



## COUNCIL ON ENVIRONMENTAL QUALITY

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*Executive Director*

May 29, 2013

Robert Stein, Chairman  
Connecticut Siting Council  
Ten Franklin Square  
New Britain, CT 06051

RE: Docket #409A, Proposed Telecommunications Facility at 8 Barnes Rd,  
Canaan

Dear Chairman Stein:

I am writing in response to the applicant's May 14, 2013 responses to the Connecticut Siting Council's (CSC's) interrogatories regarding Docket #409A. The Council on Environmental Quality (CEQ) discussed the applicant's responses and offers the following comments.

These comments pertain to the substance of the proposal and are submitted for your consideration if you get to the stage of evaluating environmental impacts. As discussed in previous comments, the CEQ is not assuming that you will find changed conditions.

The Council appreciates the attention given to the important matters of forest fragmentation and biological resources. However, the CEQ concludes that the information provided by the applicant is not sufficient to arrive at a decision on the ecological impacts of the proposed facility.

### **Forest Fragmentation**

The applicant's general description of forest fragmentation is good (Q&A No. 12), but the discussion of the proposed road improvement does not appear to address the CEQ's point that the width of the cut and fill is the important consideration, not the narrowness of the road itself. The CEQ's April 25, 2013 letter states that "In several places, the cut and fill apparently would disturb the entire thirty foot width of the proposed easement. In some places, the plans appear to show a disturbance of forty-five or more feet in width (for example, Site Access Map, Section D)." These widths do not appear to be addressed directly in the response. The applicant states that "cut and fill have been carefully designed to minimize impact to the surrounding forest so that canopy opening widths are kept to a minimum and forest canopy closure

over the access drive maintained where possible.” “Minimize” and “where possible” are imprecise terms and could only be relevant if one accepts that the facility must be constructed in the middle of the forest. Conversely, one might state more accurately that “the facility has been proposed for the middle of a large forest bloc, and impacts would be minimized by selecting another site.”

## **Biological Resources**

Question 12 also asks the applicant to address the CEQ’s comment on the need to assess impacts to wildlife species that depend on both the upland habitat and the surrounding wetlands. That request seems to have gone unanswered. The Natural Diversity Data Base (NDDDB) should have records of wood turtles and blue-spotted salamanders – both state-listed species that fit the above description regarding habitat types – on or near the property proposed for the facility.

Even accurate information from the NDDDB would not be in itself sufficient. The NDDDB should always be consulted for records of rare species but it is not intended to be a substitute for field investigation. NDDDB information should be regarded as a supplement to any ecological assessment.

Question Two asks the applicant to update the Avian Resource Map. The CEQ suggests that the information provided in response is of the type that appears to present useful information to the decision-maker but in fact does not.

The answer in the text of the response says that “no Important Bird Areas, Hawk Watch Sites, Bald Eagle Watch Sites, Important Bird Sites or Migratory Waterfowl areas are mapped within the site area.” What does this mean? One can follow the links provided on the map (Tab 1) to learn more about each of these categories. Here is a brief summary:

Important Bird Areas (IBAs) are designated by the state office of the National Audubon Society. There are 27 IBAs designated in Connecticut, 18 of which are in coastal communities. All 27 are on land owned by public agencies or nonprofit organizations. There is virtually no chance that the subject property itself would have been designated, and the fact that surrounding lands have not yet been considered and/or designated is not relevant. The IBA program has been in existence for less than 20 years.

Hawk Watch Sites are a loose affiliation of (mostly) volunteer-run spots where qualified enthusiasts count hawks in the autumn in order to contribute long-term population trend data. Again, the subject site is not likely to be on the list, and the absence of a site nearby is not evidence of anything. In contrast, relevant information would include information about the raptors that depend on the habitat for nesting, winter roosting, feeding, etc.

Bald Eagle Watch Sites, by which the applicant apparently means (judging from the link provided on the map) survey routes for the annual midwinter

bald eagle count: these surveys are made along rivers, and in fact the Housatonic is surveyed all the way to the Massachusetts border. The CEQ does not know why that survey route is not on the map, or what difference it would make if it were. The important information is the presence of bald eagles in the vicinity (which there are), not the location of watch sites or survey routes.

Important Bird Sites is not a term used in Connecticut, to the CEQ's knowledge.

Migratory Waterfowl Area is a reference that is unclear to the CEQ. In other dockets, the CEQ has referenced the Atlantic Coast Joint Venture's Connecticut Waterfowl Focus Areas, but those areas are coastal only.

In producing its own reports, the CEQ scrutinizes all sources of data thoroughly to make sure they are reliable, relevant and of high quality. As a result, it is familiar with most of the data sources cited and, again, does not find them relevant to siting a tower on Cobble Hill.

In contrast, the information relevant to the decision-maker would be an analysis of 1) the wildlife that actually uses and depends on the habitat of Cobble Hill and 2) the impacts of the proposal. Consulting incomplete or irrelevant databases cannot be a substitute for actual field investigation.

To summarize: In the event the Siting Council were to find changed conditions and begin the stage of assessing environmental impacts of the proposed facility, the CEQ concludes that the information presented by the applicant is insufficient to support a decision on the ecological impacts of the proposed facility.

Thank you for your consideration of these comments. Please do not hesitate to contact me if you have any questions.

Sincerely,



Karl J. Wagener  
Executive Director

CC: Melanie Bachman, Acting Executive Director, Connecticut Siting Council  
Daniel C. Esty, Commissioner of Energy and Environmental Protection