities in New England

during the past ten years. My responsibilities include coordination and oversight of environmental projects undertaken by VHB's Connecticut office.

Q3. Please describe your involvement in this matter.

A. VHB was responsible for preparing a Visual Resources Evaluation report for the proposed site at 49 Brainerd Road in East Lyme (the "Site"). The purpose of this Visual Resources Evaluation Report was to evaluate the potential visibility of the proposed telecommunications facility ("Facility") from the surrounding areas.

VHB was also responsible for conducting the NEPA screen for the Property, the wetlands delineation and impact analysis and coastal area management act consistency evaluation. The wetlands evaluation and the coastal area management act consistency evaluation will be discussed by Mr. Gustafson of my office in his pre-filed testimony.

Q4. Please describe the process for conducting the Visual Resource Evaluation.

A. At the request of SBA, VHB conducted the Visual Resource Evaluation (found at Exhibit I of the Application), which included the preparation of a computer-generated viewshed map and performing a balloon test at the site located at 49 Brainerd Road in East Lyme (the "Site") on October 22, 2009. The predictive model is employed to assess potential visibility throughout the entire Study Area (a two mile radius surrounding the Site), including private property and/or otherwise inaccessible areas for field verification. The balloon test and Study Area drive-through reconnaissance are conducted to back-check the initial computer model results, provide documentation from publicly accessible areas, and obtain location and height representations of the proposed Facility. Results of

both activities are analyzed and incorporated into the final viewshed map and report.

VHB's visibility report is included in SBA's application at Exhibit I.

Q5. Please describe how you prepared the viewshed analysis for the Visual Resources Evaluation.

A. Using ERSI's ArcView® Spatial Analyst, a computer modeling tool, the areas from which the top of the tower is expected to be visible are calculated. This is based on information entered into the computer model, such as tower height, its ground elevation, existing vegetation and surrounding topography. Data incorporated in the model includes digital elevation models ("DEMs") and a digital forest layer for the project area. The forested areas within the study area are overlaid on the DEMs and then a series of constraints are applied to the computer model to achieve a realistic estimate of where the tower will be visible from within the surrounding landscape. The DEM was derived from the Connecticut LiDAR-based digital elevation data, produced by the University of Connecticut Center for Land Use Education and Research. The DEM has a horizontal resolution of 10 feet.

Also included in the viewshed model is a data layer, obtained from the Connecticut State Department of Environmental Protection ("DEP"), which depicts various land and water resources such as state parks and forests, recreational facilities, dedicated open space and DEP boat launches. Additionally, information is gathered from the Connecticut State Department of Transportation ("DOT") and local officials to determine if there are any state- or locally-designated scenic or historic roadways.

Q6. Please describe how you conducted the balloon test.

A. The balloon test consisted of raising a balloon, approximately 4 feet in diameter, to the height of 170 feet. Once the balloon was aloft, VHB personnel drove the public road system within a two-mile radius (the “Study Area”) to inventory those areas where the balloon was visible and photograph the balloon from numerous vantage points to document representative locations where the proposed tower will be visible. The location of each photograph was recorded using a GPS receiver and subsequently plotted on a USGS 7.5 Minute topographic quad map, utilizing ESRI’s ArcView® Spatial Analyst software, to indicate their approximate distance and relative location to the proposed Facility.

Q7. How were the representative locations chosen?

A. Several photo locations were selected prior to the in-field evaluation, utilizing a preliminary version of the viewshed map to identify areas adjacent to public roads from where the proposed Facility might be visible. Other locations were identified based on in-field observations made during the time of the balloon test.

Q8. Please describe the visibility of the proposed Facility.

A. Areas from which the proposed Facility will be at least partially visible from the Site year-round comprise 2,282 acres of the 8,042 acre study area. A total of 2,219 acres, or 97% of the acreage of visibility, occurs over open waters of Long Island Sound. Of note, views from Long Island Sound are also impacted by the Amtrak right of way in this area. We expect the proposed Facility to be visible along portions of Old Black Point Road, Barone Road, Indian Rock Road, Sunnyside Drive, Fairhaven Road, Marshfield

Road, Gada Street, and Birch Street. We estimate approximately 53 residential properties may have partial views of the proposed Facility from portions of their parcels. In addition, the proposed Facility may be at least partially visible seasonally (during “leaf off” conditions) from an additional 45 acres and portions of approximately 20 additional residential properties.

Q9. Will the proposed Facility have any impact on any sensitive visual receptors such as scenic, historic or recreational sites or parks?


A. No, the proposed Facility will not impact any sensitive visual receptors. There are existing, unmarked hiking trails on adjacent property maintained by the East Lyme Land Conservancy and there is a small area of visibility from a portion of this hiking trail. There is no anticipated visibility from Rocky Neck State Park at any time of the year. There are no state- or locally-designated scenic roads within the Study Area.

Q10. Please describe the results of the NEPA screen conducted by VHB.


A. At the request of SBA, VHB completed a NEPA screen to determine if the proposed Facility falls under any listed categories of Section 1.1307 under NEPA. Based upon our preliminary review, the proposed Facility does not fall under any listed categories of Section 1.1307 and, therefore, is in full compliance with this requirement. In addition, VHB corresponded specifically with the State of Connecticut Department of Environmental Protection (“DEP”) and the State Historic Preservation Office (“SHPO”), through the Connecticut Commission on Culture & Tourism, Historic Preservation & Museum Division. Both DEP and SHPO have responded and confirmed in writing that the proposed Facility will have no effect on any endangered, listed or threatened species

or on any historic resources. Correspondence from these agencies is provided in Exhibit K of the Application. Because the proposed Facility is compliant with the federal requirements under NEPA, the Site should be categorically excluded from any requirement for further environmental review by the FCC and no permit is required by that agency prior to construction of the proposed Facility.

2-12-10
Date


Michael Libertine

Subscribed and sworn before me this 12th day of February, 2010.

By: 
Notary

MOLLY T. OTERO
NOTARY PUBLIC
MY COMMISSION EXPIRES JAN. 31, 2014