#### STATE OF CONNECTICUT CONNECTICUT SITING COUNCIL

IN RE:

APPLICATION OF NEW CINGULAR : DOCKET NO. 408

WIRELESS PCS, LLC FOR A

CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED

FOR THE CONSTRUCTION,

MAINTENANCE AND OPERATION OF A TELECOMMUNICATIONS FACILITY AT

95 BALANCE ROCK ROAD, HARTLAND,

CONNECTICUT : JANUARY 4, 2011

PARTY THOMAS H. SIRMAN'S HEARING INFORMATION

DOCUMENTS TO BE ADMINISTRATIVELY NOTICED



#### **CONNECTICUT'S**



# Comprehensive Wildlife Conservation Strategy



State of Connecticut Department of Environmental Protection Bureau of Natural Resources

#### **CONNECTICUT'S**

### Comprehensive Wildlife Conservation Strategy

Gina McCarthy, Commissioner
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Developed by the
Connecticut Department of Environmental Protection
Bureau of Natural Resources
in consultation with
Terwilliger Consulting, Inc.

**October 1, 2005** 

Connecticut's DEP Bureau of Natural Resources Mission: To conserve, improve, and protect the natural resources and environment of the State of Connecticut and to do this in a way that encourages the social and economic development of Connecticut while preserving the natural environment and life forms it supports in a delicate, interrelated and complex balance to the end that the state may fulfill its responsibility to the environment for present and future generations.

#### Chapter 2: Key Habitats, Sub-habitats, and Vegetative Communities in Connecticut

Connecticut's landscape ranges from coastal plains in the southern portion of the state to mountain ridges and valleys in the northwest and northeast corners, separated by the broad Central Valley and Metacomet Ridge (Dowhan and Craig 1976). The distribution and abundance of Connecticut's wildlife are directly related to the condition and location of wildlife habitats. The state's varied climate, geology, soil types, topography, and watersheds support a wide range of vegetative communities that provide diverse habitats for its wildlife. The landscape and waterscape diversity provide a complex ecological framework, resulting in unequal distribution of wildlife species in the state, especially those at the northern and southern edges of their habitat range (Dowhan and Craig 1976, Metzler and Tiner 1992, Klemens 1993). Metzler and Wagner (1993) have described 13 imperiled communities, including flora and fauna, that are most in need of conservation in Connecticut.



#### Connecticut's Landscape

#### **Physiography**

Connecticut includes a diverse physiography. The state's irregular shoreline includes rocky headlands, pocket beaches, barrier spits, coves, embayments, and islands (Bell 1985, Patton and Kent 1992). The sandy ridge and swale coastal plain topographies extend as far as 10 to 15 miles inland to the fall line (Bell 1985). The Central Valley is divided by the north-south Metacomet volcanic traprock ridge and talus slopes, rising one thousand feet or more above the valley floor.

The physiography of Connecticut includes the Northwest Highlands, where the Appalachian Mountains extend through the state, the Central Valley with the Connecticut River Valley running through it, and the Eastern Uplands or Highlands region. The Southwest and Windham Hills are areas within the Piedmont and have rolling hills that have been shaped by Connecticut's glacial history. The Coastal Plain forms a relatively narrow band along Long Island Sound in the southern portion of the state. New York borders Connecticut to the west (and the south across Long Island Sound). Massachusetts forms the northern border and Rhode Island the eastern border (Figure 2.1).

- America: ecology and conservation of native and agricultural landscapes. Audubon Society, Lincoln, Massachusetts.
- Merriam, Clinton Hart. 1877. A review of the birds of Connecticut, with remarks on their habitats. Trans. Connecticut Academy of Arts and Science, 4:1-150.
- Metzler, K. J. and J. P. Barrett. In press. Vegetation classification for Connecticut. Connecticut Natural Diversity Database, Hartford, Connecticut.
- Metzler, K.J. and R.W. Tiner. 1992. Wetlands of Connecticut. Connecticut Geological and Natural Historical Survey, Report of Investigations No. 13: 1-115.
- Metzler, K. J. and D. L. Wagner. 1998. Thirteen of Connecticut's most imperiled ecosystems. Internal report (draft) of the State Geological and Natural History Survey of Connecticut Department of Environmental Protection, 79 Elm Street, Hartford, Connecticut.



