

# EXHIBIT H

Transportation  
Land Development  
Environmental  
Services



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**Memorandum**

To: Mr. David Vivian  
New Cingular Wireless PCS, LLC  
500 Enterprise Drive, Suite 3A  
Rocky Hill, Connecticut, 06067

Date: December 15, 2010

Project No.: 41502.25

From: Dean Gustafson  
Senior Environmental Scientist

Re: Connecticut Siting Council Docket No. 408  
Migratory Bird Impact Evaluation  
Proposed New Cingular Wireless PCS, LLC  
(AT&T) Facility  
95 Balance Rock Road, Hartland, Connecticut

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In response to the Connecticut Siting Council Interrogatory No. 15 for Docket No. 408, Vanasse Hangen Brustlin, Inc. (VHB) provides the following information with respect to potential impacts on migratory birds from a proposed wireless telecommunications facility (Facility) proposed by AT&T at 95 Balance Rock Road in Hartland, Connecticut.

VHB's research revealed the proposed Facility complies with the U.S. Fish and Wildlife Service (USFWS) guidelines for minimizing potential impacts to birds and no migratory bird species would be impacted by development of the proposed Facility. As a result, no seasonal restrictions would be recommended in association with construction or operation of the proposed Facility.

Provided below is a detailed analysis of potential impacts to migratory birds from the proposed AT&T's Facility and the Facility's compliance with the USFWS guidelines.

Flyways

The proposed Facility is located in a heavily forested and sparsely residentially developed area located in the eastern edge of the western Connecticut highlands in proximity to the Barkhamsted Reservoir. The Connecticut coast lies within the Atlantic Flyway, one of the four generalized regional migratory bird flyways (Mississippi, Central, and Pacific being the others). This regional flyway is used by migratory birds traveling to and from summering and wintering grounds. The Atlantic Flyway is particularly important for many species of migratory waterfowl and shorebirds, and Connecticut's coast serves as vital stopover habitat. Migratory land birds also stop along coastal habitats before making their way inland. Smaller inland migratory flyways are often concentrated along major riparian areas as birds make their way further inland to their preferred breeding habitats. The larger riparian features in proximity to the proposed Facility include the East Branch Salmon Brook, located approximately 5 miles to the west, and the West Branch Farmington River, located approximately 5.25 miles to the west. Therefore, since the proposed AT&T Facility is not located in the Atlantic Flyway and is at a significant distance to the East Branch Salmon Brook and West Branch Farmington River, no impact to migratory flyways would result from the proposed tower facility and therefore no seasonal restriction is recommended for the project.

### Focus Areas

The Atlantic Joint Coast Venture (AJCV) is an affiliation of federal, state, regional, and local partners working together to address bird conservation planning along the Atlantic Flyway. The AJCV has identified focus areas identifying the most important habitats for waterfowl along the Atlantic Flyway. Connecticut contains several of these focus areas, but the vicinity of the proposed project has not been identified as one of them (refer to attached map of CT Waterfowl Focus Areas).

### CTDEP Migratory Waterfowl Data

The Connecticut Department of Environmental Protection (CTDEP) created a Geographic Information System (GIS) data layer in 1999 identifying concentration areas of migratory waterfowl at specific locations in Connecticut. The intent of this data layer is to assist in the identification of migratory waterfowl resource areas in the event of an oil spill or other condition that might be a threat to waterfowl species. This data layer identifies conditions at a particular point in time and has not been updated since 1999.

The closest migratory waterfowl area is located along the Connecticut River in the towns of Windsor Lock, East Windsor, Suffield and Enfield, approximately 16 miles east of the proposed Facility; located beyond the limits of the enclosed Avian Resources Map. Species utilizing this area include American Black Duck, Mallard, Green-wing Teal, and Wood Duck. Due to the significant distance between the proposed Facility and this migratory waterfowl area, no impact to this area will result from the proposed development and therefore no seasonal restrictions are recommended for the project.