- Mid-Atlantic Fishery Management Council (MAFMC). 1977. Atlantic surfclam and ocean quahog fishery management plan, as amended. Dover, Delaware.
- Mid-Atlantic Fishery Management Council (MAFMC). 1983. Atlantic mackerel, squid, and butterfish fishery management plan, as amended. Dover, Delaware.
- Mid-Atlantic Fishery Management Council (MAFMC). 1984. Bluefish fishery management plan, as amended. Dover, Delaware.
- Mid-Atlantic Fishery Management Council (MAFMC). 1988. Summer flounder, scup, and black sea bass fishery management plan, as amended. Dover, Delaware.
- Mid-Atlantic Fishery Management Council (MAFMC). 2000. Tilefish fishery management plan. Dover, Delaware.
- Mid-Atlantic Fishery Management Council and New England Fishery Management Council. 1999. Spiny dogfish fishery management plan. Dover, Delaware.
- Mid-Atlantic/New England Maritime Regional Working Group for Waterbirds. 2004. Mid-Atlantic/New England maritime waterbird conservation plan, habitat profiles. <a href="http://www.fws.gov/birds/waterbirds/MANEM/Habitat%20Profiles.htm">http://www.fws.gov/birds/waterbirds/MANEM/Habitat%20Profiles.htm</a>.
- Musick, J.A. 1999a. Criteria to define extinction risk in marine fishes. Fisheries 24:6-14.
- Musick, J.A. 1999b. Ecology and conservation of long-lived marine animals. Pages 1-10 *in* J.A. Musick, editor. Life in the slow lane, ecology and conservation of long-lived marine animals. American. Fisheries Society Symposium, 23.



#### Thirteen of Connecticut's Most Imperiled Ecosystems

(Draft: 16 April, 1998)

#### Kenneth J. Metzler & David L. Wagner

This document grew out of an effort to provide the Governor's Blue Ribbon Task Force on Open Space with a list of those ecosystems that we perceived as being in greatest need of protection. To a large extent, our selections were motivated by the numbers of Federal- or State-listed plants and animals that we believed to be associated with each ecosystem.

This is not a comprehensive accounting of all of Connecticut's imperiled communities and ecosystems, rather it is a preliminary compilation of those that we believe are faced with immediate threats. We recognize that there are many other habitat types which have a need for protection, e.g., large unfragmented forests, old-growth stands, and unstocked ponds. It is our intention to expand this document to include all of the State's freshwater and terrestrial community types.

We would appreciate your comments on both the format and information provided in this draft. No doubt, we have omitted or incorrectly assigned some taxa within a given ecosystem. Input on exemplary occurrences that should be targeted by the Blue Ribbon Task Force and other conservation groups would be especially helpful.

#### **Beaches, Dunes and Other Coastal Communities**

Distribution: Immediate coastal areas.

Exemplary Occurrences: Hammonasett Beach State Park, Milford Point, Bluff Point Coastal Reserve, and Hatchett's Point.

Conservation Status: Most sandy beaches are under private ownership. Some sandy beaches need to be targeted for limited access. Breeding sensitivity of two federally protected birds, and one federally protected beetle (historic), turtles, etc. Imperiled Elements:

Plants: Seabeach amaranth (Amaranthus pumilis, USFWS endangered, CT historic), beach needlegrass (Aristida tuberculosa, CT threatened), Sickle-leaved golden aster (Chrysopsis falcata, CT endangered), sea-coast angelica (Coelopleurum lucidum, CT endangered), bushy rockrose (Helianthemum dumosum, CT historic), seabeach sandwort (Honkenya peploides, CT special concern), beach heather (Hudsonia tomentosa, CT threatened), New England blazing star (Liatris scariosa var. novae angliae, CT special concern), Scotch lovage (Ligusticum scothicum, CT endangered), panic grass (Panicum amarum, CT threatened), Grave's beach plum (Prunus maritima var. gravesii, CT endangered), sand dropseed (Sporobolis cryptandrus, CT endangered), coast violet (Viola brittoniana, CT endangered).

Invertebrates: Northeastern beach tiger beetle (*Cicindela dorsalis*, USFWS threatened, CT historic), noctuid moth (*Euxoa pleuritica*, CT historic), mayfly (*Leptophlebia bradleyi*, CT special concern), borer moth (*Papaipema maritima*, CT historic),

Conservation Status: Most impacted terrestrial habitat in Connecticut. We estimate that over 95% of our barrens have been developed or otherwise degraded.

Imperiled Elements:

Plants: Many species associated with Sandplain grasslands above.

Invertebrates: Pitch pine-scrub oak barrens are home to the largest portion of imperiled invertebrates of any of the State's community types. Not all are listed here: Albarufan dagger moth (*Acronicta albarufa*, CT historic), New Jersey tea inchworm (*Apodrepanulatrix liberaria*, CT special concern), Gerhardt's underwing (*Catocala herodias*, CT historic), precious underwing moth (*Catocala pretiosa*, CT historic), noctuid moth (*Chaetoglaea cerata*, CT historic), mottled duskywing (*Erynnis martialis*, CT historic), Persius duskywing (*Erynnis persius*, CT endangered), slender clearwing (*Hemiaris gracilis*, CT historic), buck moth (*Hemileuca maia*, CT endangered), hoary elfin (*Incisalia polios*, CT historic), noctuid moth (*Psectraglaea carnosa*, CT special concern), noctuid moth (*Zale curema*, CT threatened), noctuid moth (*Zale obliqua*, CT special concern), and noctuid moth (*Zale submediana*, CT special concern).

Vertebrates: Whip-poor-will (CT special concern), Eastern Hognose Snake (CT special concern), and Eastern Spadefoot Toad (CT endangered).



#### Surface Springs, Cold Headwater Streams, and Seeps

Distribution: Throughout.

Exemplary Occurrences: Lime Rock (Sharon), Squabble Brook (North Canaan), and Dismal Swamp (Milford).

Conservation Status: early colonists captured surface springs for their water supply.

Likely more than 95% of our springs have been modified. It's rare to find surface springs with year round runs of more than 50 feet.

Imperiled Elements:

Plants: White adder's mouth (Malaxis brachypoda, CT endangered).

Invertebrates: Tiger Spiketail, *Cordulegaster erronea* (CT Threatened), superb jewelwing (*Calopteryx amata*, CT special concern), and mayfly (*Cicygmula subaequalis*, CT special concern).

Vertebrates: Spring salamander (CT threatened). Native brook trout are associated with cold water, spring-fed streams.

**Calcareous Uplands** 

Distribution: Western Connecticut, primarily in Litchfield and northern Fairfield Counties.

Exemplary Occurrences: Bulls Bridge area, Point of Rocks, Tom's Hill, and areas in Salisbury, Canaan, Sharon, and Kent.

Conservation Status: Most calcareous areas have been heavily impacted by agriculture with nearly all of the abandoned mesic sites dominated by exotic shrubs (*e.g.*, *Lonicera*); other areas have been impacted by quarrying for marble and limestone. Few dry upland areas have good representative native vegetation.

Imperiled Elements:

#### Suggested citation:

Manville, A.M., II. 2005. Bird strikes and electrocutions at power lines, communication towers, and wind turbines: state of the art and state of the science – next steps toward mitigation. Bird Conservation Implementation in the Americas: Proceedings 3<sup>rd</sup> International Partners in Flight Conference 2002, C.J. Ralph and T. D. Rich, Editors. U.S.D.A. Forest Service General Technical Report PSW-GTR-191, Pacific Southwest Research Station, Albany, CA: 1051-1064

#### Collisions, Electrocutions, and Next Steps - Manville



BIRD STRIKES AND ELECTROCUTIONS AT POWER LINES, COMMUNICATION TOWERS, AND WIND TURBINES: STATE OF THE ART AND STATE OF THE SCIENCE – NEXT STEPS TOWARD MITIGATION 1

Albert M. Manville, II, Ph.D. 2

Abstract: Migratory birds suffer considerable human-caused mortality from structures built to provide public services and amenities. Three such entities are increasing nationwide: communication towers, power lines, and wind turbines. Communication towers have been growing at an exponential rate over at least the past 6 years. The U.S. Fish and Wildlife Service is especially concerned about growing impacts to some 836 species of migratory birds currently protected under the Migratory Bird Treaty Act of 1918, as amended. While mortality estimates are often sketchy, and won't be verified until nationwide cumulative impact studies are conducted, current figures are troubling. Communication towers may kill from 4-50 million birds per year. Collisions with power transmission and distribution lines may kill anywhere from hundreds of thousands to 175 million birds annually, and power lines electrocute tens to hundreds of thousands more birds annually, but these utilities are poorly monitored for both strikes and electrocutions. More than 15,000 wind turbines may kill 40,000 or more birds annually nationwide, the majority in California. This paper will address the commonalities of bird impacts among these industries; those bird species that tend to be most affected; and research (completed, current, and proposed) intended to reduce bird collisions and electrocutions nationwide. The issues of structure location (siting), lighting, guy supports, lattice or tubular structures, bird behavior, and habitat modifications are reviewed. In addition, this paper reviews the respective roles and publications of the Avian Power Line Interaction Committee and the Wildlife Workgroup of the National Wind Coordinating Committee, the roles of the Service-chaired Communication Tower Working Group and Wind Turbine Siting Working Group, and the Fish and Wildlife Services' voluntary communication tower, and turbine siting and placement guidelines. An update on recent Communication Tower Working Group research initiatives will also be discussed along with promising research findings and needs.