### Important Bird Areas and Sites

Audubon Connecticut has identified 27 Important Bird Areas and Sites (IBAs) in the state. The closest IBA to the proposed Facility is approximately 3.3 miles to the southwest on The Metropolitan District (MDC) water company land associated with upland deciduous forest habitat. Refer to the enclosed Avian Resources Map. Due to the significant distance between the proposed Facility and this IBA, no impact to this area will result from the proposed development and therefore no seasonal restrictions are recommended for the project.

### Critical Habitat

Connecticut Critical Habitats depicts the classification and distribution of twenty-five rare and specialized wildlife habitats in the state resulting in the creation of habitat maps to be used in land use planning and natural resource protection. It represents a compilation of ecological information collected over many years by state agencies, conservation organizations and many individuals. The Connecticut Critical Habitats information can serve to highlight ecologically significant areas and to target areas of species diversity for land conservation and protection. The nearest Critical Habitat is located 5± miles to the east associated with floodplain forest habitat of the East Branch Salmon Brook; located beyond the limits of the enclosed Avian Resources Map. Due to the significant distance between the proposed Facility and this nearest Critical Habitat, no impact to this Critical Habitat will result from the proposed development and therefore no seasonal restrictions are recommended for the project.

### Breeding Bird Survey Route

The North American Breeding Bird Survey is a cooperative effort between various agencies and volunteer groups to monitor the status and trends of North American bird populations. Routes are randomly located to sample habitats that are representative of an entire region. Each year during the height of the avian breeding season (June for most of the United States) participants skilled in avian identification collect bird population data along roadside survey routes. Each survey route is approximately 24.5 miles long and contains 50 stops located at 0.5-mile intervals. At each stop, a 3-minute count is conducted. During the count, every bird seen within a 0.25-mile radius or heard is

recorded. The resulting data are used by conservation managers, scientists, and the general public to estimate population trends and relative abundances and to assess bird conservation priorities. Survey routes are located in Granby, over 3 miles south of the proposed Facility, and in New Hartford, over 4 miles west of the proposed Facility. Refer to the enclosed Avian Resources Map. These bird survey routes do not represent a potential restriction to development, including the proposed Facility.

#### Hawk Watch Site

The Hawk Migration Association of North America (HMANA) is a membership-based organization committed to the conservation of raptors through the scientific study, enjoyment, and appreciation of raptor migration. HMANA collects hawk count data from almost two hundred affiliated raptor monitoring sites throughout the United States, Canada, and Mexico, identified as "Hawk Watch Sites". The nearest Hawk Watch Site is located approximately 2.4 miles west of the proposed Facility at a location known as Booth Hill in East Hartland. Refer to the enclosed Avian Resources Map. Hawk Watch Sites do not represent a potential restriction to development, including the proposed Facility.

#### Bald Eagle Site

Bald Eagle Sites consist of locations of midwinter Bald Eagle counts from 1986-2005 with an update provided in 2008. This survey was initiated in 1979 by the National Wildlife Federation. This database includes data from 1986-2005 midwinter counts and includes some statewide, regional and national trends. Survey routes are included in the database only if they were surveyed consistently in at least 4 years and where at least 4 eagles were counted in a single year. A Bald Eagle Site is located at the southern end of the Barkhamsted Reservoir approximately 7 miles south of the proposed Facility; located beyond the limits of the enclosed Avian Resources Map. Successful breeding pairs of Bald Eagles have been documented on MCD property at the Barkhamsted Reservoir since 1992. Due to the distance separating the proposed Facility from the reservoir (the proposed Facility is located approximately 1 mile east of closest portion of the reservoir) no impact to Bald Eagles will result from the proposed development and therefore no seasonal restrictions are recommended for the project.

#### Compliance with USFWS's Interim Guidance on the Siting, Construction, Operation and Decommissioning of Communications Towers

The United States Fish and Wildlife Service's *Interim Guidance on the Siting, Construction, Operation and Decommissioning of Communications Towers* (September 14, 2000), recommends 12 voluntary actions be implemented in order to mitigate tower strikes caused by the construction of telecommunications towers:

1. *Any company/applicant/licensee proposing to construct a new communications tower should be strongly encouraged to collocate the communications equipment on an existing communication tower or other structure (e.g., billboard, water tower, or building mount). Depending on tower load factors, from 6 to 10 providers may collocate on an existing tower.*

Response: Collocation on an existing building, tower or non-tower structure is not available while achieving the required radio frequency (RF) coverage objectives of the proposed Facility.

2. *If collocation is not feasible and a new tower or towers are to be constructed, communications service providers should be strongly encouraged to construct towers no more than 199 feet above ground level (AGL), using construction techniques which do not require guy wires (e.g., use a lattice structure, monopole, etc.). Such towers should be unlighted if Federal Aviation Administration regulations permit.*

Response: The proposed AT&T Facility consists of a 190 foot tall monopole tower structure which requires neither guy wires nor lighting.

3. *If constructing multiple towers, providers should consider the cumulative impacts of all of those towers to migratory birds and threatened and endangered species as well as the impacts of each individual tower.*

Response: Multiple towers are not proposed at the subject property.

4. *If at all possible, new towers should be sited within existing "antenna farms" (clusters of towers). Towers should not be sited in or near wetlands, other known bird concentration areas (e.g., state or Federal refuges, staging areas, rookeries), in known migratory or daily movement flyways, or in habitat of threatened or endangered species. Towers should not be sited in areas with a high incidence of fog, mist, and low ceilings.*

Response: There are no existing antenna farms in the area that would satisfy the RF coverage objectives for this portion of Hartland. The proposed tower is not located in an area with a high incidence of fog, mist, and low ceilings, however, occasional incidences of fog, mist, and low ceilings are anticipated throughout the year. The proposed Facility is not located in any known bird concentration areas (e.g., state or Federal refuges, staging areas, rookeries) or known migratory or daily movement flyways. The Connecticut Department of Environmental Protection has records of Northern Saw-whet Owl, a State Species of Special Concern in the vicinity of the proposed Facility. However, a survey for this species performed by Dr. Twan Leenders, Conservation Biologist for the Connecticut Audubon Society, concluded that "The habitat alteration associated with the proposed development is not believed to have a significant impact on local Northern Saw-whet Owl populations, if present."

5. *If taller (>199 feet AGL) towers requiring lights for aviation safety must be constructed, the minimum amount of pilot warning and obstruction avoidance lighting required by the FAA should be used.*

Response: The proposed tower is less than 199 feet AGL and does not require lighting as determined by a FAA review.

6. *Tower designs using guy wires for support which are proposed to be located in known raptor or waterbird concentration areas or daily movement routes, or in major diurnal migratory bird movement routes or stopover sites, should have daytime visual markers on the wires to prevent collisions by these diurnally moving species.*

Response: The proposed tower will be unguyed and will not adversely impact known raptor or waterbird concentration areas or daily movement routes, or in major diurnal migratory bird movement routes or stopover sites. Since the tower will be unguyed, visual markers are not required.

7. *Towers and appendant facilities should be sited, designed and constructed so as to avoid or minimize habitat loss within and adjacent to the tower "footprint". However, a larger tower footprint is preferable to the use of guy wires in construction. Road access and fencing should be minimized to reduce or prevent habitat fragmentation and disturbance, and to reduce above ground obstacles to birds in flight.*

Response: The proposed tower and appendant Facility is sited, designed and constructed to accommodate proposed equipment and to allow for future collocations within the smallest footprint possible.

8. *If significant numbers of breeding, feeding, or roosting birds are known to habitually use the proposed tower construction area, relocation to an alternate site should be recommended. If this is not an option, seasonal restrictions on construction may be advisable in order to avoid disturbance during periods of high bird activity.*

Response: Significant numbers of breeding, feeding, or roosting birds are not known to habitually use the proposed tower construction area or surrounding subject property.

9. *In order to reduce the number of towers needed in the future, providers should be encouraged to design new towers structurally and electrically to accommodate the applicant/licensee's antennas and comparable antennas for at least two additional users (minimum of three users for each tower structure), unless this design would require the addition of lights or guy wires to an otherwise unlighted and/or unguyed tower.*

Response: The proposed unguyed and unlit tower has been designed to accommodate at least three additional users for a total of four users.

10. *Security lighting for on-ground facilities and equipment should be down-shielded to keep light within the boundaries of the site.*

Response: Security lighting will be down-shielded using Dark Sky compliant fixtures set on motion sensor with timer.