<sup>1.</sup> A version of this invited paper was presented on March 23<sup>rd</sup> at the Third International Partners in Flight Conference, March 20-24, 2002, Asilomar Conference Grounds, California.

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The longest study yet conducted – over 38 years – was performed by physician C. Kemper, beginning in 1957. He collected nearly 121,560 birds representing 123 species and he still holds the all-time record for most birds collected and identified -from a single-night tower strike: more than 12,000 birds were retrieved in 1963 from the base of a television tower in Eau Clair, Wisconsin, not accounting for almost certain scavenging by wild and domestic predators (Kemper 1996). Able (1973) reported single night kills exceeding 1,000 birds at television towers in Tennessee and Florida during the fall 1972. While published accounts of kills at short towers are limited, Herndon (1973) reported 1,801 birds of 44 species killed during two foggy nights in the fall 1972 at 38-m (125-ft) and 26-m (85-ft) towers and floodlit buildings. In bad weather, bird strikes have been recorded near or at the ground level, usually associated with lighting. James (1956) retrieved 2,421 dead birds of 39 species (mostly warblers) beneath light poles on a coastal island following a single stormy spring night in 1951. Lord (1951) reported 200 birds of 23 species killed after apparently being confused by floodlights and striking a lodge on the Blue Ridge Parkway during a foggy night in the fall 1950. In 1975, Wylie (1977) reported 73 birds of 21 species killed by striking an unlit, 30-m (100-ft) tall fire tower during a night of rain and fog. Until more research is conducted on the effects of short towers on birds, we cannot assume that they are not having an impact on populations of songbirds.

To assess tower mortality, Banks (1979) estimated that 1.25 million birds were killed per year in strikes with towers, basing this estimate on 505 tall towers likely to impact birds in 1975. Evans (1998) reassessed mortality based on increased numbers of tall towers, estimating 2-4 million bird deaths per year. Manville (2001a, from a December 1999 evaluation) estimated annual mortality at 4-5 million birds, while Manville (2001b, based on a December 2000 assessment) again cited the 4-5 million figure but indicated that mortality could range as high as 40-50 million. He cautioned that only a cumulative impacts study would assess the true magnitude of the problem and again raised concerns over impacts on already imperiled bird species.

A recently discovered and potentially troubling problem for birds is the impact of low-level, non-thermal radiation emitted from towers. Several studies have recently been conducted using standard 915 MHz cell phone radio frequency microwave radiation on domestic chicken embryos for either 4 days of continuous exposure or at timed intervals twice daily for 4 days (T. Litovitz, Catholic University, pers. comm., data published in DiCarlo and others 2002; Farrel and others 1998). Radiation levels in one study (T. Litovitz, Catholic University, data, published in DiCarlo and others 2002) were far below current FCCapproved and permissible human health radiation standards (i.e., 1.6 W/kg of whole body tissue). With exposures of 30 minutes or more of radiation per day, embryos developed deformities (e.g., induced DNA damage at 1/600th [0.0024 W/kg] the current permissible level) and in some cases died (e.g., due to affected calcium levels in the heart at 1/10,600th [0.00015W/kg] the permissible level under hypoxic conditions). While extended low doses of microwave cell-phone radiation are being shown to be a distinct risk to human health through enhanced probabilities of cancer (Hardell and Mild 2001) and Alzheimer's disease (Sobel and others 1996), what effects tower-emitted radiation have on nesting and roosting wild birds on or next to towers are only now being studied. Preliminary research in Valladolid, Spain, has shown strong negative correlations with levels of tower-emitted microwave radiation and bird breeding, nesting, and roosting in the vicinity of these