11. *If a tower is constructed or proposed for construction, Service personnel or researchers from the Communication Tower Working Group should be allowed access to the site to evaluate bird use, conduct dead-bird searches, to place net catchments below the towers but above the ground, and to place radar, Global Positioning System, infrared, thermal imagery, and acoustical monitoring equipment as necessary to assess and verify bird movements and to gain information on the impacts of various tower sizes, configurations, and lighting systems.*

Response: With prior notification to AT&T, USFWS personnel would be allowed access to the proposed Facility for evaluation.

12. *Towers no longer in use or determined to be obsolete should be removed within 12 months of cessation of use.*

Response: If the proposed tower was no longer in use or determined to be obsolete, it would be removed within 12 months of cessation of use.

#### **Summary**

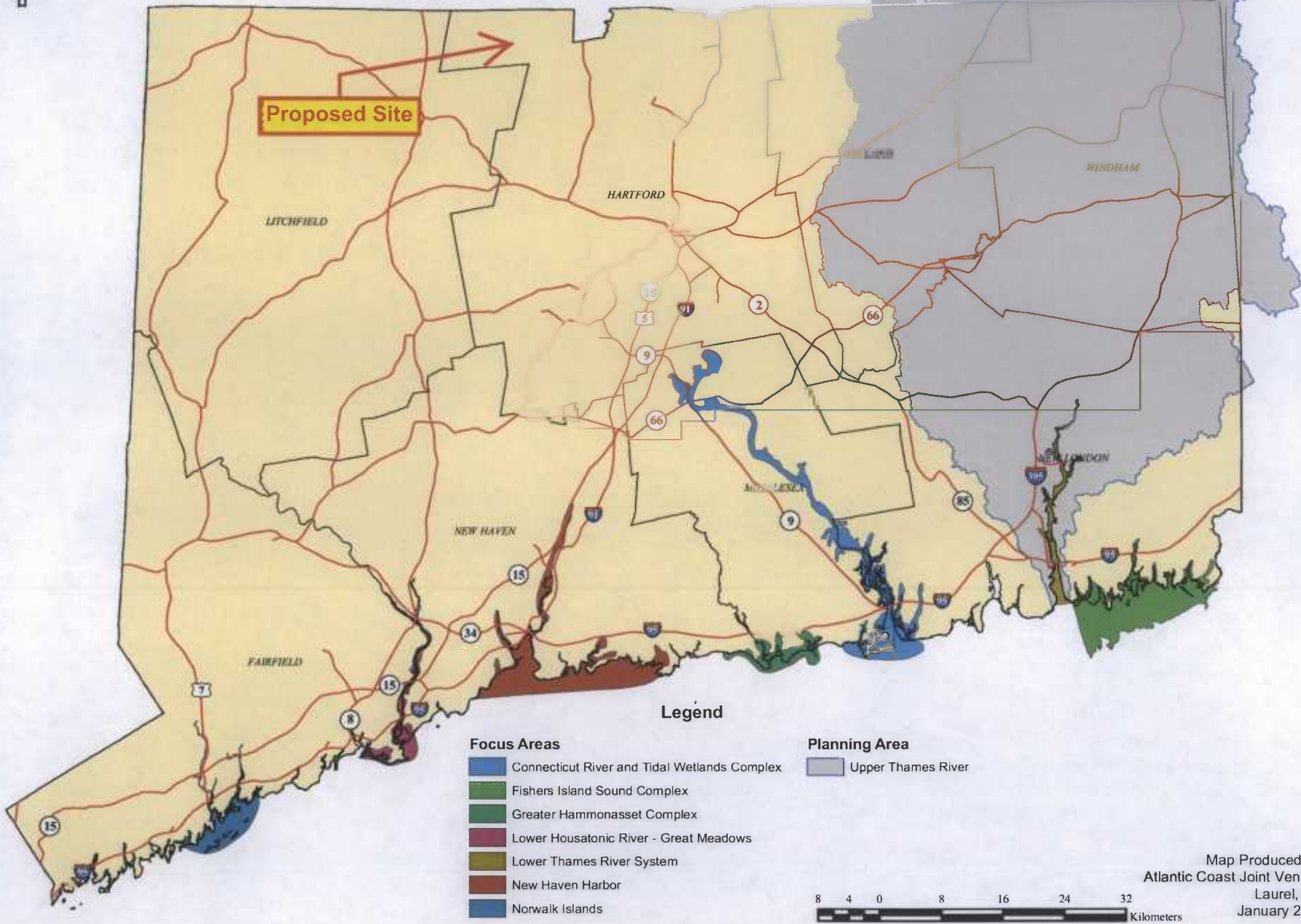
Potentially impacted species: Northern Saw-whet Owl (survey concluded no significant impact)  
Closest Important Bird Area: MDC/Barkhamsted Reservoir (3.3± miles west)  
Closest CTDEP Critical Habitat: East Branch Salmon Brook (5± miles east)  
Recommended Seasonal Restriction: None