- to the Planning Departments of Alameda, Contra Costa and Solano Counties and the California Energy Commission, Grant No. 990-89-003 to BioSystems Analysis, Inc., Tiburton, CA.
- Podolsky, R, D.G. Ainley, G. Spencer, L. DeForest, and N. Nur. 1998. Mortality of Newell's Shearwaters caused by collisions with urban structures on Kauai. Colonial Waterbirds 21(1):20-34.
- Savereno, A.J., L.A. Savereno, R. Boettcher, and S.M. Haig. 1996. Avian behavior and mortality at power lines in coastal South Carolina. Wildlife Society Bulletin 24(4):636-648.
- Sobel, E., M. Dunn, Z. Davanipour, Z. Qian, and H.C. Chui. 1996. Elevated risk of Alzheimer's disease among workers with likely electromagnetic field exposure. Neurology 47(6):1477-1481.
- Southern Engineering Company. 1996. Animal-caused outages. Electric Power Research Institute, National Rural Electric Cooperative Association, Arlington, VA. Rural Electric Research Project 94-5, 171 pp.
- Tordoff, H.B., and R.M. Mengel. 1956. Studies of birds killed in nocturnal migration. University Kansas Museum Natural History Publication 10:1-44.
- USFWS. 2003. Birds of conservation concern 2002. Division of Migratory Bird Management, U.S. Fish and Wildlife Service, Arlington, VA. 99 pp.
- van der Winden, J., A.L. Spaans, and S. Dirksen. 1999. Nocturnal collision risks of local wintering birds with wind turbines in wetlands. Bremer Beitrane für Naturkunde und Naturschutz Band 4:33-38.
- van der Winden, J., H. Schekkerman, I. Tulp, and S. Dirksen. 2000. The effects of offshore windfarms on birds. Pp 126-135 in T. Merck and H. von Nordheim (editors). Technische Eingriffe in marine Lebensraume, BfN- Skripten 29, Bundesamt für Naturschutz.
- Williams, T. 2000. Zappedc January-February, Audubon:32-34, 38-42, 44.
- Winkelman, J.E. 1992. The impact of the SEP wind park near Oosterbierum (Fr.), the Netherlands, on birds, 2: nocturnal collision risks (Dutch, English summary). RIN- report 92/3, DLO-Institute for Forestry and Nature Research, Arnhem.



Wylie, B. 1977. Bird kill at Chestnut Ridge. Redstart 44(2):65.





### Connecticut Birding Guide

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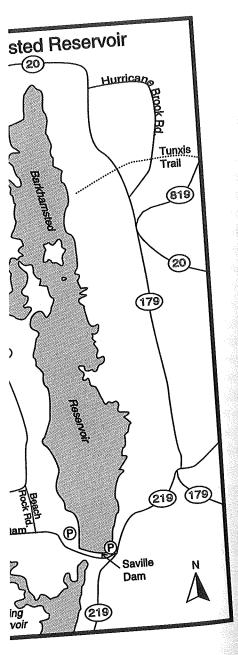
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THOMSON-SHORE, INC. Dexter, Michigan



conspicuous in winter and is an established, although uncommon, permanent resident. Deer sometimes wander out and die on the ice pack, so check carefully for any raptors, ravens, or coyotes feeding on dead carcasses.

During summer, other raptors frequent the area; scan the skies above the reservoir carefully for Turkey Vulture, Red-tailed (resident) and Broad-winged Hawks, all are fairly common. Northern Goshawk, Cooper's, and Sharp-shinned Hawks (rare) nest in the surrounding woodlands, but these accipiters are seldom observed unless you spend a lot of time surveying the ridges. Barn and Cliff Swallows nest under the foot bridge leading to the stone gate house. Other species that nest near the dam are Cedar Waxwing, Chipping Sparrow, American Goldfinch, and occasionally, Indigo Bunting and Purple Finch.

In fall and spring, check the reservoir for waterbirds and waterfowl, such as Common Loon, Double-crested Cormorant, and diving ducks (usually Ring-necked Duck and Common Merganser). Rarer species that have been spotted include Red-necked Grebe, Lesser Scaup, and Redhead.

From the parking lot on the western side of the dam, drive west on Route 318 (0.4 miles) and take the first right at Beach Rock Road. Beach Rock Road parallels the west side of the reservoir and along the way passes through conifer woodlands of white pine, spruce and eastern hemlock. Stop occasionally and explore the conifers by the roadside. In winter, Red-breasted Nuthatch, Brown Creeper (uncommon), Black-capped Chickadee, and Tufted Titmouse rove in small flocks. Winter is also the season to catch the nomadic winter finches in the conifers; look for Red and White-winged Crossbills, both species are rare to uncommon, but usually occur at least briefly each winter. Purple Finch and Pine Siskin are fairly regular, whereas Evening Grosbeak and Common Redpoll are more sporadic.

Summer birding along the western side of the reservoir should produce Hermit Thrush, Black-throated Green, Black-throated Blue, Blackburnian, and Yellow-rumped Warblers, and Solitary Vireo. Other typical woodland breeding species are Ruffed Grouse, Pileated Woodpecker, Veery, Wood Thrush, Red-eyed Vireo, American Redstart, Ovenbird, Scarlet Tanager, and Rose-breasted Grosbeak.

At the junction of Route 181 (0.8 miles from Route 318) continue straight on Route 181 heading north. Enroute to the junction with Route

# STATE GEOLOGICAL AND NATURAL HISTORY SURVEY OF CONNECTICUT DEPARTMENT OF ENVIRONMENTAL PROTECTION

# The Atlas of Breeding Birds of Connecticut

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