cc: Lucia Chiocchio, Cuddy & Feder LLP

Enclosures











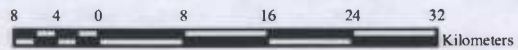
# ATLANTIC COAST JOINT VENTURE CONNECTICUT WATERFOWL FOCUS AREAS



Proposed Site

### Legend

- | Focus Areas                                                                         |                                              | Planning Area                                                                         |                    |
|-------------------------------------------------------------------------------------|----------------------------------------------|---------------------------------------------------------------------------------------|--------------------|
|  | Connecticut River and Tidal Wetlands Complex |  | Upper Thames River |
|  | Fishers Island Sound Complex                 |                                                                                       |                    |
|  | Greater Hammonasset Complex                  |                                                                                       |                    |
|  | Lower Housatonic River - Great Meadows       |                                                                                       |                    |
|  | Lower Thames River System                    |                                                                                       |                    |
|  | New Haven Harbor                             |                                                                                       |                    |
|  | Norwalk Islands                              |                                                                                       |                    |




























Map Produced by:  
Atlantic Coast Joint Venture  
Laurel, MD  
January 2005



# Avian Resources Map

Proposed AT&T Facility  
 Site ID - SR2587  
 West Hartland  
 95 Balance Rock Road  
 East Hartland, Connecticut

## Legend

-  Proposed Facility
-  Bald Eagle Site
-  Hawk Watch Site
-  Important Bird Site
-  Bat Site
-  Breeding Bird Survey Route
-  Town Boundary
-  Natural Diversity Database (CTDEP, 12/2010)
-  Migratory Waterfowl (CTDEP, 1999)
-  Important Bird Area
-  Federal Open Space (CTDEP, 2004)
- CT DEP Property (CT DEP, 12/2009)**
-  State Forest
-  State Park
-  DEP Owned Waterbody
-  State Park Scenic Reserve
-  Historic Preserve
-  Natural Area Preserve
-  Fish Hatchery
-  Flood Control
-  Other
-  State Park Trail
-  Water Access
-  Wildlife Area
-  Wildlife Sanctuary
-  Open Water

**Bird Data Sources:**  
 Bald Eagle Sites: Winchester Bald Eagle Count Survey website  
[http://oc.nh.nes.org/bald\\_eagle/state.php?pid\\_eorw=6&id=winchester](http://oc.nh.nes.org/bald_eagle/state.php?pid_eorw=6&id=winchester)  
 Hawk Watch Sites: Hawk Migration Association of North America (HMAA), Hawk Count website: <http://hawkcount.org/siteid.php?county=USA&state=Connecticut>  
 Migratory Waterfowl: CTDEP GIS, 1999  
 Important Bird Sites/Areas: National Audubon Society, Audubon Connecticut  
<http://ct.audubon.org/ind3.cfm?BA=1>  
 Breeding Bird Survey Routes: Pasture Wildlife Research Center of the U.S. Geological Survey and the Canadian Wildlife Service's National Wildlife Research Centre  
<http://www.nwrcenter.org/nwr/bbsr.html>

Base Map Source: 2004 aerial photograph with 0.5-foot resolution.



0.5 0.25 0 0.5 Miles



Vanasse Hangen Brustlin, Inc.

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